

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

**IN THE MATTER OF THE REPEAL OF)
REGULATION NO. 25, LEAD-BASED PAINT) DOCKET NO. 12-012-R
ACTIVITIES)**

STATEMENT OF BASIS AND PURPOSE
FOR REGULATION NO. 25, LEAD-BASED PAINT ACTIVITIES

The Arkansas Pollution Control and Ecology Commission (the “Commission”) is given the power and responsibility to promulgate rules and regulations. Pursuant to Ark. Code Ann. § 8-1-203(b)(1), the Commission is granted the power and responsibility to promulgate rules and regulations implementing the substantive statutes which are administered by the Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “Department”).


On September 14, 2012, ADEQ filed a Petition to Initiate Rulemaking to Repeal Regulation No. 25, Lead-Based Paint Activities. Regulation No. 25 was adopted under the authority of the Lead-Based Paint Hazard Act of 1997, at Arkansas Code Annotated (“Ark. Code Ann.”) §8-4-401 *et seq.* The 88th General Assembly of the State of Arkansas repealed the 1997 Lead-Based Paint-Hazard Act and created the Arkansas Lead-Based Paint-Hazard Act of 2011. The 2011 Act transferred authority to adopt, administer, and enforce a program for licensing lead-based paint activities, training programs, procedures, and certification requirements from ADEQ to the Arkansas Department of Health.

The Arkansas Lead-Based Paint-Hazard Act of 2011 renders Regulation No. 25 unenforceable, and removes all authority from ADEQ to oversee activities in Arkansas that are related to lead-based paint.

The Commission finds that the Repeal of Regulation No. 25, Lead-Based Paint Activities, will update Arkansas’s pollution control Regulations to be consistent with current

State law.

Prepared by:
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