

MEMORANDUM

Date: September 13, 2012

To: Ms. Pat Brown, Arkansas Economic Development Commission

From: Mike Bates, Chief of Air Division, Arkansas Department of Environmental Quality

RE: Compliance with Act 143 of 2007, as amended by Act 809 of 2009, for proposed repeal of Regulation No. 25, *Lead-Based Paint Activities*

Please find attached a mark-up version of Regulation No. 25 which relates to the proposed repeal of the Regulation. The proposed repeal to Regulation No. 25 is exempt from the requirements of Act 143 of 2007, as amended by Act 809 of 2009, because the proposal codifies existing state law.

Regulation No. 25 was adopted under the authority of the Lead-Based Paint Hazard Act of 1997, at 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 § 8-4-401 *et seq.* The 88th General Assembly of the State of Arkansas repealed the 1997 Lead-Based Paint-Hazard Act and created the Arkansas Lead-Based Paint-Hazard Act of 2011.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 Arkansas Lead-Based Paint-Hazard Act of 2011 transferred authority to adopt, administer, and enforce a program for licensing lead-based paint activities, training programs, procedures, and certification requirements from the State Department of Environmental Quality to the Department of Health. The proposed repeal of Regulation No. 25 will update Arkansas' pollution control Regulations to be consistent with current State law, and will have no financial impact on small businesses.

As such, an Economic Impact Statement is not required for this rulemaking.