



Early Stakeholder Outreach — Asbestos Program Transfer from Ohio Department of Health to Ohio EPA

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.

Asbestos Program Transfer

Ohio EPA is anticipating the passage of Ohio's Biennium Budget for Fiscal Year 2018-2019 by the 132nd Ohio General Assembly in the Summer of 2017. If enacted, this bill would transfer the Ohio Department of Health (ODH) Asbestos program to the Ohio Environmental Protection Agency (Ohio EPA) Asbestos program. This would allow the director of environmental protection to adopt the rules governing asbestos hazard abatement contractors, specialists, project designers, workers, training courses and other professionals currently existing and regulated by ODH in Ohio Administrative Code (OAC) Chapter 3701-34.

Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to EO 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

What changes are being considered?

- Ohio EPA will be adopting the rules currently existing in OAC Chapter 3701-34 into Ohio EPA's Section 3745 of the OAC. Ohio EPA is not aware, at this time, of any major changes necessary to these rules.
- Ohio EPA will evaluate and make changes as appropriate to conflicting definitions to ensure clarity for the regulated community.

Who will be regulated by these rules?

All asbestos hazard abatement contractors, specialists, project designers, workers, training courses and other professionals currently regulated under OAC Chapter 3701-34.

What is the rulemaking schedule?

Upon completion of the Early Stakeholder Outreach portion of this rule making, Ohio EPA will make any changes necessary to the rule language and make a draft of the rule language available to the public for a 30-day review. Ohio EPA plans to have effective rules in place by January 1, 2018.

What input is the Agency seeking?

The following questions may help guide you as you develop your comments.

How can I provide input?

The Agency is seeking stakeholder input on these rules. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business **Friday, June 30, 2017**.

Please submit input to:

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What if I have questions?

These rules can be found on Ohio EPA's website for electronic downloading at:

<http://epa.ohio.gov/dapc/DAPCRules.aspx> and

ODH's website at

<https://www.odh.ohio.gov/rules/final/3701-30-39/3701-34.aspx> or contact Mr. Kavalec.

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- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving an identified concept? What options are available for improving the existing rules?
For example: Since Ohio EPA will be adopting and regulating the Ohio Department of Health's rules, which currently exist in OAC Chapter 3701-34, as well as Ohio EPA's asbestos regulations, which currently exist in OAC Chapter 3745-20, would you prefer the regulations be housed in one chapter or separate chapters? For example, all rules under OAC Chapter 3745-20, or in separate chapters within Ohio EPA's section 3745 of the Ohio Administrative Code.
- Are there considerations the Agency should take into account when updating the existing rules? Are there considerations the Agency should take into account when developing a specific concept?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?
- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).

Contact

For more information, contact james.kavalec@epa.ohio.gov.