Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 72
"Childhood Lead Poisoning Prevention Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 135.102

State or federal law(s) implemented by the rulemaking: Iowa Code sections 135.100 through 135.105 and 135.105B

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 6, 2024 2 to 3 p.m.	Microsoft Teams Meeting ID: 238 807 808 374 Passcode: sCAuM5

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

The purpose of this proposed rulemaking is to implement the grant program pursuant to Iowa Code section 135.103 and to set forth the standards and program requirements of the grant program pursuant to Iowa Code section 135.103.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

No costs are associated with this rulemaking.

- Classes of persons that will benefit from the proposed rulemaking:

Iowa children and families will benefit.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

There are 18 approved lead poisoning prevention grant programs in Iowa. The 18 programs provide services in 48 counties. In the remaining 51 counties, the Department is responsible for ensuring program services are provided.

- Qualitative description of impact:

The rulemaking sets forth the qualifications and process for local boards of health to apply for an approved childhood lead poisoning prevention grant program.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

Administrative support and contracted funds to local programs and costs associated with implementation in the 51 counties not served by a local program:

1. $260,000 in State funds contracted to local programs.
2. $300,000 for 3.35 full-time equivalent (FTE) (Salary and Fringe) for 2 Community Health Consultant (CHC), 1 Statistical Research Analyst 2 (SRA2), 1 Clerk Specialist, and 1 Information Technology Specialist 5 (ITS5) from a combination of state and federal grant funds.

- Anticipated effect on state revenues:

None.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Inaction would mean there is no guidance for local childhood lead poisoning prevention programs to apply or maintain local programs, which means the Department would need to hire more staff to cover the entire state, or, if not, and there is total inaction, the result would be children being lead poisoned with no intervention.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

Most of the rule language comes from the Iowa Code. Other information could be shared on the Department's website. Nevertheless, the Iowa Code says the Department "shall" promulgate rules. This is likely because when the law was originally promulgated, the Department did not have a website and administrative rules were the primary way in which agencies shared information with the public.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

None.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 72 and adopt the following **new** chapter in lieu thereof:

CHAPTER 72
CHILDHOOD LEAD POISONING PREVENTION PROGRAM

641—72.1(135) Definitions.

"Approved program" means a program that meets the requirements of Iowa Code section 135.104 and has been approved by the department.

"Local board" means a county, district, or city board of health.

641—72.2(135) Approved programs.

72.2(1) A local board of health representing a geographic area with a population of at least 15,000 is eligible to apply for status as an approved program pursuant to Iowa Code section 135.104, which sets forth the eligibility requirements contained in the application.

72.2(2) A local board wishing to apply for status as an approved program shall make application to the department in the format available from the department. All materials submitted as part of the application for status as an approved program are public records.

These rules are intended to implement Iowa Code sections 135.100 through 135.105.