

Request for Comments

Minnesota Department of Health

Division of Environmental Health

Possible Amendments to Rules Relating to Residential Lead Abatement, Minnesota Rules, Chapter 4761; Revisor's ID Number R-4993

Subject of Rules. The Minnesota Department of Health requests comments on its possible rule amendments governing residential lead abatement. MDH is considering rule amendments that lower the dust-lead hazard standards from 10 micrograms per square foot ($\mu\text{g}/\text{ft}^2$) for floors and 100 $\mu\text{g}/\text{ft}^2$ for window sills to any reportable level for both floors and window sills. MDH is also considering rule amendments that lower the dust-lead clearance levels from 10 $\mu\text{g}/\text{ft}^2$ for floors, 100 $\mu\text{g}/\text{ft}^2$ for window sills, and 400 $\mu\text{g}/\text{ft}^2$ for window troughs to dust-lead action levels of five $\mu\text{g}/\text{ft}^2$ for floors, 40 $\mu\text{g}/\text{ft}^2$ for window sills, and 100 $\mu\text{g}/\text{ft}^2$ for window troughs.

Additional amendments could include newly required language in lead abatement reports and references to more recent American Society for Testing and Materials documents. These changes are consistent with the Environmental Protection Agency's (EPA) final rule 89 FR 89456, effective January 13, 2025

(<https://www.federalregister.gov/documents/2024/11/12/2024-25070/reconsideration-of-the-dust-lead-hazard-standards-and-dust-lead-post-abatement-clearance-levels>).

As time allows, the Department may consider other amendments that come up but only as time permits. States that administer residential lead abatement programs funded by EPA must update their rules within two years of the effective date of the final EPA DLHS and DLCL rules.

Persons Affected. The amendments to the rules would likely affect lead-based paint activities, accredited training programs, engineering services, lead or dust sampling technicians, other lead abatement professionals who must be certified to conduct lead-based paint activities, or rehabilitations or maintenance activities conducted in properties affected by the residential lead abatement rules (i.e., for all residences, including residences also used for a commercial purpose, child care facilities, playgrounds, and schools.). Testing laboratories that are recognized by EPA's National Lead Laboratory Accreditation Program may also be affected. Finally, this change would also impact tenants, property owners, and managers of residential buildings and dwellings.

Statutory Authority. *Minnesota Statutes*, section 144.9508, subdivisions 1 and 2, authorize the Department to adopt rules for regulated lead work standards and for lead in paint, dust,

drinking water, and soil in a manner that protects public health and the environment for all residences, including residences also used for a commercial purpose, childcare facilities, playgrounds, and schools.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to Derek Pemble at the Minnesota Department of Health, P.O. Box 64979., Saint Paul MN, 55164-0975, Phone: 651-201-4620, Fax: 651-201-4606, and health.asbestos-lead@state.mn.us. Updates on this rulemaking are available at the Department's rulemaking webpage:

<https://www.health.state.mn.us/communities/environment/lead/rules/residabate/index.html>

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on June 22, 2026. The Department will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Department does not plan to appoint an advisory committee to comment on the possible amendments.

If the cost of compliance will exceed \$25,000 for a business or small city within the first year of the rules taking effect or if you have any feedback regarding the cumulative effect of complying with these rules with other federal and state regulations, as required by Minnesota Statutes, section 14.131(8), MDH is interested in those comments as well.

This public comment opportunity is associated with the development of possible rules amendments. Comments received in response to this notice will not be included in the formal rulemaking record submitted to the Administrative Law Judge if and when a proceeding to adopt rules is started. The Department is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submit comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you must resubmit the comments after the rules are formally proposed.

Rules Drafts. The Department has not yet drafted the possible rule amendments.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need accommodation to make this hearing accessible, please contact the agency contact person at the address, email, or telephone number listed above.

4/13/2026

/s/ Wendy Underwood
Deputy Commissioner