

Red Tape Review Rule Report (Due: September 1, 2024)

Department Name:	Health and Human Services	Date:	September 1, 2024	Total Rule Count:	11
IAC #:	641	Chapter/ SubChapter/ Rule(s):	68	Iowa Code Section Authorizing Rule:	Iowa Code section 135.102
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

To serve as a model regulation for local boards of health to use for lead hazard remediation.

Is the benefit being achieved? Please provide evidence.

At last count, there were approximately 60 jurisdictions that had adopted the model regulation.

What are the costs incurred by the public to comply with the rule?

There are no costs to comply with this rulemaking; it merely serves as a model should any local boards of health wish to adopt it.

What are the costs to the agency or any other agency to implement/enforce the rule?

There are no costs associated with enforcement of the rule chapter. It merely serves as a model should any local boards of health wish to adopt it.

Do the costs justify the benefits achieved? Please explain.

NA

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

Rulemaking is authorized and required by Iowa Code section 135.102.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

68.1 – deleted as redundant and renumbered throughout
 68.2 – eliminated definition of department; shortened definitions by introducing acronyms
 68.3 - inserted acronyms
 68.4 – inserted acronyms and deleted restrictive terms
 68.5 – inserted acronyms
 68.6 – eliminated restrictive term
 68.7 – eliminated restrictive and outdated terms
 68.8 - inserted acronyms and deleted restrictive terms
 68.9 – inserted acronyms
 68.10 – deleted restrictive term
 68.11 - deleted restrictive term

RULES PROPOSED FOR REPEAL (list rule number[s]):

68.1

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

68.2 - 11

****For rules being re-promulgated with changes, you may attach a document with suggested changes.***

METRICS

Total number of rules repealed:	1
Proposed word count reduction after repeal and/or re-promulgation	233
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	12

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

Yes. Iowa Code section 135.102 (6) specifically states that there is nothing in the subsection that should be construed a requiring a local jurisdiction to adopt the model regulation. As such, requiring the model to be provided to local jurisdictions via administrative rule seems somewhat contradictory. HHS believes it would be more efficient and appropriate to promote the model through guidance and/or contract. HHS recommends striking subsection 6 from Iowa Code section 135.102.