

Michigan Office of Administrative Hearings and Rules

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REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file an RFR with the Michigan Office of Administrative Hearings and Rules (MOAHR) before initiating any changes or additions to the rules. Please submit the RFR to orr@michigan.gov.

1. Agency Information:

Agency name:	Health and Human Services
Division/Bureau/Office:	Environmental Health/Epidemiology and Population Health
Name, title, phone number, and e-mail of <u>person completing this form</u> :	Tom Largo, MDHHS, P.O. Box 30195, Lansing, MI 48909; LargoT@michigan.gov ; 517-284-4806

2. Rule Set Information:

Title of proposed rule set:	Blood Lead Analysis Reporting
Rule number(s) or range of numbers:	Mich Admin Code R 325.9081 through R 325.9087
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes

3. Estimated timetable for completion, or statutory deadline, if applicable:

Six Months

4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

<p>This request is to make amendments to the Blood Lead Analysis Reporting rules. Minor corrections are needed to update the Department and Division names and minor grammatical and formatting corrections. One change is deleting the requirement that information about whether the address is for a residence that is owned or rented. This is because laboratories never have this information and cannot realistically be expected to obtain it. Another change is to reflect current practice and upgraded technology for receipt of laboratory results with decimal points, rather than rounding to integers, and to specify how laboratories should report results less than their limit of detection.</p> <p>Another change is the deletion of specific definitions of "ethnicity" and "race." This is so that if standards change in the future, laboratories can be requested to change the categories. Revised terminology here is consistent with terminology in the rules for Reporting of Communicable Diseases, Mich Admin Code R 325.171-325.199.</p>

5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

By authority conferred on the department of health and human services by 1978 PA 368, MCL 333.5111(1)-(2)(f); 333.5474(1)(c), and 333.20531.

6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

The rules do not conflict with or duplicate any other rules or regulations involving laboratory reporting of blood lead test results in the state. There are no federal standards required.

7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?

Yes.

8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

Full rulemaking process.

9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.

No.

10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.

No.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Mary E. Brennan

↓ To be completed by MOAHR ↓

Date RFR received:6-4-2019

Based on the information in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR.

MOAHR assigned rule set number:	2019-055 HS
Date of approval:	6/13/19

Based on the information in this RFR, MOAHR is not approving the RFR at this time.

Date of disapproval:	
Explanation:	