## GENERAL ASSEMBLY OF NORTH CAROLINA

## SESSION 1993

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HOUSE BILL 1736\*

Short Title: Study Comm.

(Public)

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Sponsors: Representatives Dickson; Sexton, Gottovi, Gamble, and Morgan.

Referred to: Health and Human Services.

May 26, 1994

1		A B	ILL T	O BE ENTITLEI	)		
2	AN ACT TO RE	GULATE L	EAD	ABATEMENT	IN	ACCORDANCE	WITH
3	FEDERAL LAW						
4	The General Assemb	ly of North C	Carolin	a enacts:			
5	Section 1.	Chapter 130	A of t	he General Statut	es is	amended by addin	g a new
6	Article to read:						
7			'' <u>A</u> I	<u>RTICLE 20.</u>			
8	"L	EAD HAZA	RD M	ANAGEMENT	PRO	GRAM.	
9	" <u>§ 130A-460. Defini</u>	<u>tions.</u>					
10	As used in this A	ticle, unless	the co	ntext indicates ot	herw	ise:	
11	<u>(1)</u> <u>'Del</u>	eading' mea	ns ac	tivities conducted	d by	a person who o	ffers to
12	elin	inate lead-ba	ased p	aint or lead-based	d pai	<u>nt hazards or to pl</u>	an such
13		<u>vities.</u>					
14	<u>(2)</u> <u>'Lea</u>	d abatement	t activ	<u>ities' means any</u>	set	of measures desig	<u>gned to</u>
15	perr	nanently elin	ninate	lead-based paint	hazai	<u>rds.</u>	
16	<u>(3)</u> <u>'Lea</u>	d-based pair	nt' mea	ans paint or othe	r sur	face coatings that	contain
17	lead	-					
18	<u>a.</u>	In excess	of 1	<u>.0 milligrams pe</u>	r ce	ntimeter squared	or five-
19		tenths per	cent (.	5%) by weight;			
20	<u>b.</u>	In the cas	<u>e of p</u>	aint or other surfa	ace c	coatings on target h	<u>iousing,</u>
21		<u>at a lower</u>	: level	as established by	the	United States Secr	<u>etary of</u>
22				ban Developmen			
23	<u>c.</u>	<u>At a leve</u>	el as e	established by th	e ad	ministrator of the	United
24		States Env	vironn	nental Protection	Ager	<u>ncy.</u>	

## GENERAL ASSEMBLY OF NORTH CAROLINA

1	(A)	IT as the set of the set of the second test the stift of the second se
1	<u>(4)</u>	'Lead-based paint activities' means the identification, inspection, risk-
2		assessment, abatement, and demolition of lead-based paint or materials
3		containing lead-based paint in target housing, public buildings
4		constructed before 1978, commercial buildings, bridges, or other
5	(5)	nonresidential structures or superstructures.
6	<u>(5)</u>	'Lead-based paint hazard' means any condition that causes exposure to
7		lead from lead-contaminated dust, soil, or lead-contaminated paint that
8		is deteriorated or present in accessible surfaces, friction surfaces, or
9		impact surfaces that would result in adverse effects to human health, as
10		determined by the Commission.
11	<u>(6)</u>	<u>'Lead Exposure Reduction Act' or 'LER' means the Lead-Based Paint</u>
12		Exposure Reduction Act, Pub. L. No. 102-550, 106 Stat. 3672, 3912-
13		$\frac{24(1992)}{12}$
14	$\frac{(7)}{(2)}$	<u>'Person' means as defined in G.S. 130A-313(9).</u>
15	<u>(8)</u>	<u>'Target housing' means any housing constructed prior to 1978, unless</u>
16		the housing is for the elderly or persons with disabilities. However,
17		target housing does include housing constructed prior to 1978 for the
18		elderly or persons with disabilities if any child less than six years of
19		age resides or is expected to reside in this housing. Target housing
20		does not include any dwelling with no bedrooms.
21		n is applicable only to North Carolina's Lead-Based Paint Hazard
22	Reduction Gran	nt from United States Housing and Urban Development, Category I.
22		
23 24	" <u>§ 130A-461.</u>	Certification of persons performing lead abatement activities and
24	" <u>§ 130A-461.</u> <u>lead-</u>	Certification of persons performing lead abatement activities and based paint activities and accreditation of training courses.
24 25	" <u>§ 130A-461.</u> <u>lead-</u> <u>(a)</u> <u>No p</u>	Certification of persons performing lead abatement activities and based paint activities and accreditation of training courses. berson shall commence or continue to perform lead abatement activities
24 25 26	" <u>§ 130A-461.</u> <u>lead-</u> (a) No p or lead-based p	Certification of persons performing lead abatement activities and based paint activities and accreditation of training courses. berson shall commence or continue to perform lead abatement activities baint activities unless the person has been certified by the Department.
24 25 26 27	" <u>§ 130A-461.</u> <u>lead-</u> (a) No p or lead-based p No person sh	Certification of persons performing lead abatement activities and based paint activities and accreditation of training courses. Derson shall commence or continue to perform lead abatement activities paint activities unless the person has been certified by the Department. all be certified until the person has passed a State-administered
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24 25 26 27 28 29 30 31 32 33 34 35 36 37 38	" <u>§ 130A-461.</u> <u>lead-</u> <u>(a) No p</u> <u>or lead-based p</u> <u>No person sh</u> <u>examination.</u> <u>lead abatement</u> <u>accredited by</u> <u>accreditation or</u> <u>categories of th</u> <u>training require</u> <u>Commission sh</u> <u>certification rec</u> <u>(b) Perso</u> <u>from the certifi</u> <u>LER shall be e</u> <u>section.</u> <u>This section</u>	Certification of persons performing lead abatement activities and based paint activities and accreditation of training courses. Person shall commence or continue to perform lead abatement activities baint activities unless the person has been certified by the Department. all be certified until the person has passed a State-administered No person shall commence or continue to provide a training course in t activities or lead-based paint activities unless the course has been the Department. The Commission shall adopt rules governing f training courses and certification of persons. The rules shall include raining course accreditation and appropriate education, experience, and ements for each category of certification. The rules adopted by the hall also establish an implementation schedule for accreditation and puirements. ons performing renovation and remodeling activities that are exempt fication requirements contained in the regulations adopted pursuant to exempt from the lead certification requirements of subsection (a) of this n is applicable only to North Carolina's Lead-Based Paint Hazard
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24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42	" <u>§ 130A-461.</u> <u>lead-</u> (a) No p or lead-based p No person sh examination. I lead abatement accredited by accreditation or categories of th training require Commission sh certification red (b) Perso from the certifi LER shall be e section. This section Reduction Grar " <u>§ 130A-462. I</u> (a) The I	Certification of persons performing lead abatement activities and based paint activities and accreditation of training courses. person shall commence or continue to perform lead abatement activities baint activities unless the person has been certified by the Department. all be certified until the person has passed a State-administered No person shall commence or continue to provide a training course in t activities or lead-based paint activities unless the course has been the Department. The Commission shall adopt rules governing f training courses and certification of persons. The rules shall include raining course accreditation and appropriate education, experience, and ements for each category of certification. The rules adopted by the hall also establish an implementation schedule for accreditation and <u>puirements</u> . Ons performing renovation and remodeling activities that are exempt fration requirements contained in the regulations adopted pursuant to exempt from the lead certification requirements of subsection (a) of this n is applicable only to North Carolina's Lead-Based Paint Hazard at from United States Housing and Development, Category I.

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1	Program. The annual certification fees shall not exceed one hundred dollars (\$100.00)
2	for each certified person per category. The examination fee shall not exceed seventy-
3	<u>five dollars (\$75.00).</u>
4	(b) The Department shall establish and collect fees for the initial accreditation
5	and annual accreditation of lead training courses. These fees shall be used to support
6	the Lead Hazard Management Program. The fees shall not exceed one thousand five
7	hundred dollars (\$1,500) for initial accreditation and shall not exceed five hundred
8	dollars (\$500.00) for annual reaccreditation.
9	This section is applicable only to North Carolina's Lead-Based Paint Hazard
10	Reduction Grant from United States Housing and Urban Development, Category I.
11	"§ 130A-463. Commission to adopt rules.
12	For the protection of the public health, the Commission shall adopt rules to
13	implement this Article and LER.
14	This section is applicable only to North Carolina's Lead-Based Paint Hazard
15	Reduction Grant from United States Housing and Urban Development, Category I."

16 Sec. 2. This act is effective upon ratification.