

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 623

Short Title: Regulate Lead Abatement.

(Public)

Sponsors: Representatives Moore; and Bowman.

Referred to: Environment.

March 29, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE LEAD ABATEMENT IN ACCORDANCE WITH
3 FEDERAL LAW.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 130A of the General Statutes is amended by adding a new
6 Article to read:

7 **"ARTICLE 20.**

8 **"LEAD HAZARD MANAGEMENT PROGRAM.**

9 **"§ 130A-460. Definitions.**

10 As used in this Article, unless the context indicates otherwise:

- 11 (1) 'Deleading' means activities conducted by a person who offers to
12 eliminate lead-based paint of lead-based paint hazards or to plan such
13 activities.
- 14 (2) 'Lead abatement activities' means any set of measures designed to
15 permanently eliminate lead-based paint hazards.
- 16 (3) 'Lead-based paint' means paint or other surface coatings that contain
17 lead:
- 18 a. In excess of 1.0 milligrams per centimeter squared or five-
19 tenths percent (.5%) by weight;
- 20 b. In the case of paint or other surface coatings on target housing,
21 at a lower level as established by the United States Secretary of
22 Housing and Urban Development; or
- 23 c. At a level as established by the Administrator of the United
24 States Environmental Protection Agency.

- 1 (4) '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 nonresidential structures or superstructures.
- 6 (5) '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 (6) 'Lead Exposure Reduction Act' or 'LER' means the Lead-Based Paint
12 Exposure Reduction Act, Pub.L.No. 102-550, 106 Stat. 3672, 3912-24
13 (1992).
- 14 (7) 'Target housing' means any housing constructed prior to 1978, unless
15 the housing is for the elderly or persons with disabilities. However,
16 target housing does include housing constructed prior to 1978 for the
17 elderly or persons with disabilities if any child less than six years of
18 age resides or is expected to reside in this housing. Target housing
19 does not include any dwelling with no bedrooms.

20 **"§ 130A-461. Certification of persons performing lead abatement activities and**
21 **lead-based paint activities.**

22 (a) No person shall commence or continue to perform lead abatement activities
23 or lead-based paint activities, unless the person has been certified by the Department.
24 The Commission shall adopt rules governing accreditation of training courses and
25 certification of persons, which rules shall include categories of accreditation and
26 appropriate education, experience, and training requirements for each category of
27 certification.

28 (b) The following persons are exempt from the lead certification requirements of
29 subsection (a) of this section:

- 30 (1) Persons performing renovation and remodeling activities that are
31 exempt from the certification requirements contained in the regulations
32 adopted pursuant to LER; and
- 33 (2) Employees of the Department and local health departments performing
34 such activities under federal, State, or local regulations or rules.

35 **"§ 130A-462. Lead management fees.**

36 (a) The Department shall establish and collect lead certification fees. These fees
37 shall be used to support the Lead Hazard Management Program. The annual fees shall
38 not exceed one hundred dollars (\$100.00) for each certified person per category.

39 (b) The Department shall establish and collect fees for the initial accreditation
40 and annual reaccreditation of lead training courses. These fees shall be used to support
41 the Lead Hazard Management Program. The fees shall not exceed one thousand five
42 hundred dollars (\$1,500) for initial accreditation and shall not exceed one hundred
43 dollars (\$100.00) for annual reaccreditation.

44 **"§ 130A-463. Lead abatement permits.**

1 (a) Except as provided in subsection (b) of this section, no person shall engage in
2 lead abatement activities without a lead abatement permit issued by the Department.
3 The Commission shall adopt rules governing such permits.

4 (b) No permit shall be required for those renovation and remodeling activities
5 that are exempt under LER.

6 **"§ 130A-464. Lead abatement permit fees.**

7 The Department shall establish and collect an application fee for lead abatement
8 permits. These fees shall be used to support the Lead Hazard Management Program.
9 The fee shall not exceed one percent (1%) of the contracted price or ten cents (10¢) per
10 square foot or linear foot of lead-containing material to be abated, whichever amount is
11 greater.

12 **"§ 130A-465. Commission to adopt rules.**

13 For the protection of the public health, the Commission shall adopt rules to
14 implement this Article and LER."

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