

HOUSE BILL NO. 4532

May 09, 2023, Introduced by Reps. Hood, Byrnes, Brabec, Martus, Glanville, Steckloff, Wilson, Scott, Morgan, Hill, Neeley, O'Neal, Farhat, MacDonell, Dievendorf, Grant, Churches, Rheingans, Breen and Snyder and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 5453, 5454, 5455, 5456, 5457, 5458, 5459,
5460, 5460a, 5461, 5461a, 5462, 5463, 5464, 5465, 5466, 5468, 5469,
5470, 5471, 5472, 5473a, 5474, 5474b, 5474c, 5475, 5476, and 5477
(MCL 333.5453, 333.5454, 333.5455, 333.5456, 333.5457, 333.5458,
333.5459, 333.5460, 333.5460a, 333.5461, 333.5461a, 333.5462,
333.5463, 333.5464, 333.5465, 333.5466, 333.5468, 333.5469,
333.5470, 333.5471, 333.5472, 333.5473a, 333.5474, 333.5474b,

333.5474c[1], 333.5475, 333.5476, and 333.5477), section 5453 as amended by 2008 PA 45, sections 5454, 5455, 5456, 5457, 5458, 5459, 5460, 5462, 5463, 5468, 5471, 5472, 5473a, 5475, 5476, and 5477 as amended by 2002 PA 644, sections 5460a, 5461, 5469, 5470, and 5474 as added by 1998 PA 219, sections 5461a, 5464, 5465, and 5466 as added by 1998 PA 220, section 5474b as added by 2004 PA 432, and section 5474c as added by 2004 PA 433; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5453. (1) "Abatement", except as otherwise provided in
2 subsection (2), means a measure or set of measures designed to
3 permanently eliminate **lead-based paint or** lead-based paint hazards.
4 Abatement includes all of the following:

5 (a) The removal of lead-based paint and dust lead hazards, the
6 permanent enclosure or encapsulation of lead-based paint, the
7 replacement of lead-painted surfaces or fixtures, the removal or
8 covering of soil lead hazards, and all preparation, cleanup,
9 disposal, and postabatement clearance testing activities associated
10 with such measures.

11 (b) A project for which there is a written contract or other
12 documentation that provides that a person will be conducting
13 activities in or to a residential dwelling or child occupied
14 facility that will result in the permanent elimination of lead-
15 based paint hazards or that are designed to permanently eliminate
16 lead-based paint hazards.

17 (c) A project resulting in the permanent elimination of lead-
18 based paint hazards, conducted by a person certified under this
19 part, except a project that is exempt from this part.

20 (d) A project resulting in the permanent elimination of lead-

1 based paint hazards, conducted by a person ~~who,~~**that**, through their
2 company name or promotional literature, represents, advertises, or
3 holds themselves out to be in the business of performing lead-based
4 paint activities **and renovations** except a project that is exempt
5 from this part.

6 (e) A project resulting in the permanent elimination of lead-
7 based paint hazards that is conducted in response to a state or
8 local government abatement order.

9 **(f) An interim control activity or other measure or activity**
10 **designed to temporarily reduce a lead-based paint hazard.**

11 (2) Abatement does not include any of the following:

12 (a) Renovation, remodeling, landscaping, or other activity, if
13 the activity is not designed to ~~permanently~~ eliminate lead-based
14 paint hazards, but is instead designed to repair, restore, or
15 remodel a structure, target housing, or dwelling even though the
16 activity may incidentally result in a reduction or elimination of a
17 lead-based paint hazard.

18 ~~(b) An interim control, operation, and maintenance activity,~~
19 ~~or other measure or activity designed to temporarily, but not~~
20 ~~permanently, reduce a lead-based paint hazard.~~

21 **(b)** ~~(e)~~ Any lead-based paint activity performed by the owner
22 of an owner-occupied residential dwelling or an owner-occupied
23 multifamily dwelling containing 4 or fewer units if the activity is
24 performed only in that owner-occupied unit of the multifamily
25 dwelling.

26 **(c)** ~~(d)~~ The scraping or removal of paint, painting over paint,
27 or other similar activity that may incidentally result in a
28 reduction or elimination of a lead-based paint hazard, if the
29 activity meets all of the following:

1 (i) The activity is performed only on residential or
2 multifamily dwellings containing 4 or fewer units.

3 (ii) The activity is coordinated by a nonprofit charitable or
4 volunteer organization that meets all of the following:

5 (A) Is in compliance with the procedures established under
6 ~~subpart J of part 35 of title 24 of the code of federal~~
7 ~~regulations,~~ 24 CFR 35.900 to 35.940.

8 (B) Has written guidelines in place to ensure safe work
9 practices to protect residents and volunteers from hazards,
10 including, but not limited to, lead exposure and asbestos exposure.

11 (C) In writing, discloses to the owner of the residential or
12 multifamily dwelling all of the following:

13 (I) The presence of any known lead-based paint and lead-based
14 paint hazards.

15 (II) Information regarding the lead ~~safe~~**information** housing
16 registry maintained by the department under section 5474b.

17 (III) Information regarding the owner's obligations under the
18 federal lead-based paint or lead-based paint hazard disclosure rule
19 under ~~subpart F of part 745 of title 40 of the code of federal~~
20 ~~regulations,~~ 40 CFR 745.100 to 745.119.

21 (D) Notifies the department that the residential or
22 multifamily dwelling may be required to be on the lead ~~safe~~
23 **information** housing registry maintained by the department.`

24 (iii) The activity is performed only by unpaid volunteers and
25 the organization receives no remuneration directly from the owner
26 or occupant of the residential dwelling or multifamily dwelling.

27 (iv) The activity does not involve the use of a lead-based
28 paint encapsulating product that requires certification from the
29 department.

1 (v) The activity does not involve the use of high-pressure
2 water or compressed air cleaning equipment on, the dry sanding of,
3 or the scraping of, asbestos siding ~~prior to~~ **before** painting.

4 (3) "Accredited training program" means a training program
5 that has been accredited by the department under this part to
6 provide training for individuals engaged in lead-based paint
7 activities **and renovations**.

8 (4) "Adequate quality control" means a plan or design that
9 ensures the authenticity, integrity, and accuracy of a sample,
10 including, but not limited to, a dust sample, a soil or paint chip
11 sample, or a paint film sample. Adequate quality control also
12 includes a provision in a plan or design described in this
13 subsection for representative sampling.

14 Sec. 5454. (1) "Certified abatement worker" means an
15 individual who has been trained to perform abatements by an
16 accredited training program and who is certified by the department
17 under this part to perform abatement.

18 (2) "Certified clearance technician" means an individual who
19 has completed an approved training course and been certified by the
20 department under this part to conduct clearance testing following
21 interim controls.

22 (3) "Certified firm" means a person that performs a lead-based
23 paint activity for which the department has issued a certificate of
24 approval under this part.

25 (4) "Certified inspector" means an individual who has been
26 trained by an accredited training program and certified by the
27 department under this part to conduct inspections and take samples
28 for the presence of lead in paint, dust, and soil for the purposes
29 of abatement clearance testing.

1 (5) "Certified project designer" means an individual who has
2 been trained by an accredited training program and certified by the
3 department under this part to prepare abatement project designs,
4 occupant protection plans, and abatement reports.

5 (6) **"Certified renovator" means a renovator who has**
6 **successfully completed a renovator course accredited by the EPA or**
7 **an EPA authorized state or tribal program.**

8 (7) ~~(6)~~—"Certified risk assessor" means an individual who has
9 been trained by an accredited training program and certified by the
10 department under this part to conduct inspections and risk
11 assessments and to take samples for the presence of lead in paint,
12 dust, and soil for ~~the purposes of identifying a lead-based paint~~
13 **hazard or** abatement clearance testing.

14 (8) ~~(7)~~—"Certified supervisor" means an individual who has
15 been trained by an accredited training program and certified by the
16 department under this part to supervise and conduct abatements and
17 to prepare occupant protection plans and abatement reports.

18 (9) ~~(8)~~—"Child occupied facility" means a building or portion
19 of a building constructed before 1978 that is visited regularly by
20 ~~a~~ **the same** child who is **not more than** 6 years of age, ~~or less,~~ on
21 at least 2 different days within ~~a given~~ **any calendar** week, if each
22 ~~day's visit is lasts~~ at least 3 hours, and the combined weekly
23 ~~visit is visits last~~ at least 6 hours, ~~in length,~~ and the combined
24 annual visits ~~are last~~ at least 60 hours. ~~in length.~~ Child occupied
25 facility includes, but is not limited to, a day-care center, a
26 preschool, and a kindergarten classroom. **A child occupied facility**
27 **may be located in target housing or a public or commercial**
28 **building. If a child occupied facility is located in a public or**
29 **commercial building, all of the following apply:**

1 (a) If the building contains common areas, both of the
2 following apply:

3 (i) The child occupied facility encompasses only those common
4 areas that are routinely used by children not more than 6 years of
5 age, such as restrooms and cafeterias.

6 (ii) The child occupied facility does not encompass common
7 areas that children not more than 6 years of age only pass through,
8 such as hallways, stairways, and garages.

9 (b) The child occupied facility encompasses only the exterior
10 sides of the building that are immediately adjacent to the child
11 occupied facility or a common area encompassed by the child
12 occupied facility under subparagraph (a) (i).

13 Sec. 5455. (1) "Cleaning verification card" means a card
14 developed and distributed, or otherwise approved, by the EPA to
15 determine if postrenovation cleaning was properly completed through
16 the comparison of wet and dry disposable cleaning cloths with the
17 card.

18 (2) "Clearance levels" means the values that indicate the
19 maximum amount of lead permitted in dust on a surface following
20 completion of an abatement as listed in rules promulgated by the
21 department when a clearance is performed.

22 (3) ~~(2)~~ "Clearance professional" means 1 or more of the
23 following individuals when performing clearance testing:

24 (a) A certified inspector.

25 (b) A certified risk assessor.

26 (c) A certified clearance technician.

27 (4) ~~(3)~~ "Common area" means a portion of a building that is
28 generally accessible to all occupants of the building. Common area
29 includes, but is not limited to, a hallway, a stairway, a laundry

1 and recreational room, a playground, a community center, a garage,
2 and a boundary fence.

3 (5) ~~(4)~~ "Component" or "building component" means a specific
4 design or structural element ~~elements~~ or fixture ~~fixtures~~ of a
5 building ~~, or residential dwelling, or child occupied facility~~
6 that ~~is~~ **are** distinguished **from each other** by ~~its~~ form, function,
7 and location. Component or building component ~~, includes, but is~~
8 not limited to, ~~a specific interior or exterior~~ **all of the**
9 **following:**

10 (a) Interior design or structural elements or fixtures,
11 including, but not limited to, all of the following:

12 (i) Ceilings.

13 (ii) Crown molding.

14 (iii) Wall chair rails.

15 (iv) Doors.

16 (v) Door trim.

17 (vi) Floors.

18 (vii) Fireplaces, radiators, or other heating units.

19 (viii) Shelves.

20 (ix) Shelf supports.

21 (x) Stair treads.

22 (xi) Stair risers.

23 (xii) Stair stringers.

24 (xiii) Newel posts.

25 (xiv) Railing caps.

26 (xv) Balustrades.

27 (xvi) Windows.

28 (xvii) Window trim, including, but not limited to, sashes,

1 heads, jambs, sills or stools, and troughs.

2 (xviii) Built-in cabinets.

3 (xix) Columns.

4 (xx) Beams.

5 (xxi) Bathroom vanities.

6 (xxii) Counter tops.

7 (xxiii) Air conditioners.

8 (b) Exterior design or structural ~~element~~ **elements** or
9 ~~fixture~~ **fixtures**, including, but not limited to, all of the
10 following:

11 (i) Painted roofing.

12 (ii) Chimneys.

13 (iii) Flashing.

14 (iv) Gutters and downspouts.

15 (v) Ceilings.

16 (vi) Soffits.

17 (vii) Fascias.

18 (viii) Rake boards.

19 (ix) Cornerboards.

20 (x) Bulkheads.

21 (xi) Door and door trim.

22 (xii) Fences.

23 (xiii) Floors.

24 (xiv) Joists.

25 (xv) Lattice work.

26 (xvi) Railings and railing caps.

27 (xvii) Siding.

28 (xviii) Handrails.

1 (xix) Stair risers and treads.

2 (xx) Stair stringers.

3 (xxi) Columns.

4 (xxii) Balustrades.

5 (xxiii) Window sills or stools and troughs, casings, sashes, and
6 wells.

7 (xxiv) Air conditioners.

8 (6) ~~(5)~~—"Containment" means a process to protect workers and
9 the environment by controlling exposure to a dust lead hazard and
10 debris created during an abatement **or renovation project**.

11 (7) ~~(6)~~—"Course agenda" means an outline of the key topics to
12 be covered during an accredited training program, including the
13 time allotted to teach each topic.

14 (8) ~~(7)~~—"Course test" means an evaluation of the overall
15 effectiveness of the accredited training program by testing a
16 trainee's knowledge and retention of the topics covered during the
17 accredited training program.

18 (9) ~~(8)~~—"Course test blueprint" means written documentation
19 identifying the proportion of course test questions devoted to each
20 major topic in the accredited training program curriculum.

21 Sec. 5456. ~~(1) "Department" means the department of community
22 health.~~

23 (1) ~~(2)~~—"Deteriorated paint" means paint or other surface
24 coating that is cracking, flaking, chipping, peeling, or otherwise
25 damaged or separating from the substrate of a building component.

26 (2) ~~(3)~~—"Discipline" means 1 of the specific types or
27 categories of lead-based paint activities **or renovation** identified
28 in this part for which an individual may receive training from an
29 accredited training program and become certified by the department.

1 (3) ~~(4)~~—"Distinct painting history" means the application
2 history, as indicated by its visual appearance or a record of
3 application, over time of paint or other surface coatings to a
4 component or room.

5 (4) ~~(5)~~—"Documented methodology" means a method or protocol
6 used to do either or both of the following:

7 (a) Sample and test for the presence of lead in paint, dust,
8 and soil.

9 (b) Perform related work practices as described in rules
10 promulgated under this part.

11 (5) **"Dry disposable cleaning cloth" means a commercially**
12 **available, dry, electrostatically charged, white, disposable cloth**
13 **designed for cleaning hard surfaces such as uncarpeted floors or**
14 **countertops.**

15 (6) "Dust lead hazard" means surface dust in a residential
16 dwelling or child occupied facility that contains a concentration
17 of lead at or in excess of levels identified by the EPA pursuant to
18 section 403 of title IV of the toxic substances control act, ~~Public~~
19 ~~Law 94-469,~~ 15 U.S.C. ~~USC~~ 2683, or as otherwise defined by rule.

20 (7) "Elevated blood **lead** level" or "EBL" means ~~for purposes of~~
21 ~~lead abatement an excessive absorption of lead that is a confirmed~~
22 ~~concentration of lead in whole blood of 20 ug/dl, micrograms of~~
23 ~~lead per deciliter of whole blood, for a single venous test or of~~
24 ~~15-19 ug/dl in 2 consecutive tests taken 3 to 4 months apart. For~~
25 ~~purposes of case management of children 6 years of age or less,~~
26 ~~elevated blood level means an excessive absorption of lead that is~~
27 ~~a confirmed concentration of lead in whole blood of 10 ug/dl.~~**a**
28 **concentration of lead in whole blood equal to or greater than the**
29 **blood lead reference value for children established by the federal**

1 Centers for Disease Control and Prevention or the value established
2 by the department by rule, whichever value is less.

3 (8) "EBL environmental investigation" means both of the
4 following:

5 (a) A study, for case management purposes, of the living
6 environment of 1 or more children not more than 6 years of age with
7 an elevated blood lead level performed by an EBL investigator to
8 identify causative lead exposures.

9 (b) The provision of a report by the EBL investigator
10 explaining the results of the study and options for remediation of
11 exposures.

12 (9) "EBL investigator" means a certified risk assessor who has
13 been endorsed by the department to conduct EBL environmental
14 investigations.

15 (10) "Emergency renovation operations" means renovation
16 activities that were not planned but result from a sudden,
17 unexpected event, such as a nonroutine failure of equipment, that
18 if not immediately attended to presents a safety or public health
19 hazard or threatens equipment, property, or both, with significant
20 damage. Once the emergency is controlled, applicable laws and rules
21 apply.

22 (11) ~~(8)~~"Encapsulant" means a substance that forms a barrier
23 between lead-based paint and the environment using a liquid-applied
24 coating, with or without reinforcement materials, or an adhesively
25 bonded covering material.

26 (12) ~~(9)~~"Encapsulation" means the application of an
27 encapsulant.

28 (13) ~~(10)~~"Enclosure" means the use of rigid, durable
29 construction materials that are mechanically fastened to the

1 substrate ~~in order~~ to act as a barrier between lead-based paint and
2 the environment.

3 (14) ~~(11)~~ "EPA" means the United States environmental
4 protection agency. **Environmental Protection Agency.**

5 (15) "Firm" means any of the following:

6 (a) A company, partnership, corporation, sole proprietorship
7 or individual doing business, association, or other business
8 entity.

9 (b) A federal, state, tribal, or local governmental agency.

10 (c) A nonprofit organization.

11 Sec. 5457. (1) "Guest instructor" means an individual
12 designated by the manager or principal instructor of an accredited
13 training program to provide instruction specific to the lecture,
14 hands-on activities, or work practice components of a course in the
15 accredited training program.

16 (2) "Hands-on skills assessment" means an evaluation that
17 tests a trainee's ability to satisfactorily perform the work
18 practices, work procedures, or any other skill taught in an
19 accredited training program.

20 (3) "Hazardous waste" means ~~waste~~ **that term** as defined in 40
21 ~~C.F.R.~~ **CFR** 261.3.

22 (4) "HEPA filter" means a high-efficiency particulate air
23 filter that is capable of capturing particles of 0.3 microns with
24 99.97% efficiency.

25 (5) "HEPA vacuum" means a vacuum cleaner that has been
26 designed with a HEPA filter as the last filtration stage and so
27 that all the air drawn into the machine is expelled through the
28 HEPA filter with none of the air leaking past it.

29 (6) "Housing for the elderly" means retirement communities or

1 **similar types of housing reserved for households composed of 1 or**
 2 **more persons not less than 62 years of age at the time of initial**
 3 **occupancy.**

4 (7) ~~(4)~~—"Inspection" means a surface-by-surface investigation
 5 in target housing or a child occupied facility to determine the
 6 presence of lead-based paint and the provision of a report
 7 explaining the results of the investigation.

8 (8) ~~(5)~~—"Interim controls" means a set of measures designed to
 9 temporarily reduce human exposure or likely exposure to lead-based
 10 paint hazards, including, but not limited to, specialized cleaning,
 11 repairs, maintenance, painting, temporary containment, ongoing
 12 monitoring of lead-based paint hazards or potential hazards, and
 13 the establishment and operation of management and resident
 14 education programs.

15 Sec. 5458. (1) "Lead-based paint" means paint or other surface
 16 coatings that contain lead equal to or in excess of 1.0 milligrams
 17 per square centimeter or more than 0.5% by weight.

18 (2) "Lead-based paint activity" means inspection, risk
 19 assessment, **clearance, EBL investigation,** and abatement in target
 20 housing and child occupied facilities or in any part ~~thereof~~.
 21 **target housing and child occupied facilities.**

22 (3) "Lead-based paint hazard" means any of the following
 23 conditions:

24 (a) Any lead-based paint on a friction surface that is subject
 25 to abrasion ~~and where~~ **if** the lead dust levels on the nearest
 26 horizontal surface are equal to or greater than the dust lead
 27 hazard levels identified in rules promulgated under this part.

28 (b) Any damaged or otherwise deteriorated lead-based paint on
 29 an impact surface that is caused by impact from a related building

1 component.

2 (c) Any chewable lead-based painted surface on which there is
3 evidence of teeth marks.

4 (d) Any other ~~deteriorated~~**deteriorated** lead-based paint in
5 or on any residential building or child occupied facility.

6 (e) Surface dust in a residential dwelling or child occupied
7 facility that contains lead in a mass-per-area concentration equal
8 to or exceeding the levels established by rules promulgated under
9 this part.

10 (f) Bare soil on residential real property or property of a
11 child occupied facility that contains lead equal to or exceeding
12 levels established by rules promulgated under this part.

13 (4) "Lead-based paint investigation" means an activity
14 designed to determine the presence of lead-based paint or lead-
15 based paint hazards in target housing and child occupied
16 facilities.

17 (5) "**Lead hazard control activity**" means a measure or set of
18 measures designed or performed specifically to reduce or eliminate
19 lead-based paint hazards in target housing and child occupied
20 facilities. Lead hazard control activity includes, but is not
21 limited to, abatement, interim controls, and clearance
22 examinations.

23 (6) ~~(5)~~"Living area" means an area of a residential dwelling
24 used by 1 or more children ~~age~~**not more than 6 and under** years of
25 age, including, but not limited to, a living room, kitchen area,
26 den, playroom, and a children's bedroom.

27 Sec. 5459. (1) "**Minor repair and maintenance activities**" means
28 that term as defined in 40 CFR 745.83.

29 (2) "Multifamily dwelling" means a structure that contains

1 more than 1 separate residential dwelling unit and ~~that~~ is used or
 2 occupied, or intended to be used or occupied, in whole or in part,
 3 as the home or residence of 1 or more persons.

4 (3) ~~(2)~~—"Paint in poor condition" means 1 or more of the
 5 following:

6 (a) More than 10 square feet of deteriorated paint on an
 7 exterior component with a large surface area.

8 (b) More than 2 square feet of deteriorated paint on an
 9 interior component with large surface areas.

10 (c) More than 10% of the total surface area of the component
 11 is deteriorated on an interior or exterior component with a small
 12 surface area.

13 (4) **"Painted surface" means a component surface covered in**
 14 **whole or in part with paint or other surface coatings.**

15 (5) **"Pamphlet" means that term as defined in 40 CFR 745.83 or**
 16 **the current department approved pamphlet.**

17 (6) ~~(3)~~—"Permanently covered soil" means soil that has been
 18 separated from human contact by the placement of a barrier
 19 consisting of solid, relatively impermeable materials, including,
 20 but not limited to, pavement or concrete but not including grass,
 21 mulch, or other landscaping materials.

22 (7) ~~(4)~~—"Person" means that term as defined in section 1106
 23 but including ~~the~~ **this** state and a political subdivision of ~~the~~
 24 **this** state.

25 (8) ~~(5)~~—"Principal instructor" means the individual who has
 26 the primary responsibility for organizing and teaching a particular
 27 course in an accredited training program.

28 (9) ~~(6)~~—"Recognized laboratory" means an environmental
 29 laboratory recognized by the EPA ~~pursuant to~~ **under** section 405 of

1 title IV of the toxic substances control act, ~~Public Law 94-469,~~ 15
2 ~~U.S.C. USC~~ 2685, as being capable of performing an analysis for
3 lead compounds in paint, soil, and dust.

4 (10) "Recognized test kit" means a commercially available kit
5 recognized by the EPA under 40 CFR 745.88 as being capable of
6 allowing a user to determine the presence of lead at levels equal
7 to or in excess of 1.0 milligrams per square centimeter or more
8 than 0.5% lead by weight, in a paint chip, paint powder, or painted
9 surface.

10 (11) ~~(7)~~ "Reduction" means a measure designed to reduce or
11 eliminate human exposure to a lead-based paint hazard through
12 methods, including, but not limited to, interim controls and
13 abatement.

14 (12) "Renovation" means the modification of any existing
15 structure, or portion thereof, that results in the disturbance of
16 painted surfaces, unless that activity is performed as part of an
17 abatement. Renovation does not include minor repair and maintenance
18 activities. Renovation includes, but is not limited to, all of the
19 following:

20 (a) The removal, modification, or repair of painted surfaces
21 or painted components, including, but not limited to, modification
22 of painted doors, surface restoration, window repair, or surface
23 preparation activity such as sanding, scraping, or other activities
24 that may generate paint dust.

25 (b) The removal of building components, including, but not
26 limited to, walls, ceilings, plumbing, or windows.

27 (c) Weatherization projects, including, but not limited to,
28 cutting holes in painted surfaces to install blown-in insulation or
29 to gain access to attics and planning thresholds to install weather

1 stripping.

2 (d) Interim controls that disturb painted surfaces.

3 (e) A renovation to convert a building, or part of a building,
4 into target housing or a child occupied facility.

5 (13) "Renovator" means an individual who either performs or
6 directs workers who perform renovations.

7 (14) ~~(8)~~ "Residential dwelling" means either of the following:

8 (a) A detached single family dwelling unit, including, but not
9 limited to, attached structures such as porches and stoops and
10 accessory structures such as garages, fences, and nonagricultural
11 or noncommercial outbuildings.

12 (b) A building structure that contains more than 1 separate
13 residential dwelling unit that is used or occupied, in whole or in
14 part, as the home or residence of 1 or more persons.

15 (15) ~~(9)~~ "Risk assessment" means both of the following:

16 (a) An on-site investigation in target housing or a child
17 occupied facility to determine the existence, nature, severity, and
18 location of a lead-based paint hazard.

19 (b) The provision of a report by the person conducting the
20 risk assessment explaining the results of the investigation and
21 options for reducing the lead-based paint hazard.

22 (16) ~~(10)~~ "Soil lead hazard" means bare soil on a residential
23 dwelling or on the property of a child occupied facility that
24 contains lead at or in excess of levels identified by the EPA
25 ~~pursuant to~~ **under** section 403 of title IV of the toxic substances
26 control act, ~~Public Law 94-469, 15 U.S.C. USC~~ 2683, or as otherwise
27 defined by rule.

28 (17) "State examination" means the examination for
29 certification under this part in the disciplines of inspector, risk

1 **assessor, worker, and supervisor offered and administered by a**
2 **party other than an accredited training program.**

3 Sec. 5460. (1) "Target housing" means housing constructed
4 before 1978, except any of the following:

5 (a) Housing for the elderly or persons with disabilities,
6 unless any 1 or more children ~~age not more than 6 years or less of~~
7 **age** resides or is expected to reside in that housing.

8 (b) A 0-bedroom dwelling.

9 (c) An unoccupied dwelling unit pending demolition, ~~provided~~
10 **if** the dwelling unit remains unoccupied until demolition.

11 (2) ~~"Third party examination"~~ **"Third-party examination"** means
12 the examination for certification under this part in the
13 disciplines of clearance technician, inspector, risk assessor,
14 worker, and supervisor offered and administered by a party other
15 than an accredited training program.

16 (3) "Training curriculum" means an established set of course
17 topics for instruction in an accredited training program for a
18 particular discipline designed to provide specialized knowledge and
19 skills.

20 (4) "Training hour" means not less than 50 minutes of actual
21 learning, including, but not limited to, time devoted to lecture,
22 learning activities, small group activities, demonstrations,
23 evaluations, or hands-on experience or a combination of those
24 activities.

25 (5) "Training manager" means the individual responsible for
26 administering an accredited training program and monitoring the
27 performance of principal instructors and guest instructors.

28 (6) **"Vertical containment" means a vertical barrier consisting**
29 **of plastic sheeting or other impermeable material over scaffolding**

1 or a rigid frame, or an equivalent system of containing the work
2 area.

3 (7) ~~(6)~~—"Visual inspection for clearance testing" means the
4 visual examination of a residential dwelling or a child occupied
5 facility following an abatement designed to determine whether the
6 abatement has been successfully completed.

7 (8) ~~(7)~~—"Visual inspection for risk assessment" means the
8 visual examination of a residential dwelling or a child occupied
9 facility to determine the existence of deteriorated paint or other
10 potential sources of lead-based paint hazards.

11 (9) "Wet disposable cleaning cloth" means a commercially
12 available, premoistened, white, disposable cloth designed for
13 cleaning hard surfaces such as uncarpeted floors or countertops.

14 (10) "Wet mopping system" means a device with all of the
15 following:

16 (a) A long handle.

17 (b) A mop head designed to be used with disposable, absorbent
18 cleaning pads.

19 (c) A reservoir for cleaning solution.

20 (d) A built-in mechanism for distributing or spraying the
21 cleaning solution onto a floor or a method of equivalent efficacy.

22 (11) "Work area" means the area that the certified lead
23 abatement supervisor or certified renovator establishes to contain
24 dust and debris generated by lead hazard control or renovation
25 work.

26 Sec. 5460a. (1) This part contains procedures and requirements
27 for the accreditation of lead-based paint activities **and renovation**
28 training programs, procedures and requirements for the
29 certification of individuals and other persons engaged in lead-

1 based paint activities **and renovations**, and work practice standards
 2 for performing lead-based paint activities ~~as that term is defined~~
 3 ~~in section 5458.~~ **and renovations**. This part requires that all lead-
 4 based paint activities **and renovations** be performed by certified
 5 individuals and persons. ~~, except for those circumstances and~~
 6 ~~persons described in section 5453(2).~~

7 (2) This part does not apply to individuals and persons
 8 engaged in lead-based paint activities **and renovations** conducted
 9 within or on certain owner-occupied residential and multifamily
 10 dwellings ~~as further described in section 5453(2)~~ except in certain
 11 dwellings in which a residing child is identified as having an
 12 elevated blood lead level.

13 (3) This part does not require the owner or occupant to
 14 undertake any lead-based paint activities **or renovations**.

15 Sec. 5461. (1) A person shall not engage or offer to engage in
 16 a lead-based paint activity **or renovation** unless certified in the
 17 appropriate discipline under this part. A person conducting a lead-
 18 based paint activity **or renovation** shall comply with the standards
 19 for performing lead-based paint activities **or renovations** contained
 20 in this part and the rules promulgated under this part.

21 (2) The department shall certify a person applying for
 22 certification under this part if that person demonstrates to the
 23 department that ~~he or she~~ **the person** is licensed, certified, or
 24 registered in another state and the standards for obtaining that
 25 license, certification, or registration are substantially similar
 26 to those imposed under this part.

27 Sec. 5461a. (1) A person shall not provide or offer to provide
 28 a training program for lead-based paint activities **or renovations**
 29 unless the training program is accredited under the appropriate

1 discipline under this part. A person providing an accredited
 2 training program shall comply with the standards for accreditation
 3 and training certification prescribed in this part and the rules
 4 promulgated under this part.

5 (2) The department shall accredit a training program if the
 6 training program is registered by the department under the
 7 department's voluntary registration program by August 30, 1998 if
 8 the training program submits an application under section 5462.

9 Sec. 5462. (1) A person may seek accreditation for a training
 10 program to offer courses in lead-based paint activities **and**
 11 **renovations** in 1 or more of the following disciplines:

- 12 (a) Inspector.
- 13 (b) Risk assessor.
- 14 (c) Supervisor.
- 15 (d) Project designer.
- 16 (e) Abatement worker/laborer.
- 17 (f) Clearance technician.
- 18 **(g) Renovator.**
- 19 **(h) Dust sampling technician.**

20 (2) A person may also seek accreditation for a training
 21 program to offer refresher courses for each of the disciplines
 22 described in subsection (1).

23 (3) A person shall not provide, offer, or claim to provide
 24 EPA-accredited courses in lead-based paint activities **or**
 25 **renovations** without applying for and receiving accreditation from
 26 the department under this part.

27 (4) A person seeking accreditation for a training program
 28 shall submit a written application to the department containing all
 29 of the following:

- 1 (a) If the applicant is a sole proprietorship or corporation,
2 its "doing business as" or corporate identification number.
- 3 (b) The fee required by section 5471.
- 4 (c) The name of each principal position, partner, shareholder,
5 member, or owner.
- 6 (d) The training program's proposed name, address, and
7 telephone number.
- 8 (e) A list of courses and disciplines for which it is seeking
9 accreditation.
- 10 (f) A statement signed by the training program manager
11 certifying that the training program meets the requirements
12 established by this part and the rules promulgated under this part.
- 13 (g) A copy of the student and instructor manuals or other
14 materials to be used for each course.
- 15 (h) A copy of the course agenda for each course.
- 16 (i) A description of the facilities and equipment to be used
17 for lecture and hands-on training.
- 18 (j) A copy of the course test blueprint for each course.
- 19 (k) A description of the activities and procedures that will
20 be used for conducting the hands-on skills assessment for each
21 course.
- 22 (l) A copy of the quality control plan as defined in rules
23 promulgated by the department.
- 24 (5) The department shall approve an application for
25 accreditation of a training program within 180 days after receiving
26 a complete application from the training program if the department
27 determines that the applicant meets the requirements of this part
28 and the rules promulgated under this part. In the case of approval,
29 the department shall send a certificate of accreditation to the

1 applicant. Before disapproving an application, the department may
2 advise the applicant as to specific inadequacies in the application
3 for accreditation or specific instances where the training program
4 does not meet the requirements of this part or the rules
5 promulgated under this part, or both. The department may request
6 additional information or materials from the training program under
7 this section. If the department disapproves a training program's
8 application for accreditation, the applicant may reapply for
9 accreditation at any time.

10 (6) A training program ~~shall~~**must** meet all of the following
11 requirements ~~in order~~ to become accredited to offer courses in
12 lead-based paint activities **and renovations**:

13 (a) Employ a training manager who has training, education, and
14 experience as described in rules promulgated by the department.

15 (b) Provide that the training manager described in subdivision
16 (a) designate a qualified principal instructor for each course who
17 has training, education, and experience as described in rules
18 promulgated by the department.

19 (c) Provide that the principal instructor described in
20 subdivision (b) be responsible for the organization of the course
21 and oversight of the teaching of all course material. A training
22 manager may designate guest instructors as needed to provide
23 instruction specific to the lecture, hands-on activities, or work
24 practice components of a course.

25 (7) The following documents are recognized by the department
26 as evidence that a training manager or a principal instructor has
27 the education, work experience, training requirements, or
28 demonstrated experience specifically listed in rules promulgated by
29 the department, which documentation is not required to be submitted

1 with the accreditation application but, if not submitted, must be
 2 retained by the training program as required by the record-keeping
 3 requirements contained in this part:

4 (a) An official academic transcript or diploma as evidence of
 5 meeting the education requirements.

6 (b) A resume, letter of reference, or documentation of work
 7 experience, as evidence of meeting the work experience
 8 requirements.

9 (c) A certificate from a train-the-trainer course or a lead-
 10 specific training course, or both, as evidence of meeting the
 11 training requirements.

12 (8) A training program accredited under this part ~~shall~~**must**
 13 ensure the availability of, and provide adequate facilities for,
 14 the delivery of the lecture, course test, hands-on training, and
 15 assessment activities, including, but not limited to, providing
 16 training equipment that reflects current work practices and
 17 maintaining or updating the equipment and facilities of the
 18 training program, as needed.

19 Sec. 5463. (1) A training program accredited under section
 20 5462 ~~shall~~**must** provide training courses that meet the following
 21 training hour requirements ~~in order~~ to become accredited in the
 22 following disciplines:

23 (a) An inspector course ~~shall~~**must** last a minimum of 24
 24 training hours, with a minimum of 8 hours devoted to hands-on
 25 training activities. The department shall promulgate rules to
 26 determine the minimum curriculum requirements for the inspector
 27 course.

28 (b) A risk assessor course ~~shall~~**must** last a minimum of 16
 29 training hours, with a minimum of 4 hours devoted to hands-on

1 training activities. The department shall promulgate rules to
 2 determine the minimum curriculum requirements for the risk assessor
 3 course.

4 (c) A supervisor course ~~shall~~**must** last a minimum of 32
 5 training hours, with a minimum of 8 hours devoted to hands-on
 6 activities. The department shall promulgate rules to determine the
 7 minimum curriculum requirements for the supervisor course.

8 (d) A project designer course ~~shall~~**must** last a minimum of 8
 9 training hours. The department shall promulgate rules to determine
 10 the minimum curriculum requirements for the project designer
 11 course.

12 (e) An abatement worker course ~~shall~~**must** last a minimum of ~~16~~
 13 **24** training hours, with a minimum of 8 hours devoted to hands-on
 14 training activities. The department shall promulgate rules to
 15 determine the minimum curriculum requirements for the abatement
 16 worker course.

17 (f) A clearance technician course shall last a minimum of 8
 18 training hours, with a minimum of 2 hours devoted to hands-on
 19 training activities. The department shall promulgate rules to
 20 determine the minimum curriculum requirements for the clearance
 21 technician course. Until rules are promulgated, a clearance
 22 technician course shall use the curriculum for the lead sampling
 23 technician course approved by the EPA under ~~subpart Q of part 745~~
 24 ~~of title 40 of the code of federal regulations.~~**40 CFR 745.320 to**
 25 **745.339.**

26 (g) **The renovator and dust sampling technician course must**
 27 **last a minimum of 8 training hours, with a minimum of 2 hours**
 28 **devoted to hands-on training activities.**

29 (2) The department may promulgate rules to modify 1 or more of

1 the requirements imposed under subsection (1) if changes are needed
2 to comply with federal mandates or for another reason considered
3 appropriate by the department.

4 (3) For each course offered, the training program ~~shall~~**must**
5 conduct a course test at the completion of the course and, if
6 applicable, a hands-on skills assessment. Each individual enrolled
7 in the training program must successfully complete the hands-on
8 skills assessment, if conducted for that course, and receive a
9 passing score on the course test ~~in order~~ to pass a course.

10 (4) The training manager shall maintain the validity and
11 integrity of a hands-on skills assessment to ensure that it
12 accurately evaluates the trainees' performance of the work
13 practices and procedures associated with the course topics
14 contained in rules promulgated under this section and the course
15 test to ensure that it accurately evaluates the trainees' knowledge
16 and retention of the course topics.

17 (5) A training program's course test ~~shall~~**must** be developed
18 in accordance with the test blueprint submitted with the training
19 program accreditation application.

20 (6) A training program ~~shall~~**must** issue course completion
21 certificates to each individual who passes the training course. The
22 course completion certificates ~~shall~~**must** include **all of the**
23 **following information:**

24 (a) The name and address of the individual, along with a
25 unique identification number.

26 (b) The name of the particular course that the individual
27 passed.

28 (c) Dates of course completion and test passage.

29 (d) Expiration date of course certificate.

1 (e) The name, address, and telephone number of the training
2 program.

3 (7) The training manager shall develop and implement a quality
4 control plan designed to maintain and improve the quality of the
5 training program. The quality control plan ~~shall~~**must** contain at
6 least both of the following elements:

7 (a) Procedures for periodic revision of training materials and
8 the course test to reflect innovations in the field.

9 (b) Procedures for the training manager's annual review of
10 each principal instructor's competence.

11 (8) The training program ~~shall~~**must** offer courses that teach
12 the work practice standards for conducting lead-based paint
13 activities **and renovations** and other standards developed by the EPA
14 pursuant to title IV of the toxic substances control act, **15 USC**
15 **chapter 53, subchapter IV**, and considered appropriate or necessary
16 by the department. The work practice standards ~~shall~~**must** be taught
17 in the appropriate courses to provide trainees with the knowledge
18 needed to perform the lead-based paint activities **and renovations**.

19 (9) The training manager shall ensure that the training
20 program complies at all times with all of the requirements of this
21 section and the rules promulgated under this section.

22 (10) The training manager shall allow the department to audit
23 the training program to verify the contents of the application for
24 accreditation.

25 Sec. 5464. (1) A training program may seek accreditation to
26 offer refresher training courses in **classroom or online format in 1**
27 or more of the disciplines described in section 5462(1). A training
28 program ~~shall~~**must** meet those minimum requirements contained in
29 rules promulgated by the department ~~in order~~ to obtain department

1 accreditation.

2 (2) A training program may apply for accreditation of a
3 refresher course concurrently with its application for
4 accreditation of the corresponding training course pursuant to
5 rules promulgated by the department.

6 (3) The department shall approve an application for
7 accreditation of a refresher course within 180 days after receiving
8 a complete application. Upon approval, the department shall send a
9 certificate of accreditation to the applicant. Before disapproval,
10 the department may advise the applicant as to specific inadequacies
11 in the application for accreditation or specific instances where
12 the continuing education course does not meet the requirements of
13 this part and the rules promulgated under this part, or both. The
14 department may also request additional information or materials
15 retained by the training program. If the department denies a
16 training program's application for accreditation of a refresher
17 course, the applicant may reapply for accreditation at any time.

18 Sec. 5465. (1) Unless reaccredited, a training program's
19 accreditation under section 5462, including refresher course
20 training accredited under section 5464, expires 1 year after the
21 date of issuance.

22 (2) A training program seeking reaccreditation shall submit an
23 application to the department no later than 45 days before its
24 accreditation expires.

25 (3) A training program's application for reaccreditation ~~shall~~
26 **must** include any fees and information required pursuant to rules
27 promulgated by the department.

28 (4) ~~Upon request, a~~ **A** training program ~~shall~~ **must** allow the
29 department to audit the training program to verify the contents of

1 the application for reaccreditation.

2 Sec. 5466. (1) The department may, after notice and an
3 opportunity for hearing pursuant to the administrative procedures
4 act of 1969, 1969 PA 306, MCL 24.201 to 24.328, suspend, revoke, or
5 modify a training program accreditation or a refresher course
6 training program accreditation if the department determines that a
7 training program, training manager, or other person with
8 supervisory authority over the training program has done 1 or more
9 of the following:

10 (a) Misrepresented the contents of a training course to the
11 department or the trainees enrolled in the training program, or
12 both.

13 (b) Failed to submit required information or notifications in
14 a timely manner.

15 (c) Failed to maintain required records.

16 (d) Falsified accreditation records, student certificates,
17 instructor qualifications, or other accreditation-related
18 information or documentation.

19 (e) Failed to comply with the training standards and
20 requirements of this part and the rules promulgated under this
21 part.

22 (f) Failed to comply with a federal, state, or local statute,
23 rule, or regulation involving lead-based paint activities **and**
24 **renovations**.

25 (g) Made false or misleading statements to the department in
26 its application for accreditation or reaccreditation that the
27 department relied upon in approving the application.

28 (2) In addition to an administrative or judicial finding of a
29 violation, the execution of a consent agreement in settlement of an

1 enforcement action is considered, for purposes of this section,
2 evidence of a failure to comply with the standards and requirements
3 of this part and the rules promulgated under this part or other
4 relevant statutes or regulations involving lead-based paint
5 activities **and renovations**.

6 Sec. 5468. (1) An individual seeking certification by the
7 department to engage in lead-based paint activities **and renovations**
8 shall pay the appropriate fees required under section 5471 and
9 submit an application to the department demonstrating either of the
10 following:

11 (a) Compliance with the requirements of this part and the
12 rules promulgated under this part for the particular discipline for
13 which certification is sought.

14 (b) A copy of a valid lead-based paint activities **or**
15 **renovation** certification or its equivalent, as determined by the
16 department, from a training program that has been authorized by the
17 EPA pursuant to 40 ~~C.F.R.~~ **CFR** part 745 along with proof of the
18 applicant's ~~third party~~ **state** examination results, **if applicable**.

19 (2) Following the submission of an application demonstrating
20 that the requirements of this part and the rules promulgated under
21 this part have been met, the department shall certify an applicant
22 in 1 or more of the following disciplines:

- 23 (a) Inspector.
- 24 (b) Risk assessor.
- 25 (c) Supervisor.
- 26 (d) Project designer.
- 27 (e) Abatement worker.
- 28 (f) Clearance technician.
- 29 **(g) Renovator.**

1 **(h) Dust sampling technician.**

2 (3) Upon receiving the department certification in 1 or more
3 of the disciplines described in subsection (2), an individual
4 conducting lead-based paint activities **or renovations** shall comply
5 with the work practice standards for performing that discipline as
6 established under this part and the rules promulgated under this
7 part.

8 (4) An individual shall not conduct a lead-based paint
9 activity **or renovation** unless that individual is certified by the
10 department under this section in the appropriate discipline, **except**
11 **that a certified renovator may train workers for renovations for a**
12 **specific project.**

13 (5) An individual shall do all of the following in order to
14 become certified by the department as an inspector, risk assessor,
15 abatement worker, or supervisor:

16 (a) Successfully complete a course in the appropriate
17 discipline and receive a course completion certificate from an
18 accredited training program.

19 (b) Pass the ~~third party exam~~ **state examination** in the
20 appropriate discipline.

21 (c) Meet the experience or education requirements, or both, as
22 described in rules promulgated by the department.

23 (6) After an individual passes the appropriate certification
24 exam and submits an application demonstrating that ~~he or she~~ **the**
25 **individual passed that exam and** meets the appropriate training,
26 education, and experience requirements, ~~and passes the appropriate~~
27 ~~certification exam,~~ the department shall issue a certificate to the
28 individual in the specific discipline for which certification is
29 sought. To maintain certification, an individual must be

1 recertified pursuant to this part.

2 (7) An ~~individual shall~~ **applicant for certification in lead-**
 3 **based paint activities or renovations must** pass the ~~third party~~
 4 ~~exam~~ **state examination** within 6 months after receiving a course
 5 completion certificate ~~in order~~ to be eligible for certification.
 6 An individual is not eligible to take the ~~third party exam~~ **state**
 7 **examination** more than 3 times within the 6 months after receiving a
 8 course completion certificate. An individual who does not pass the
 9 ~~third party exam~~ **state examination** after 3 attempts ~~shall~~ **must**
 10 repeat the appropriate course from an accredited training program
 11 ~~in order~~ to be eligible to retake the exam.

12 (8) An individual ~~shall~~ **must** do both of the following ~~in order~~
 13 to become certified by the department as a project designer:

14 (a) Successfully complete a course in the appropriate
 15 discipline and receive a course completion certificate from an
 16 accredited training program.

17 (b) Meet the experience or education requirements, or both, as
 18 described in rules promulgated by the department.

19 (9) After an individual has successfully completed the
 20 appropriate training courses, applied to the department, and met
 21 the requirements of this part and the rules promulgated under this
 22 part, the department shall issue a certificate to the individual.
 23 ~~in the discipline of project designer.~~ To maintain certification,
 24 the individual must be periodically recertified pursuant to this
 25 part.

26 (10) **An applicant pursuing certification as a certified**
 27 **renovator or dust sampling technician must successfully complete a**
 28 **course in the appropriate discipline and receive a course**
 29 **completion certificate from an accredited training program before**

1 **applying to the department for certification.**

2 (11) ~~(10)~~ An individual who received training in a lead-based
3 paint activity between October 1, 1990 and March 1, 1999 and an
4 individual who has received lead-based paint activities **or**
5 **renovations** training at an EPA-authorized accredited training
6 program are eligible for certification by the department under
7 rules promulgated by the department.

8 (12) ~~(11)~~ ~~In order~~ **Subject to subsection (14)**, to maintain
9 certification in a particular discipline, a certified individual
10 ~~shall apply to~~ **must pay an annual fee** and be recertified in that
11 discipline by the department every 3 years **by taking the**
12 **appropriate refresher course and state examination.**

13 (13) ~~(12)~~ An individual shall do both of the following in
14 order to become a certified clearance technician:

15 (a) Successfully complete an approved course for the
16 discipline of clearance technician and receive a course completion
17 certificate.

18 (b) Pass the ~~third party~~ **third-party** exam for the discipline
19 of clearance technician.

20 (14) **If an individual has unpaid enforcement fines and the**
21 **individual is not successfully executing a payment plan established**
22 **by the department, the department shall deny that individual**
23 **recertification until the fine is paid in full or a payment plan is**
24 **established.**

25 Sec. 5469. (1) ~~Beginning August 30, 1999, a~~ **A** person shall not
26 perform or offer to perform lead-based paint activities **or**
27 **renovations** without obtaining certification by the department under
28 this part.

29 (2) A person seeking certification under subsection (1) shall

1 submit to the department a letter attesting that the person shall
 2 **employ** only ~~employ~~ appropriately certified employees **under section**
 3 **5468** to conduct lead-based paint activities **or renovations** and that
 4 the person and its employees shall follow the work practice
 5 standards for conducting lead-based paint activities **and**
 6 **renovations** as established in rules promulgated by the department.

7 (3) A person seeking certification under subsection (1) shall
 8 do all of the following:

9 (a) Complete the application and pay the appropriate fee
 10 accompanied by a corporate identification number, certificate of
 11 sole proprietorship, or other business entity documentation
 12 acceptable to the department.

13 ~~(b) Indicate whether the applicant has liability insurance.~~

14 ~~(c) Submit proof of Michigan workers' disability compensation~~
 15 ~~insurance.~~

16 **(b)** ~~(d)~~ Submit proof that each employee or agent involved in
 17 lead-based paint activities **or renovations** has received training
 18 and certification as required by this part.

19 **(c)** ~~(e)~~ If applicable, submit the name of each principal
 20 partner, shareholder, member, or owner.

21 (4) Not more than 90 days from the date of receipt of the
 22 person's completed application, the department shall approve or
 23 disapprove the person's request for certification. Within that time
 24 period, the department shall respond with either a certificate of
 25 approval or a letter describing the reasons for a disapproval.

26 (5) A person certified by the department under this section
 27 shall maintain all records pursuant to the requirements imposed in
 28 rules promulgated by the department.

29 **(6) If a person has unpaid enforcement fines and the person is**

1 not successfully executing a payment plan established by the
2 department, the department shall deny that person recertification
3 until the fine is paid in full or a payment plan is established.

4 Sec. 5470. ~~Beginning on March 1, 1999, all~~ **All** lead-based
5 paint activities ~~shall~~ **and renovations must** be performed by an
6 individual certified in the appropriate discipline under this part
7 and pursuant to the work practice standards prescribed in rules
8 promulgated by the department.

9 Sec. 5471. (1) Subject to ~~subsection (7),~~ **subsections (7) and**
10 **(8)**, fees for a person accredited or seeking accreditation for a
11 training program offering courses or refresher courses in lead-
12 based paint ~~abatement~~ **activities and renovations** are as follows:

- 13 (a) Initial application processing fee..... \$ 100.00.
- 14 (b) Initial accreditation fee..... ~~\$475.00~~ **\$450.00** per
15 discipline.
- 16 (c) Reaccreditation fee, annual..... ~~\$265.00~~ **\$250.00** per
17 discipline.

18 (2) Fees for an individual certified or seeking certification
19 to engage in lead-based paint ~~abatement~~ **activities and renovations**
20 are as follows:

- 21 (a) Initial application processing fee..... \$ 25.00.
- 22 (b) Certification fee, per year **if 1 of the**
23 **following disciplines:**
- 24 (i) Inspector..... \$ ~~150.00~~
25 **125.00.**
- 26 (ii) Risk assessor..... \$ ~~150.00~~
27 **125.00.**
- 28 (iii) Supervisor..... \$ ~~50.00~~
29 **75.00**

1	(iv) Project designer.....	\$ 150.00.
2		125.00.
3	(v) Abatement worker/laborer.....	\$ 25.00.
4		50.00.
5	(vi) Clearance technician.....	\$ 50.00.
6	Certification fee, per every 3 years if a dust	
7	sampling technician.....	

8 (3) Fees for a person certified or seeking certification to
9 engage in lead-based paint ~~abatement~~**activities and renovations** are
10 as follows:

- 11 (a) Initial **abatement** application processing \$ 100.00.
12 fee.....
- 13 (b) ~~Certification~~**Abatement firm certification** fee, \$ 220.00.
14 per year.....
- 15 (c) **Initial renovation firm application processing** \$ 100.00.
16 **fee**.....
- 17 (d) **Renovation firm certification fee per** \$ 60.00.
18 **year**.....

19 (4) If the department increases fees under subsection (5), the
20 increase ~~shall be~~**is** effective for that fiscal year. The increased
21 fees ~~shall~~**must** be used by the department as the basis for
22 calculating fee increases in subsequent fiscal years.

23 (5) By August 1 of each year, the department shall provide to
24 the director of the department of management and budget and to the
25 chairpersons of the appropriations committees of the senate and
26 house of representatives a complete schedule of fees to be
27 collected under this section.

28 (6) The fees imposed under this part ~~shall~~**must** not exceed the
29 actual cost of administering this part.

1 (7) The department may waive the fees for an accredited
 2 training program for a person who has demonstrated that no part of
 3 ~~its~~**the person's** net earnings benefit any private shareholder or
 4 individual.

5 (8) **The department may adjust the amounts prescribed in**
 6 **subsection (1) every 3 years by an amount determined by the state**
 7 **treasurer to reflect the cumulative annual percentage change in the**
 8 **Detroit Consumer Price Index and rounded to the nearest dollar. As**
 9 **used in this subsection, "Detroit Consumer Price Index" means the**
 10 **most comprehensive index of consumer prices available for the**
 11 **Detroit area from the Bureau of Labor Statistics of the United**
 12 **States Department of Labor.**

13 Sec. 5472. Before beginning a lead-based paint abatement,
 14 **including an interim control activity,** a person conducting lead-
 15 based paint abatement, **including an interim control activity,** shall
 16 notify the department, on forms provided by the department or
 17 through electronic methods approved by the department, regarding
 18 information the department considers necessary ~~in order to conduct~~
 19 **for compliance with section 5474b and** an unannounced site
 20 inspection. The person shall send notification not less than 3
 21 business days before commencing the lead-based paint abatement,
 22 **including an interim control activity. For renovation projects,**
 23 **which do not require notification, the department may conduct**
 24 **unannounced site inspections.**

25 Sec. 5473a. (1) The department shall administer this part and
 26 promulgate rules as may be necessary for the administration and
 27 enforcement of this part pursuant to the administrative procedures
 28 act of 1969, 1969 PA 306, MCL 24.201 to 24.328. **Rules promulgated**
 29 **under this subsection must do both of the following:**

1 (a) Adopt by reference the provisions of the regulations
2 issued by the EPA for renovation work practice activities in 40 CFR
3 part 745.

4 (b) Allow vertical containment to be used in any renovation or
5 lead-based paint activity.

6 (2) The department shall authorize, coordinate, and conduct
7 programs to educate persons, including, but not limited to,
8 homeowners and remodelers of lead hazards associated with
9 remodeling target housing and methods of lead-hazard reduction
10 activities.

11 (3) The department shall establish a program that provides an
12 opportunity for property owners, managers, and maintenance staff to
13 learn about lead-safe practices and the avoidance of creating lead-
14 based paint hazards during minor painting, repair, or renovation.

15 (4) ~~Not later than January 1, 2000, the~~ **The** department shall
16 recommend appropriate maintenance practices for owners of
17 residential property, day care facilities, and secured lenders that
18 are designed to prevent lead poisoning among children **not more than**
19 6 years of age ~~or less~~ and pregnant women. In making its
20 recommendations, the department shall consult with affected
21 stakeholders and shall consider the effects of those maintenance
22 practices on the availability and affordability of housing and
23 credit.

24 (5) The following information required to be submitted to the
25 department by certified individuals and persons under this part and
26 rules promulgated under this part is exempt from disclosure as a
27 public record under the freedom of information act, 1976 PA 442,
28 MCL 15.231 to 15.246:

29 (a) The name ~~, street address,~~ and telephone number of the

1 owner, agent, or tenant of a residential dwelling where lead-based
 2 paint investigations have been conducted. **The address where the**
 3 **lead-based paint investigation occurred is not exempt.**

4 (b) Information that could be used to identify 1 or more
 5 children with elevated blood lead levels that have been reported to
 6 the department.

7 (c) Information contained in an EBL **environmental**
 8 investigation report that could be used to identify 1 or more
 9 children with elevated blood lead levels.

10 Sec. 5474. (1) The department shall establish a lead poisoning
 11 prevention program that has the following components:

12 (a) A coordinated and comprehensive plan to prevent childhood
 13 lead poisoning and to minimize exposure of the general public to
 14 lead-based paint hazards.

15 (b) A comprehensive educational and community outreach program
 16 regarding lead poisoning prevention that ~~shall, must~~, at a minimum,
 17 include the development of appropriate educational materials
 18 targeted to health care providers, child care providers, public
 19 schools, owners and tenants of residential dwellings, and parents
 20 of young children. These educational materials ~~shall must~~ be made
 21 available, upon request, to local and state community groups, legal
 22 services organizations, and tenants' groups.

23 (c) A technical assistance system for health care providers to
 24 assist those providers in managing cases of childhood lead
 25 poisoning. As part of this system, the department shall require
 26 that results of all blood lead level tests conducted in Michigan be
 27 reported to the department as provided for in rule and that when
 28 the department receives notice of **elevated** blood lead levels ~~above~~
 29 ~~10 micrograms per deciliter, in children~~, it shall initiate contact

1 with the local public health department or the physician, or both,
 2 of the child whose blood lead level ~~exceeds 10 micrograms per~~
 3 ~~deciliter.~~ **is equal to the elevated blood lead level.**

4 (2) The department shall report to the legislature ~~by January~~
 5 ~~1, 1999, and annually thereafter,~~ the number of children through
 6 ~~age 6 who were screened for lead poisoning~~ **not more than 6 years of**
 7 **age who received a blood lead test** during the preceding ~~fiscal~~
 8 **calendar** year and who ~~were confirmed to have had blood lead levels~~
 9 ~~above 10 micrograms per deciliter.~~ **had elevated blood lead levels.**
 10 The report ~~shall~~ **must** compare these rates with those of previous
 11 fiscal years and the department shall recommend methods for
 12 improving compliance with guidelines issued by the ~~federal centers~~
 13 ~~for disease control and prevention,~~ **United States Centers for**
 14 **Disease Control and Prevention,** including any necessary legislation
 15 or appropriations.

16 (3) ~~Not more than 1 year after the effective date of this~~
 17 ~~part, and annually thereafter,~~ ~~the~~ **The** department shall **annually**
 18 prepare a written report regarding the expenditures under the lead
 19 poisoning prevention program including the amounts and sources of
 20 money from the previous year and a complete accounting of its use.
 21 The report ~~shall~~ **must** be given to the appropriate committees of the
 22 legislature and be made available to the general public upon
 23 request.

24 Sec. 5474b. (1) The department ~~in cooperation with the family~~
 25 ~~independence agency and the Michigan state housing development~~
 26 ~~authority~~ shall establish and maintain a registry, to be known as
 27 the "lead ~~safe~~ **information** housing registry", to provide the public
 28 with a listing of residential and multifamily dwellings and child
 29 occupied facilities that have **had a lead-based paint investigation**

1 **or have** been abated of or have had interim controls performed to
 2 control lead-based paint hazards as determined through a lead-based
 3 paint investigation performed by a certified risk assessor,
 4 **certified inspector, or EBL investigator** certified under this part.
 5 **The registry shall include, at a minimum, all of the following**
 6 **information:**

7 (a) **Name of the owner of the building.**

8 (b) **Address of the building.**

9 (c) **Date of construction.**

10 (d) **Property description.**

11 (e) **Date and description of any lead-based paint and interim**
 12 **control activities, including the name of the certified abatement**
 13 **worker or the certified risk assessor certified under this part who**
 14 **performed the abatement or conducted the inspection, assessment, or**
 15 **clearance testing of the building and the results of the lead**
 16 **hazard control activity.**

17 (2) The owner of target housing ~~that is offered for rent or~~
 18 ~~lease as a residence~~ or the owner of a child occupied facility
 19 ~~shall~~**may** register that property with the department if that
 20 property has **had a lead-based paint investigation or has** been
 21 abated of or has had interim controls performed to control lead-
 22 based paint hazards as determined through a lead-based paint
 23 investigation performed by a certified risk assessor, **certified**
 24 **inspector, or EBL investigator** certified under this part in a form
 25 as prescribed by the department free of charge. The form ~~shall~~**must**
 26 include, at a minimum, **all of** the following **information:**

27 (a) **Name of the owner of the building.**

28 (b) **Address of the building.**

29 (c) **Date of construction.**

1 **(d) Property description.**

2 **(e)** ~~(d)~~ Date and description of any lead-based paint activity
 3 **and interim control activities** including the name of the certified
 4 abatement worker or the certified risk assessor certified under
 5 this part who performed the abatement or conducted the inspection,
 6 ~~lead-hazard screen, assessment, or clearance testing of the~~
 7 building and the results of the ~~lead-based paint~~ **lead hazard**
 8 **control** activity.

9 ~~(3) An owner required to register his or her property under~~
 10 ~~subsection (2) shall provide the department with a copy of each~~
 11 ~~report, document, or other information that is required to be filed~~
 12 ~~with the federal government under federal law and regulations~~
 13 ~~related to lead-based paint.~~

14 **(3)** ~~(4)~~ The owner of any other residential or multifamily
 15 dwelling that is **not otherwise included in the registry but is**
 16 offered for rent or lease as a residence or the owner of a child
 17 occupied facility may register that property with the department
 18 and the department shall include that property on the lead ~~safe~~
 19 **information** housing registry. A person who wishes to register under
 20 this subsection ~~shall~~ **must** execute and return the registration form
 21 to the department with payment of the registration fee in an amount
 22 as prescribed by the department. **To list a property on the lead**
 23 **information housing registry, properties built after 1978 may**
 24 **submit proof of year built instead of any lead-based paint or lead**
 25 **hazard control activity reports.**

26 **(4)** ~~(5)~~ The department shall publish the lead ~~safe~~ **information**
 27 housing registry on its website and provide a copy of the registry
 28 to a person upon request. The department may charge a reasonable,
 29 cost-based fee for providing copies of the lead ~~safe~~ **information**

1 housing registry under this subsection.

2 Sec. 5474c. (1) The legislature recognizes the imminent
3 threats posed to children's health and cognitive development from
4 ingestion of lead paint dust in residential neighborhoods, the
5 broad dispersal of lead-laden soils from historical airborne
6 deposition of leaded fuel emissions, and identified specific
7 facilities that present known or potential lead hazards. The
8 legislature further recognizes the need to educate the citizens of
9 this state regarding those threats.

10 (2) The legislature declares that ~~October 23 through October~~
11 ~~29, 2005 shall be known as the "Lead Poisoning Prevention Week" and~~
12 ~~for each year thereafter the period beginning on the fourth Sunday~~
13 ~~of October through the following Saturday shall be known as the~~
14 "Lead Poisoning Prevention Week".

15 Sec. 5475. (1) The department shall receive or initiate
16 complaints of alleged violations of this part or rules promulgated
17 under this part and take action with respect to alleged violations
18 or complaints as prescribed by this part.

19 (2) The department, in its own discretion, or upon the written
20 complaint of an aggrieved party or of a state agency or political
21 subdivision of this state, may investigate the acts of an
22 accredited training program, an individual or other person
23 certified under this part, or a person allegedly engaged in lead-
24 based paint ~~activity~~ **activities or renovations, or both**. The
25 department may deny, suspend, or revoke certification or
26 accreditation issued under this part if a certified person,
27 accredited training program, certified individual, or a person
28 allegedly engaged in lead-based paint ~~activity~~ **activities or**
29 **renovations, or both**, is found to be not in compliance with this

1 part or the rules promulgated under this part. In addition, the
2 department may deny, suspend, or revoke a certification or
3 accreditation issued under this part for 1 or more of the
4 following:

5 (a) Willful or negligent acts that cause a person to be
6 exposed to a lead-containing substance in violation of this part,
7 the rules promulgated under this part, or other state or federal
8 law pertaining to the public health and safety aspects of lead
9 abatement **or renovation**.

10 (b) Falsification of records required under this part.

11 (c) Continued failure to obtain or renew certification or
12 accreditation under this part.

13 (d) Deliberate misrepresentation of facts or information in
14 applying for certification or accreditation under this part.

15 (e) Permitting a person who has not received the proper
16 training and certification under this part or other applicable
17 state or federal law to come in contact with lead or be responsible
18 for a lead abatement **or renovation** project.

19 **(3) Information identifying a complainant or person who**
20 **submits a tip or complaint to the department is exempt from**
21 **disclosure as a public record under the freedom of information act,**
22 **1976 PA 442, MCL 15.231 to 15.246.**

23 Sec. 5476. (1) A person who violates this part or a rule
24 promulgated under this part is subject to an administrative fine up
25 to the following amounts for each violation or each day that a
26 violation continues:

27 (a) For a first violation..... \$ ~~2,000.00.~~
28 **5,000.00.**

1 (b) For a second violation..... \$ ~~5,000.00.~~
2 **8,000.00.**

3 (c) For a third or subsequent violation..... \$ ~~10,000.00.~~
4 **13,000.00.**

5 (2) If the department has reasonable cause to believe that a
6 person has violated this part or a rule promulgated under this
7 part, the department may issue a citation at that time or not later
8 than ~~180 days~~ **5 years** after discovery of the alleged violation. The
9 citation ~~shall~~ **must** be written and ~~shall~~ state with particularity
10 the nature of the violation as provided for by the administrative
11 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. An
12 alleged violator may request an administrative hearing pursuant to
13 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
14 to 24.328.

15 Sec. 5477. (1) A person who engages in a lead-based paint
16 activity as provided for by this part and who willfully or
17 repeatedly violates this part or a rule promulgated under this part
18 or a person who fails to correct the violation after notice from
19 the department under this part is guilty of a misdemeanor,
20 punishable by a fine of not more than ~~\$5,000.00,~~ **\$15,000.00** and
21 upon conviction for a second or subsequent offense, not more than
22 ~~\$10,000.00,~~ **\$25,000.00** or imprisonment for not more than 6 months,
23 or both. A violation of this subsection may be prosecuted by either
24 the attorney general or the prosecuting attorney of the judicial
25 district in which the violation was committed.

26 (2) The application of sanctions under this part is cumulative
27 and does not preclude the application of other sanctions or
28 penalties contained in the provisions of any other federal, state,
29 or political subdivision statute, rule, regulation, or ordinance.

1 (3) This part does not diminish the responsibilities of an
2 owner or occupant, or the authority of enforcing agents under
3 state, county, city, municipal, or other local building, housing,
4 or health and safety codes.

5 (4) The requirements of this part are in addition to other
6 pertinent provisions of a code listed in subsection (3).

7 Enacting section 1. Section 5474b of the public health code,
8 1978 PA 368, MCL 333.5474b[1], is repealed.