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BILL ANALYSIS

Senate Bill 1047 (as enrolled)
House Bill 5561 (as enrolled)
Sponsor: Senator Dale L. Shugars (Senate Bill 1047)
Representative Gloria Schermesser (House Bill 5561)
Senate Committee: Health Policy and Senior Citizens
House Committee: Health Policy

PUBLIC ACT 220 of 1998
PUBLIC ACT 119 of 1998

Date Completed: 2-12-99

RATIONALE

The Federal Toxic Substances Control Act (TSCA) contains requirements for the certification of individuals engaged in lead-based paint activities and for the accreditation of lead-based paint activity training programs, and provides that a state may administer and enforce these requirements if the state's program receives Federal authorization (15 USC 2682 & 2684). Michigan administratively established a certification program in the Department of Community Health and, in March 1994, the State was awarded a grant of \$4.9 million from the U.S. Department of Housing and Urban Development (HUD) to address childhood exposure to lead-based paint. The State also receives funds from the U.S. Environmental Protection Agency (EPA) to administer training and certification requirements for lead abatement workers. In August 1996, the EPA promulgated final regulations for the accreditation of lead-based paint activity training programs, the certification of individuals and firms engaged in lead-based paint activities, and work practice standards for performing such activities. The regulations required states to have an EPA-authorized program in place as of August 31, 1998; in a state that does not have an authorized program, no individual or firm may perform lead-based paint activity without certification from the EPA. According to the Department of Community Health, the State had to enact legislation by June 1, 1998, in order to continue administering the lead program under the TSCA and receiving Federal funds.

CONTENT

House Bill 5561 created the "Lead Abatement Act" as Part 54a of the Public Health Code, and Senate Bill 1047 amended Part 54a, to require

the certification of individuals performing a lead-based paint activity, and require the accreditation of training programs for lead-based paint activity, beginning March 1, 1999. The bills do the following:

- Establish training program requirements, and require the Department of Community Health (DCH) to accredit a training program if it was registered under the Department's voluntary registration program by August 30, 1998.
- Establish accreditation and certification fees.
- Require the Legislature annually to appropriate to the DCH an amount sufficient to administer and enforce Part 54a, and provide that these funds are to be offset by Federal funds.
- Require the DCH to conduct training programs and establish a lead poisoning prevention program.
- Establish an administrative fine and a misdemeanor penalty for violations.

House Bill 5561 defines "lead-based paint activity" as inspection, risk assessment, and abatement (measures designed to eliminate lead-based paint hazards permanently) in target housing and child occupied facilities. "Target housing" means housing constructed before 1978, except for 1) housing for the elderly or persons with disabilities, unless one or more children aged six or younger live or are expected to live in the housing, or 2) a zero-bedroom dwelling. Senate Bill 1047 defines "child occupied facility" as a building or portion of a building constructed before 1978 that is visited regularly by a child aged six or less, on at least two different days within a given week, if each day's visit is at least three hours and the combined weekly

visit is at least six hours in length, and the combined annual visits are at least 60 hours.

Under the House bill, "lead-based paint hazard" means a condition causing exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-based or lead-contaminated paint that is deteriorated or present in an accessible surface, friction surface, or impact surface that would result in adverse human health effects.

The bills were tie-barred to each other.

Training Program

The provisions governing training programs are contained in Senate Bill 1047.

Accreditation. A person may seek accreditation for a training program to offer courses in lead-based paint activities in one or more of the following disciplines: inspector, risk assessor, supervisor, project designer, and/or abatement worker. A person also may seek accreditation for a training program to offer refresher courses for each of those disciplines.

A person seeking accreditation for a training program must submit to the DCH a written application containing the required fee and information specified in the bill, including a list of courses and disciplines for which the person is seeking accreditation, a copy of the student and instructor manuals or other materials to be used for each course, a description of the facilities and equipment to be used for lecture and hands-on training, and a copy of the course test blueprint for each course. To be accredited, a training program must meet all of the following requirements:

- Employ a training manager who has training, education, and experience as described in rules promulgated by the DCH.
- Provide that the training manager designate for each course a qualified principal instructor who has training, education, and experience as described in DCH rules.
- Provide that the principal instructor be responsible for the organization of the course and oversight of the teaching of all course material.

The bill specifies that the following documents are recognized by the DCH as evidence that a training manager or a principal instructor has the education, work experience, training requirements, or demonstrated experience specifically listed in DCH

rules: an official academic transcript or diploma as evidence of meeting the education requirements; a resume, letter of reference, or documentation of work experience, as evidence of meeting the work experience requirements; and a certificate from a train-the-trainer course or a lead-specific training course, or both, as evidence of meeting the training requirements. This documentation does not have to be submitted with the application but, if it is not submitted, it must be retained by the training program as required by the record-keeping requirements of Part 54a.

The DCH must approve an application for accreditation within 180 days after receiving a complete application from the training program, if the Department determines that the applicant meets the requirements of Part 54a and the rules promulgated under it. In the case of approval, the DCH must send a certificate of accreditation to the applicant. Before disapproving an applicant, the DCH must advise the applicant as to specific requirements in the application or specific instances in which the training program does not meet the requirements of Part 54a or the rules, or both. The DCH may request additional information or materials from the training program. If the Department disapproves a program's application, the applicant may reapply at any time.

An accredited training program must ensure the availability of, and provide adequate facilities for, the delivery of the lecture, course test, hands-on training, and assessment activities, including providing training equipment that reflects current work practices and maintaining or updating the equipment and facilities of the training program, as needed.

Training Courses. An accredited training program must provide training courses that meet the bill's training hour requirements in order to become accredited in the disciplines described below. The DCH must promulgate rules to determine the minimum curriculum requirements for each course.

An inspector course must last a minimum of 24 training hours, with at least eight hours devoted to hands-on training activities. A risk assessor course must last a minimum of 16 training hours, with at least four hours devoted to hands-on training activities. A supervisor course must last a minimum of 32 training hours, with at least eight hours devoted to hands-on activities. A project designer course must last a minimum of eight training hours. An abatement worker course must last a minimum of 16 training hours, with at least

eight hours devoted to hands-on training activities. The DCH may promulgate rules to modify any of these requirements if changes are needed to comply with Federal mandates or for another reason considered appropriate by the Department.

For each course offered, the training program must conduct a course test at the completion of the course and, if applicable, a hands-on skills assessment. Each individual enrolled in the training program must complete the hands-on skills assessment successfully, if it is conducted for that course, and receive a passing score on the course test in order to pass the course. A training program's course test must be developed in accordance with the test blueprint submitted with the accreditation application.

A training program must issue course completion certificates to each individual who passes the training course. A course completion certificate must include the name and address of the individual, along with a unique identification number; the name of the particular course; dates of course completion and test passage; expiration date of course certificate; and the program's name, address, and telephone number.

A training program must offer courses that teach work practice standards for conducting lead-based paint activities and other standards developed by the EPA pursuant to Title IV of the TSCA and considered appropriate or necessary by the DCH. The work practice standards must be taught in the appropriate courses to give trainees the knowledge needed to perform the lead-based paint activities.

Training Manager. A training manager must maintain the validity and integrity of a hands-on skills assessment to ensure that it accurately evaluated the trainees' performance of the work practices and procedures associated with the course topics contained in rules, and the course test to ensure that it accurately reflects the trainees' knowledge and retention of the course topics.

A training manager also must develop and implement a quality control plan designed to maintain and improve the quality of the training program. The plan must contain at least both of the following elements: procedures for periodic revision of training materials and the course test to reflect innovations in the field, and procedures for the training manager's annual review of each principal instructor's competence.

A training manager must ensure that the training

program complies at all times with all of preceding requirements and rules promulgated under the training course provisions. The training manager also must allow the DCH to audit the training program in order to verify the contents of the application for accreditation.

Refresher Courses. A training program may seek accreditation to offer refresher training courses on one or more of the following disciplines: inspector, risk assessor, supervisor, project designer, and/or abatement worker. A training program must meet the minimum requirements contained in rules promulgated by the DCH in order to obtain Department accreditation.

A training program may apply for accreditation of a refresher course concurrently with its application for accreditation of the corresponding training course pursuant to DCH rules. The Department must approve or disapprove a refresher course in the same manner as required for a training program.

Reaccreditation. Unless reaccredited, a training program's accreditation, including refresher course training accreditation, expires one year after the date of issuance. A training program seeking reaccreditation must apply to the DCH at least 45 days before its accreditation expires. An application for reaccreditation must include any fees and information required under DCH rules. Upon request, a training program must allow the Department to audit the program to verify the contents of the application.

Suspension, Revocation, or Modification. After notice and an opportunity for hearing, the DCH may suspend, revoke, or modify a training program's accreditation or a refresher course training program accreditation if the Department determines that a training program, training manager, or other person with supervisory authority over the program has done one or more of the following:

- Misrepresented the contents of a training course to the DCH or the trainees enrolled in the program, or both.
- Failed to submit required information or notifications in a timely manner.
- Failed to maintain required records.
- Falsified accreditation records, student certificates, instructor qualifications, or other accreditation-related information or documentation.
- Failed to comply with the training standards

and requirements of Part 54a and the rules promulgated under it.

- Failed to comply with a Federal, State, or local statute, rule, or regulation involving lead-based paint activities.
- Made false or misleading statements to the DCH in its application for accreditation or reaccreditation that the Department relied upon in approving the application.

In addition to an administrative or judicial finding of a violation, the execution of a consent agreement in settlement of an enforcement action will be considered, for purposes of these provisions, evidence of a failure to comply with the standards and requirements of Part 54a and the rules promulgated under it or other relevant statutes or regulations involving lead-based paint activities.

Records. An accredited training program must maintain, and make available to the DCH, upon request, all of the following records:

- Each document that demonstrates the qualifications of a training manager or a principal instructor.
- Current curriculum and course materials and documents reflecting changes made to those materials.
- The course test blueprint.
- Information regarding how the hands-on assessment is conducted (including specific information described in the bill).

A training program must retain the records for at least three and one-half years at the address specified on the accreditation application. The program must notify the DCH within 30 days of changing that address or transferring the records from that address.

Certification

Provisions governing certification are contained in House Bill 5561.

Individuals. Beginning March 1, 1999, an individual may not conduct a lead-based paint activity unless he or she is certified by the DCH in the appropriate discipline. An individual seeking certification must pay the appropriate application fee and submit to the DCH an application demonstrating either of the following:

- Compliance with the requirements of Part 54a and the rules promulgated under it for the particular discipline for which certification

is sought.

- A copy of a valid lead-based paint activities certification or its equivalent, as determined by the DCH, from a training program that has been authorized by the EPA under Federal regulations, along with proof of the results of the applicant's third party examination (an examination offered and administered by a party other than an accredited training program).

After the submission of an application demonstrating that the requirements of Part 54a and the rules have been met, the DCH must certify an applicant in one or more of the following disciplines: inspector, risk assessor, supervisor, project designer, and/or abatement worker. Upon receiving the certification, an individual conducting lead-based paint activities must comply with the work practice standards for performing that discipline as established under Part 54a and the rules.

In order to become certified as an inspector, risk assessor, abatement worker, or supervisor, an individual must do all of the following:

- Successfully complete a course in the appropriate discipline and receive a course completion certificate from an accredited training program.
- Pass the third party exam in the appropriate discipline.
- Meet the experience or education requirements, or both, as described in DCH rules.

After an individual passes the appropriate certification exam and submits an application demonstrating that he or she meets the appropriate training, education, and experience requirements, the DCH must issue a certificate to the individual in the specific discipline for which certification is sought. To maintain certification, an individual must be recertified pursuant to Part 54a.

An individual must take the third party exam within six months after receiving a course completion certificate or must again complete the appropriate course from an accredited training program in order to be eligible for certification. An individual is not eligible to take the third party exam more than three times within the six months after receiving a course completion certificate.

In order to become certified as a project designer, an individual must do both of the following:

- Successfully complete a course in the appropriate discipline and receive a course completion certificate from an accredited training program.
- Meet the experience or education requirements, or both, as described in DCH rules.

After an individual has successfully completed the appropriate training courses, applied to the DCH, and met the requirements of Part 54a and the rules, the Department must issue a certificate to the individual in the discipline of project designer. To maintain certification, the individual must be periodically recertified pursuant to Part 54a.

An individual who received training in a lead-based paint activity between October 1, 1990, and March 1, 1999, and an individual who has received lead-based paint activities training at an EPA-authorized accredited training program are eligible for DCH certification under rules promulgated by the Department. An individual may apply for certification under this provision until August 30, 1999. Beginning on that date, an individual seeking certification to engage in lead-based paint activities must apply for initial certification under Part 54a.

Upon the submission of an application and the payment of the appropriate fee, the DCH must issue a certification to engage in lead-based paint activities to an individual registered by the DCH by August 30, 1998, under the Department's voluntary registration program.

In order to maintain certification in a particular discipline, a certified individual must apply to and be recertified in that discipline by the DCH every three years.

Person. Beginning August 30, 1999, a person may not perform or offer to perform lead-based paint activities without obtaining certification by the DCH under Part 54a. (The bill defines "person" as it is in Section 1106 of the Code, i.e., an individual, partnership, cooperative, association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity. The term also includes the State and a political subdivision of the State.)

A person seeking certification must submit to the DCH a letter attesting that the person will employ only appropriately certified employees to conduct lead-based paint activities and that the person and its employees will follow the work practice standards for conducting those activities as

established in DCH rules. A person seeking certification also must do all of the following:

- Complete the application and pay the appropriate fee accompanied by a corporate identification number, certificate of sole proprietorship, or other business entity documentation acceptable to the DCH.
- Indicate whether the applicant has liability insurance.
- Submit proof of Michigan workers' disability compensation insurance.
- Submit proof that each employee or agent involved in lead-based paint activities has received training and certification as required by Part 54a.
- If applicable, submit the name of each principal partner, shareholder, member, or owner.

Within 90 days of receiving the person's completed application, the DCH must approve or disapprove the request for certification, and respond with either a certificate of approval or a letter describing the reasons for a disapproval.

A person certified under these provisions must maintain all records pursuant to the requirements imposed in DCH rules.

Fees and Appropriations

Senate Bill 1047 contains the following provisions.

Fees for a person accredited or seeking accreditation for a training program offering courses or refresher courses in lead-based paint activities are as follows:

- Initial application processing fee \$100
- Initial accreditation fee (per discipline) 475
- Reaccreditation fee, annual (per discipline) 265

Fees for an individual certified or seeking certification to engage in lead-based paint activities are as follows:

- Initial application processing fee \$25
- Certification fee, per year:
 - Inspector 150
 - Risk assessor 150
 - Supervisor 50
 - Project designer 150
 - Abatement worker/laborer 25

Fees for a person certified or seeking certification

to engage in lead-based paint activities are as follows:

- Initial application processing fee \$100
- Certification fee, per year 220

By August 1 of each year, the DCH must give to the Director of the Department of Management and Budget and to the chairpersons of the Senate and House Appropriations Committees, a complete schedule of fees to be collected. The fees imposed under Part 54a may not exceed the actual cost of administering that part.

Senate Bill 1047 requires the Legislature annually to appropriate to the DCH an amount sufficient to administer and enforce Part 54a. These funds must be offset by funds received from Federal agencies in the form of grants or other funding provisions. All funds generated under Part 54a must be deposited into the General Fund to be used exclusively by the DCH in carrying out the duties and responsibilities of Part 54a.

With fees collected under Part 54a and funds appropriated by the Legislature, the DCH must conduct compliance activities that assure the quality of training and protection of workers and public health and safety. These activities include, but are not limited to, unannounced inspections of lead abatement project sites.

Violations

House Bill 5561 provides that the DCH must receive or initiate complaints of alleged violations of Part 54a or rules promulgated under it, and take action with respect to alleged violations or complaints. In its own discretion or upon the written complaint of an aggrieved party or of a State agency or political subdivision of the State, the DCH may investigate the acts of an accredited training program or an individual or other person certified under Part 54a. The Department may deny, suspend, or revoke certification or accreditation if a certified person, accredited training program, or certified individual is found to be not in compliance with Part 54a or the rules promulgated under it. The DCH also may deny, suspend, or revoke a certification or accreditation for any of the following:

- Willful or negligent acts that cause a person to be exposed to a lead-containing substance in violation of Part 54a, the rules, or other State or Federal law pertaining to the public health and safety aspects of lead

abatement.

- Falsification of records required under Part 54a.
- Continued failure to obtain or renew certification or accreditation.
- Deliberate misrepresentation of facts or information in the application for certification or accreditation.
- Permitting a person who has not received the proper training and certification to come in contact with lead or be responsible for a lead abatement project.

Senate Bill 1047 provides that a person who violates Part 54a is subject to an administrative fine up to the following amounts for each violation or each day that a violation continues:

- A first violation \$2,000
- A second violation 5,000
- A third or subsequent violation 10,000

If the DCH has reasonable cause to believe that a person has violated Part 54a or a rule, the Department may issue a citation at that time or within 180 days after discovering the alleged violation. The citation must be written and state with particularity the nature of the violation. An alleged violator may request an administrative hearing under the Administrative Procedures Act.

Under House Bill 5561, a person who engages in a regulated activity as provided for by Part 54a or any person who violates Part 54a or any rules promulgated under it and who fails to correct the violation after notice from the DCH, is guilty of a misdemeanor punishable by a fine of up to \$5,000, and upon conviction for a second or subsequent offense, up to \$10,000, or imprisonment for up to six months, or both. A violation may be prosecuted by the Attorney General or the prosecuting attorney of the judicial district in which the violation was committed.

The House bill also specifies that the application of sanctions under Part 54a is cumulative and does not preclude the application of other sanctions, penalties, or provisions of any other Federal, State, or political subdivision.

Training Programs/Prevention Program

House Bill 5561 requires the DCH to authorize, coordinate, and conduct programs to educate persons, including homeowners and remodelers, of lead hazards associated with remodeling target housing and methods of lead-hazard reduction

activities. The DCH also must establish a program that provides an opportunity for property owners, managers, and maintenance staff to learn about lead-safe practices and the avoidance of creating lead-based paint hazards during minor painting, repair, or renovation.

By January 1, 2000, the DCH must recommend appropriate maintenance practices for owners of residential property, day care facilities, and secured lenders that are designed to prevent lead poisoning among children under six years old and pregnant women. In making its recommendations, the DCH must consult with affected stakeholders and consider the effects of those maintenance practices on the availability and affordability of housing and credit.

In addition, the DCH must establish a lead poisoning prevention program that contains a coordinated and comprehensive plan to prevent childhood lead poisoning and to minimize exposure of the general public to lead-based paint hazards. The program also must include a comprehensive educational and community outreach program regarding lead poisoning prevention, which must, at a minimum, include the development of appropriate educational materials targeted to health care providers, child care providers, public schools, owners and tenants of residential dwellings, and parents of young children. These materials must be made available, upon request, to local and State community groups, legal services organizations, and tenants' groups.

Further, the lead poisoning prevention program must include a technical assistance system to assist health care providers in managing cases of childhood lead poisoning. As part of this system, the DCH must require that results of all blood lead level tests conducted in Michigan be reported to the Department as provided for in rule. When the DCH receives notice of blood lead levels above 10 micrograms per deciliter, it must initiate contact with the local public health department or the physician, or both, of the child whose blood lead level exceeds that level.

Annually, the DCH must report to the Legislature the number of children through age six who were screened for lead poisoning during the preceding fiscal year and who were confirmed to have had blood lead levels above 10 micrograms per deciliter. (The first report was required by January 1, 1999.) The report must compare these rates with those of previous fiscal years, and the DCH must recommend methods for improving

compliance with guidelines issued by the Federal Centers for Disease Control and Prevention, including any necessary legislation or appropriations.

Within one year after the effective date of Part 54a (i.e., by July 1, 2000), and annually thereafter, the DCH must prepare a written report regarding the expenditures under the lead poisoning prevention program, including the amounts and sources of money from the previous year and a complete accounting of its use. The report must be given to the appropriate committees of the Legislature and be made available to the general public upon request.

Scope

House Bill 5561 states that Part 54a contains procedures and requirements for the accreditation of lead-based paint activities training programs, procedures, and requirements for the certification of individuals and other persons engaged in lead-based paint activities, and work practice standards for performing lead-based paint activities as defined in the bill. The bill also states that Part 54a requires that all lead-based paint activities be performed by certified individuals and persons, except for those circumstances and persons described in Section 5453(2). That section, contained in Senate Bill 1047, provides that the term "abatement" does not include any of the following:

- Renovation, remodeling, landscaping, or other activity, if the activity is not designed to eliminate permanently lead-based paint hazards, but instead is designed to repair, restore, or remodel a structure, target housing, or dwelling even though the activity may incidentally result in a reduction or elimination of a lead-based paint hazard.
- An interim control, operation, and maintenance activity, or other measure or activity designed to reduce temporarily, but not permanently, a lead-based paint hazard.
- Any lead-based paint activity performed by the owner of an owner-occupied residential dwelling or an owner-occupied multifamily dwelling containing four or fewer units if the activity is performed only in that owner-occupied unit of the multifamily dwelling.

House Bill 5561 also specifies that Part 54a does not apply to individuals and persons engaged in lead-based paint activities conducted within or on certain owner-occupied residential and multifamily

dwellings as further described in Section 5453(2) except in certain dwellings in which a residing child is identified as having an elevated blood lead level.

The bill further provides that Part 54a does not require an owner or occupant to undertake any lead-based paint activities.

Other Provisions.

Senate Bill 1047 defines “elevated blood level” or “EBL”, for purposes of lead abatement, as “an excessive absorption of lead that is a confirmed concentration of lead in whole blood of 20 ug/dl, micrograms of lead per deciliter of whole blood, for a single venous test or of 15-19 ug/dl in 2 consecutive tests taken 3 to 4 months apart”. For purposes of case management of children under six years of age screened and tested for lead, “elevated blood level” means “an excessive absorption of lead that is a confirmed concentration of lead in whole blood of 10 ug/dl”.

House Bill 5561 provides that, at least seven calendar days before beginning a lead-based paint activity, a person must notify the DCH, on forms provided by the Department, regarding information the DCH considers necessary to conduct an unannounced site inspection.

The bill states that the DCH must certify a person applying for certification under Part 54a if that person demonstrates to the Department that he or she is licensed, certified, or registered in another state and the standards for obtaining that license, certification, or registration are substantially similar to those imposed under Part 54a.

The DCH must administer Part 54a and promulgate rules as necessary for its administration and enforcement.

MCL 333.5452 et al. (S.B. 1047)
333.5451 et al. (H.B. 5561)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The dangers of lead poisoning, particularly to children, have been recognized for a number of years. Lead poisoning has been linked to reduced IQ, developmental disabilities, learning disabilities, and behavioral problems; at very high levels, it can

cause seizures, coma, and death. In 1978, the Federal government banned the use of lead-based paint in residential housing. Children who live in older homes, however, continue to be exposed to lead. In Michigan, as of the 1990 census, approximately 86% of the housing had been constructed before 1978, according to the Michigan Association of Home Builders. In addition, it has been estimated that some 39,000 Michigan children are suffering from lead poisoning but have not been diagnosed.

By enacting accreditation and certification standards in compliance with the EPA regulations, the bills will ensure that Michigan continues to receive Federal funding that enables the State to engage in lead abatement activities. According to a report of the Lead Hazard Remediation Program in the DCH, the program provides three principal services that address the reduction of lead-based paint poisoning in identified populations. They include the administration of the HUD funds to abate lead-based paint hazards in high-risk areas; extensive public and professional education efforts; and the registration of lead-based paint inspectors, risk assessors, abatement workers, supervisors, abatement contractors, and training providers. Michigan should continue these activities in order to protect the health of the State's citizens, especially children who are vulnerable to lead poisoning.

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bills will result in an indeterminate increase in State General Fund revenues from the fees and fines established in the bills. Currently, the Department of Consumer and Industry Services operates an Asbestos Program similar to the lead paint program outlined in the bills, which annually generates approximately \$300,000 in fee revenues from the certification and accreditation of asbestos abatement contractors, workers, trainers, and training courses. If one assumes that lead abatement and asbestos abatement activities are carried out by the same entities, then the revenue generated from the fees outlined in the bills will be equivalent to that earned by the Asbestos Program. According to the Department, however, the experience of other states that have implemented lead paint certification programs is that annual fee revenues have been less than \$50,000. A

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

voluntary lead abatement contractor/worker/trainer registration program that is operated by the Department, staffed by approximately 5.5 FTEs and supported with \$270,000 in Federal Environmental Protection Agency grant funds, had 99 voluntary registrants as of December 1997, compared with the 3,900-plus certified/accredited entities in the Asbestos Program. If this ratio continues, then the revenue expected from the fees levied under the bills will be closer to \$10,000 annually.

The bills also affect existing Department of Community Health revenue. The passage of the bills enables the Department to continue to receive the \$270,000 Federal EPA grant already described, and approximately \$4 million in remaining Federal Housing and Urban Development Lead Abatement grant funding.

The elements of the lead poisoning prevention program required by the bills are included, for the most part, in the Department's existing Lead Abatement/Childhood Lead Poisoning Prevention Programs. In FY 1998-99, nearly \$6 million in HUD Lead Abatement grant; Centers for Disease Control Childhood lead poisoning prevention; maternal and child health block grant; and Medicaid (with requisite State matching funds) funds were appropriated for lead abatement/lead poisoning prevention activities. In addition, the Clean Michigan Initiative that was approved by Michigan voters in the November 1998 election, includes \$5 million for lead abatement initiatives.

Fiscal Analyst: P. Graham