



**House
Legislative
Analysis
Section**

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

LEAD ABATEMENT CERTIFICATION STANDARDS

**House Bill 6343 with committee
amendments**

**Sponsor: Rep. Judith Scranton
Committee: Regulatory Reform**

Complete to 12-4-02

A SUMMARY OF HOUSE BILL 6343 AS REPORTED BY THE COMMITTEE ON REGULATORY REFORM

The bill would amend the lead abatement provisions of the Public Health Code to add a new category of certification of individuals who work with lead-based paint hazards in buildings, and to update definitions and make other administrative changes in the lead abatement program.

“Certified clearance technician”. The bill would add a new category of certification, the “certified clearance technician”, defined as a person who has completed an approved training course and been certified by the Department of Community Health to conduct clearance testing following interim controls. (“Interim controls” are defined under current law to mean a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including such things as specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.)

A person could seek accreditation for a training program to offer courses in lead-based paint activities for individuals seeking certification as a clearance technician. The bill specifies that a clearance technician course would have to last a minimum of eight training hours, with a minimum of two hours devoted to hands-on training activities. The department would be required to promulgate rules to determine the minimum curriculum requirements for the clearance technician course. Until rules were promulgated, a clearance technician course would use the curriculum for the lead sampling technician course approved by the federal Environmental Protection Agency.

The department would certify an individual as a clearance technician after submission of an application demonstrating that the person met the requirements of the act and its administrative rules. The bill would require that a person successfully complete an approved course for the discipline of clearance technician and receive a course completion certificate, pass the third party exam for the discipline of clearance technician, and pay a fee of \$50 in order to become a certified clearance technician.

Lead abatement program changes. The bill would revise certain terms used in the act and modify some definitions, as follows:

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- The definition of “lead-based paint hazard” would be modified and expanded. New terms, “dust lead hazard” and “soil lead hazard”, would replace “lead contaminated dust” and “lead contaminated soil”.

- The definitions of “inspection” and “risk assessment” would each be modified to clarify that they applied only to “target housing” (generally housing constructed before 1978) or to a “child occupied facility” (a building constructed before 1978 that is regularly visited by children age six and under, such as a preschool, day-care center, kindergarten, and the like).

- The definition of “residential dwelling” would be expanded to also include ancillary buildings and structures, such as garages, fences, and nonagricultural or noncommercial outbuildings.

- The definition of “target housing” would be amended to exclude an unoccupied dwelling unit that remains unoccupied until demolition.

- The bill would require that a person who does not pass the “third party exam” (administered by an entity not associated with the provider of the training course) for certification in one of the lead abatement disciplines (inspector, risk assessor, supervisor, project designer, abatement worker, or clearance technician) after three attempts to repeat the appropriate training course to be eligible to retake the exam.

- The bill would allow the department to waive accreditation fees for a training course offered by an entity that has demonstrated that no part of its net earnings benefits any private shareholder or individual.

- Currently, the act requires that a person notify the department at least seven calendar days before beginning a “lead-based paint activity” (inspection, risk assessment, and abatement in target housing and child occupied facilities). The bill would amend this provision to require, instead, that a person notify the department at least *three business days* before beginning lead-based paint *abatement*. In addition, the bill would allow such notification to be made through electronic means.

- The bill would specify that certain information required to be submitted under these provisions of the Public Health Code would be exempt from disclosure under the Freedom of Information Act. Exempt information would include personal information of owners, agents, and tenants of residential dwellings where lead-based paint investigations have been conducted, and information that could be used to identify children with elevated blood lead levels.

- In addition to existing provisions concerning violations or complaints against people accredited or certified under the lead abatement provisions, the bill would allow the department to investigate and take actions against a person allegedly engaged in lead-based paint activity. And, it would allow the department to impose administrative fines for violations of rules

promulgated under the statute, as well as for violations of the statute. Further, the bill would specify that current provisions making it a misdemeanor to violate these provisions would apply to a person who “willfully or repeatedly” violates the law.

MCL 333.5453 et al.

Analyst: D. Martens

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.