

HOUSE BILL NO. 5421

October 19, 2021, Introduced by Reps. Neeley, Haadsma, Weiss, Steckloff, Witwer, Sowerby, LaGrand, Ellison, Cavanagh, Bolden, Cynthia Johnson, Liberati, O'Neal, Breen, Hood, Morse, Thanedar, Clemente, Brabec, Tyrone Carter, Scott, Brenda Carter, Koleszar, Hope, Tate, Stone, Cherry, Sneller, Pohutsky, Kuppa, Whitsett, Sabo, Hammoud, Manoogian, Lasinski, Rabhi and Steenland 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, 5461a, 5462, 5463, 5464, 5465, 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, 333.5461a, 333.5462, 333.5463, 333.5464, 333.5465,
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 5461a, 5464, and 5465 as added by 1998 PA 220, sections 5469, 5470, and 5474 as added by 1998 PA 219, 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-
21 based paint hazards, conducted by a person ~~who,~~**that**, through their

1 company name or promotional literature, represents, advertises, or
2 holds themselves out to be in the business of performing lead-based
3 paint activities except a project that is exempt from this part.

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

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

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

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

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

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

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

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

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

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

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

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

11 (I) The presence of any known lead-based paint and lead-based
12 paint hazards.

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

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

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

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

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

28 (v) The activity does not involve the use of high-pressure
29 water or compressed air cleaning equipment on, the dry sanding of,

1 or the scraping of, asbestos siding ~~prior to~~**before** painting.

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

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

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

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

20 (2) ~~(3)~~"Certified firm" means a person that performs a lead-
21 based paint activity for which the department has issued a
22 certificate of approval under this part.

23 (3) ~~(4)~~"Certified inspector" means an individual who has been
24 trained by an accredited training program and certified by the
25 department under this part to conduct inspections and take samples
26 for the presence of lead in paint, dust, and soil for the purposes
27 of abatement clearance testing.

28 (4) ~~(5)~~"Certified project designer" means an individual who
29 has been trained by an accredited training program and certified by

1 the department under this part to prepare abatement project
2 designs, occupant protection plans, and abatement reports.

3 (5) ~~(6)~~—"Certified risk assessor" means an individual who has
4 been trained by an accredited training program and certified by the
5 department under this part to conduct inspections and risk
6 assessments and to take samples for the presence of lead in paint,
7 dust, and soil for ~~the purposes of~~ **identifying a lead-based paint**
8 **hazard or** abatement clearance testing.

9 (6) ~~(7)~~—"Certified supervisor" means an individual who has
10 been trained by an accredited training program and certified by the
11 department under this part to supervise and conduct abatements and
12 to prepare occupant protection plans and abatement reports.

13 (7) ~~(8)~~—"Child occupied facility" means a building or portion
14 of a building constructed before 1978 that is visited regularly by
15 ~~a~~ **the same** child who is **not more than** 6 years of age, ~~or less,~~ on
16 at least 2 different days within ~~a given~~ **any calendar** week, if each
17 ~~day's visit is~~ **lasts** at least 3 hours, ~~and the combined weekly~~
18 ~~visit is~~ **visits last** at least 6 hours, ~~in length,~~ and the combined
19 annual visits ~~are~~ **last** at least 60 hours. ~~in length.~~ Child occupied
20 facility includes, but is not limited to, a day-care center, a
21 preschool, and a kindergarten classroom. **A child occupied facility**
22 **may be located in target housing or a public or commercial**
23 **building. If a child occupied facility is located in a public or**
24 **commercial building, all of the following apply:**

25 (a) If the building contains common areas, both of the
26 following apply:

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

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

4 (b) The child occupied facility encompasses only the exterior
5 sides of the building that are immediately adjacent to the child
6 occupied facility or a common area encompassed by the child
7 occupied facility under subparagraph (a) (i).

8 Sec. 5455. (1) "Clearance levels" means the values that
9 indicate the maximum amount of lead permitted in dust on a surface
10 following ~~completion of an abatement as listed in rules promulgated~~
11 ~~by the department.~~ **when a clearance is performed.**

12 (2) "Clearance professional" means 1 or more of the following
13 individuals when performing clearance testing:

14 (a) A certified inspector.

15 (b) A certified risk assessor.

16 (c) A certified clearance technician.

17 (3) "Common area" means a portion of a building that is
18 generally accessible to all occupants of the building. Common area
19 includes, but is not limited to, a hallway, a stairway, a laundry
20 and recreational room, a playground, a community center, a garage,
21 and a boundary fence.

22 (4) "Component" or "building component" means ~~a~~ specific
23 design or structural ~~element~~ **elements** or ~~fixture~~ **fixtures** of a
24 building ~~, or~~ residential dwelling ~~, or child occupied facility~~
25 that ~~is~~ **are** distinguished **from each other** by ~~its~~ form, function,
26 and location. Component or building component ~~, includes,~~ but is
27 not limited to, ~~a specific interior or exterior~~ **all of the**
28 **following:**

29 (a) Interior design or structural elements or fixtures,

1 including, but not limited to, all of the following:

- 2 (i) Ceilings.
- 3 (ii) Crown molding.
- 4 (iii) Wall chair rails.
- 5 (iv) Doors.
- 6 (v) Door trim.
- 7 (vi) Floors.
- 8 (vii) Fireplaces, radiators, or other heating units.
- 9 (viii) Shelves.
- 10 (ix) Shelf supports.
- 11 (x) Stair treads.
- 12 (xi) Stair risers.
- 13 (xii) Stair stringers.
- 14 (xiii) Newel posts.
- 15 (xiv) Railing caps.
- 16 (xv) Balustrades.
- 17 (xvi) Windows.
- 18 (xvii) Window trim, including, but not limited to, sashes,
19 heads, jambs, sills or stools, and troughs.
- 20 (xviii) Built-in cabinets.
- 21 (xix) Columns.
- 22 (xx) Beams.
- 23 (xxi) Bathroom vanities.
- 24 (xxii) Counter tops.
- 25 (xxiii) Air conditioners.
- 26 (b) Exterior design or structural ~~element~~-elements or
27 ~~fixture~~-fixtures, including, but not limited to, all of the
28 following:

- 1 (i) Painted roofing.
- 2 (ii) Chimneys.
- 3 (iii) Flashing.
- 4 (iv) Gutters and downspouts.
- 5 (v) Ceilings.
- 6 (vi) Soffits.
- 7 (vii) Fascias.
- 8 (viii) Rake boards.
- 9 (ix) Cornerboards.
- 10 (x) Bulkheads.
- 11 (xi) Door and door trim.
- 12 (xii) Fences.
- 13 (xiii) Floors.
- 14 (xiv) Joists.
- 15 (xv) Lattice work.
- 16 (xvi) Railings and railing caps.
- 17 (xvii) Siding.
- 18 (xviii) Handrails.
- 19 (xix) Stair risers and treads.
- 20 (xx) Stair stringers.
- 21 (xxi) Columns.
- 22 (xxii) Balustrades.
- 23 (xxiii) Window sills or stools and troughs, casings, sashes, and
24 wells.
- 25 (xxiv) Air conditioners.
- 26 (5) "Containment" means a process to protect workers and the
27 environment by controlling exposure to a dust lead hazard and
28 debris created during an abatement.

1 (6) "Course agenda" means an outline of the key topics to be
2 covered during an accredited training program, including the time
3 allotted to teach each topic.

4 (7) "Course test" means an evaluation of the overall
5 effectiveness of the accredited training program by testing a
6 trainee's knowledge and retention of the topics covered during the
7 accredited training program.

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

11 Sec. 5456. (1) "Department" means the department of ~~community~~
12 ~~health.~~ **health and human services.**

13 (2) "Deteriorated paint" means paint or other surface coating
14 that is cracking, flaking, chipping, peeling, or otherwise damaged
15 or separating from the substrate of a building component.

16 (3) "Discipline" means 1 of the specific types or categories
17 of lead-based paint activities identified in this part for which an
18 individual may receive training from an accredited training program
19 and become certified by the department.

20 (4) "Distinct painting history" means the application history,
21 as indicated by its visual appearance or a record of application,
22 over time of paint or other surface coatings to a component or
23 room.

24 (5) "Documented methodology" means a method or protocol used
25 to do either or both of the following:

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

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

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

6 (7) "Elevated blood level" or "EBL" means ~~for purposes of lead~~
7 ~~abatement an excessive absorption of lead that is a confirmed~~
8 ~~concentration of lead in whole blood of 20 ug/dl, micrograms of~~
9 ~~lead per deciliter of whole blood, for a single venous test or of~~
10 ~~15-19 ug/dl in 2 consecutive tests taken 3 to 4 months apart. For~~
11 ~~purposes of case management of children 6 years of age or less,~~
12 ~~elevated blood level means an excessive absorption of lead that is~~
13 ~~a confirmed concentration of lead in whole blood of 10 ug/dl.~~**the**
14 **concentration of lead in whole blood equal to or greater than the**
15 **concentration defined by the Centers for Disease Control and**
16 **Prevention as the blood lead reference value.**

17 (8) "EBL environmental investigation" means both of the
18 following:

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

23 (b) The provision of a report by the EBL investigator
24 explaining the results of the study and options for remediation of
25 exposures.

26 (9) "EBL investigator" means a certified risk assessor who has
27 been endorsed by the department to conduct EBL environmental
28 investigations.

29 (10) "Emergency renovation operations" means renovation

1 activities that were not planned but result from a sudden,
 2 unexpected event, such as a nonroutine failure of equipment, that
 3 if not immediately attended to presents a safety or public health
 4 hazard or threatens equipment, property, or both, with significant
 5 damage. Once the emergency is controlled, applicable laws and rules
 6 apply.

7 (11) ~~(8)~~—"Encapsulant" means a substance that forms a barrier
 8 between lead-based paint and the environment using a liquid-applied
 9 coating, with or without reinforcement materials, or an adhesively
 10 bonded covering material.

11 (12) ~~(9)~~—"Encapsulation" means the application of an
 12 encapsulant.

13 (13) ~~(10)~~—"Enclosure" means the use of rigid, durable
 14 construction materials that are mechanically fastened to the
 15 substrate ~~in order~~ to act as a barrier between lead-based paint and
 16 the environment.

17 (14) ~~(11)~~—"EPA" means the United States ~~environmental~~
 18 ~~protection agency.~~ **Environmental Protection Agency.**

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

20 (a) A company, partnership, corporation, sole proprietorship
 21 or individual doing business, association, or other business
 22 entity.

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

24 (c) A nonprofit organization.

25 Sec. 5457. (1) "Guest instructor" means an individual
 26 designated by the manager or principal instructor of an accredited
 27 training program to provide instruction specific to the lecture,
 28 hands-on activities, or work practice components of a course in the
 29 accredited training program.

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

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

7 (4) **"HEPA filter" means a high-efficiency particulate air**
8 **filter that is capable of capturing particles of 0.3 microns with**
9 **99.97% efficiency.**

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

14 (6) **"Housing for the elderly" means retirement communities or**
15 **similar types of housing reserved for households composed of 1 or**
16 **more persons not less than 62 years of age at the time of initial**
17 **occupancy.**

18 (7) ~~(4)~~**"Inspection" means a surface-by-surface investigation**
19 **in target housing or a child occupied facility to determine the**
20 **presence of lead-based paint and the provision of a report**
21 **explaining the results of the investigation.**

22 (8) ~~(5)~~**"Interim controls" means a set of measures designed to**
23 **temporarily reduce human exposure or likely exposure to lead-based**
24 **paint hazards including, but not limited to, specialized cleaning,**
25 **repairs, maintenance, painting, temporary containment, ongoing**
26 **monitoring of lead-based paint hazards or potential hazards, and**
27 **the establishment and operation of management and resident**
28 **education programs.**

29 Sec. 5458. (1) **"Lead-based paint" means paint or other surface**

1 coatings that contain lead equal to or in excess of 1.0 milligrams
2 per square centimeter or more than 0.5% by weight.

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

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

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

13 (b) Any damaged or otherwise deteriorated lead-based paint on
14 an impact surface that is caused by impact from a related building
15 component.

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

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

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

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

27 (4) "Lead-based paint investigation" means an activity
28 designed to determine the presence of lead-based paint or lead-
29 based paint hazards in target housing and child occupied

1 facilities.

2 (5) "Lead hazard control activity" means a measure or set of
3 measures designed or performed specifically to reduce or eliminate
4 lead-based paint hazards in target housing and child occupied
5 facilities. Lead hazard control activity includes, but is not
6 limited to, abatement, interim controls, and clearance
7 examinations.

8 (6) ~~(5)~~—"Living area" means an area of a residential dwelling
9 used by 1 or more children ~~age not more than 6 and under~~ **years of**
10 **age**, including, but not limited to, a living room, kitchen area,
11 den, playroom, and a children's bedroom.

12 Sec. 5459. (1) "Multifamily dwelling" means a structure that
13 contains more than 1 separate residential dwelling unit and ~~that is~~
14 used or occupied, or intended to be used or occupied, in whole or
15 in part, as the home or residence of 1 or more persons.

16 ~~(2) "Paint in poor condition" means 1 or more of the~~
17 ~~following:~~

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

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

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

25 (2) "Painted surface" means a component surface covered in
26 whole or in part with paint or other surface coatings.

27 (3) "Pamphlet" means that term as defined in 40 CFR 745.83 or
28 the current department approved pamphlet.

29 (4) ~~(3)~~—"Permanently covered soil" means soil that has been

1 separated from human contact by the placement of a barrier
 2 consisting of solid, relatively impermeable materials including,
 3 but not limited to, pavement or concrete but not including grass,
 4 mulch, or other landscaping materials.

5 (5) ~~(4)~~—"Person" means that term as defined in section 1106
 6 but including ~~the~~ **this** state and a political subdivision of ~~the~~
 7 **this** state.

8 (6) ~~(5)~~—"Principal instructor" means the individual who has
 9 the primary responsibility for organizing and teaching a particular
 10 course in an accredited training program.

11 (7) ~~(6)~~—"Recognized laboratory" means an environmental
 12 laboratory recognized by the EPA ~~pursuant to~~ **under** section 405 of
 13 title IV of the toxic substances control act, ~~Public Law 94-469,~~ 15
 14 ~~U.S.C. USC~~ 2685, as being capable of performing an analysis for
 15 lead compounds in paint, soil, and dust.

16 (8) ~~(7)~~—"Reduction" means a measure designed to reduce or
 17 eliminate human exposure to a lead-based paint hazard through
 18 methods including, but not limited to, interim controls and
 19 abatement.

20 (9) ~~(8)~~—"Residential dwelling" means either of the following:

21 (a) A detached single family dwelling unit, including, but not
 22 limited to, attached structures such as porches and stoops and
 23 accessory structures such as garages, fences, and nonagricultural
 24 or noncommercial outbuildings.

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

28 (10) ~~(9)~~—"Risk assessment" means both of the following:

29 (a) An on-site investigation in target housing or a child

1 occupied facility to determine the existence, nature, severity, and
2 location of a lead-based paint hazard.

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

6 **(11)** ~~(10)~~—"Soil lead hazard" means bare soil on a residential
7 dwelling or on the property of a child occupied facility that
8 contains lead at or in excess of levels identified by the EPA
9 ~~pursuant to~~ **under** section 403 of title IV of the toxic substances
10 control act, ~~Public Law 94-469, 15 U.S.C. USC~~ 2683, or as otherwise
11 defined by rule.

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

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

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

21 (b) A 0-bedroom dwelling.

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

24 ~~(2) "Third party examination" means the examination for~~
25 ~~certification under this part in the disciplines of clearance~~
26 ~~technician, inspector, risk assessor, worker, and supervisor~~
27 ~~offered and administered by a party other than an accredited~~
28 ~~training program.~~

29 **(2)** ~~(3)~~—"Training curriculum" means an established set of

1 course topics for instruction in an accredited training program for
 2 a particular discipline designed to provide specialized knowledge
 3 and skills.

4 (3) ~~(4)~~—"Training hour" means not less than 50 minutes of
 5 actual learning, including, but not limited to, time devoted to
 6 lecture, learning activities, small group activities,
 7 demonstrations, evaluations, or hands-on experience or a
 8 combination of those activities.

9 (4) ~~(5)~~—"Training manager" means the individual responsible
 10 for administering an accredited training program and monitoring the
 11 performance of principal instructors and guest instructors.

12 (5) ~~(6)~~—"Visual inspection for clearance testing" means the
 13 visual examination of a residential dwelling or a child occupied
 14 facility following an abatement designed to determine whether the
 15 abatement has been successfully completed.

16 (6) ~~(7)~~—"Visual inspection for risk assessment" means the
 17 visual examination of a residential dwelling or a child occupied
 18 facility to determine the existence of deteriorated paint or other
 19 potential sources of lead-based paint hazards.

20 Sec. 5461a. ~~(1)~~—A person shall not provide or offer to provide
 21 a training program for lead-based paint activities unless the
 22 training program is accredited under the appropriate discipline
 23 under this part. A person providing an accredited training program
 24 shall comply with the standards for accreditation and training
 25 certification prescribed in this part and the rules promulgated
 26 under this part.

27 ~~(2) The department shall accredit a training program if the~~
 28 ~~training program is registered by the department under the~~
 29 ~~department's voluntary registration program by August 30, 1998 if~~

1 ~~the training program submits an application under section 5462.~~

2 Sec. 5462. (1) A person may seek accreditation for a training
3 program to offer courses in lead-based paint activities in 1 or
4 more of the following disciplines:

- 5 (a) Inspector.
- 6 (b) Risk assessor.
- 7 (c) Supervisor.
- 8 (d) Project designer.
- 9 (e) Abatement worker/laborer.
- 10 ~~(f) Clearance technician.~~

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

14 (3) A person shall not provide, offer, or claim to provide
15 EPA-accredited courses in lead-based paint activities without
16 applying for and receiving accreditation from the department under
17 this part.

18 (4) A person seeking accreditation for a training program
19 shall submit a written application to the department containing all
20 of the following:

- 21 (a) If the applicant is a sole proprietorship or corporation,
22 its "doing business as" or corporate identification number.
- 23 (b) The fee required by section 5471.
- 24 (c) The name of each principal position, partner, shareholder,
25 member, or owner.
- 26 (d) The training program's proposed name, address, and
27 telephone number.
- 28 (e) A list of courses and disciplines for which it is seeking
29 accreditation.

1 (f) A statement signed by the training program manager
2 certifying that the training program meets the requirements
3 established by this part and the rules promulgated under this part.

4 (g) A copy of the student and instructor manuals or other
5 materials to be used for each course.

6 (h) A copy of the course agenda for each course.

7 (i) A description of the facilities and equipment to be used
8 for lecture and hands-on training.

9 (j) A copy of the course test blueprint for each course.

10 (k) A description of the activities and procedures that will
11 be used for conducting the hands-on skills assessment for each
12 course.

13 (l) A copy of the quality control plan as defined in rules
14 promulgated by the department.

15 (5) The department shall approve an application for
16 accreditation of a training program within 180 days after receiving
17 a complete application from the training program if the department
18 determines that the applicant meets the requirements of this part
19 and the rules promulgated under this part. In the case of approval,
20 the department shall send a certificate of accreditation to the
21 applicant. Before disapproving an application, the department may
22 advise the applicant as to specific inadequacies in the application
23 for accreditation or specific instances where the training program
24 does not meet the requirements of this part or the rules
25 promulgated under this part, or both. The department may request
26 additional information or materials from the training program under
27 this section. If the department disapproves a training program's
28 application for accreditation, the applicant may reapply for
29 accreditation at any time.

1 (6) A training program ~~shall~~**must** meet all of the following
2 requirements ~~in order~~ to become accredited to offer courses in
3 lead-based paint activities:

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

6 (b) Provide that the training manager described in subdivision
7 (a) designate a qualified principal instructor for each course who
8 has training, education, and experience as described in rules
9 promulgated by the department.

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

16 (7) The following documents are recognized by the department
17 as evidence that a training manager or a principal instructor has
18 the education, work experience, training requirements, or
19 demonstrated experience specifically listed in rules promulgated by
20 the department, which documentation is not required to be submitted
21 with the accreditation application but, if not submitted, must be
22 retained by the training program as required by the record-keeping
23 requirements contained in this part:

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

26 (b) A resume, letter of reference, or documentation of work
27 experience, as evidence of meeting the work experience
28 requirements.

29 (c) A certificate from a train-the-trainer course or a lead-

1 specific training course, or both, as evidence of meeting the
2 training requirements.

3 (8) A training program accredited under this part ~~shall~~**must**
4 ensure the availability of, and provide adequate facilities for,
5 the delivery of the lecture, course test, hands-on training, and
6 assessment activities including, but not limited to, providing
7 training equipment that reflects current work practices and
8 maintaining or updating the equipment and facilities of the
9 training program, as needed.

10 Sec. 5463. (1) A training program accredited under section
11 5462 ~~shall~~**must** provide training courses that meet the following
12 training hour requirements ~~in order~~ to become accredited in the
13 following disciplines:

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

19 (b) A risk assessor course ~~shall~~**must** last a minimum of 16
20 training hours, with a minimum of 4 hours devoted to hands-on
21 training activities. The department shall promulgate rules to
22 determine the minimum curriculum requirements for the risk assessor
23 course.

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

28 (d) A project designer course ~~shall~~**must** last a minimum of 8
29 training hours. The department shall promulgate rules to determine

1 the minimum curriculum requirements for the project designer
2 course.

3 (e) An abatement worker course ~~shall~~**must** last a minimum of ~~16~~
4 **24** training hours, with a minimum of 8 hours devoted to hands-on
5 training activities. The department shall promulgate rules to
6 determine the minimum curriculum requirements for the abatement
7 worker course.

8 ~~(f) A clearance technician course shall last a minimum of 8~~
9 ~~training hours, with a minimum of 2 hours devoted to hands-on~~
10 ~~training activities. The department shall promulgate rules to~~
11 ~~determine the minimum curriculum requirements for the clearance~~
12 ~~technician course. Until rules are promulgated, a clearance~~
13 ~~technician course shall use the curriculum for the lead sampling~~
14 ~~technician course approved by the EPA under subpart Q of part 745~~
15 ~~of title 40 of the code of federal regulations.~~

16 (2) The department may promulgate rules to modify 1 or more of
17 the requirements imposed under subsection (1) if changes are needed
18 to comply with federal mandates or for another reason considered
19 appropriate by the department.

20 (3) For each course offered, the training program ~~shall~~**must**
21 conduct a course test at the completion of the course and, if
22 applicable, a hands-on skills assessment. Each individual enrolled
23 in the training program must successfully complete the hands-on
24 skills assessment, if conducted for that course, and receive a
25 passing score on the course test ~~in order~~ to pass a course.

26 (4) The training manager shall maintain the validity and
27 integrity of a hands-on skills assessment to ensure that it
28 accurately evaluates the trainees' performance of the work
29 practices and procedures associated with the course topics

1 contained in rules promulgated under this section and the course
2 test to ensure that it accurately evaluates the trainees' knowledge
3 and retention of the course topics.

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

7 (6) A training program ~~shall~~**must** issue course completion
8 certificates to each individual who passes the training course. The
9 course completion certificates ~~shall~~**must** include **all of the**
10 **following information:**

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

13 (b) The name of the particular course that the individual
14 passed.

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

16 (d) Expiration date of course certificate.

17 (e) The name, address, and telephone number of the training
18 program.

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

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

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

27 (8) The training program ~~shall~~**must** offer courses that teach
28 the work practice standards for conducting lead-based paint
29 activities and other standards developed by the EPA pursuant to

1 title IV of the toxic substances control act, **15 USC chapter 53,**
2 **subchapter IV,** and considered appropriate or necessary by the
3 department. The work practice standards ~~shall~~**must** be taught in the
4 appropriate courses to provide trainees with the knowledge needed
5 to perform the lead-based paint activities.

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

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

12 Sec. 5464. (1) A training program may seek accreditation to
13 offer refresher training courses in **classroom or online format in 1**
14 or more of the disciplines described in section 5462(1). A training
15 program ~~shall~~**must** meet those minimum requirements contained in
16 rules promulgated by the department ~~in order~~ to obtain department
17 accreditation.

18 (2) A training program may apply for accreditation of a
19 refresher course concurrently with its application for
20 accreditation of the corresponding training course pursuant to
21 rules promulgated by the department.

22 (3) The department shall approve an application for
23 accreditation of a refresher course within 180 days after receiving
24 a complete application. Upon approval, the department shall send a
25 certificate of accreditation to the applicant. Before disapproval,
26 the department may advise the applicant as to specific inadequacies
27 in the application for accreditation or specific instances where
28 the continuing education course does not meet the requirements of
29 this part and the rules promulgated under this part, or both. The

1 department may also request additional information or materials
2 retained by the training program. If the department denies a
3 training program's application for accreditation of a refresher
4 course, the applicant may reapply for accreditation at any time.

5 Sec. 5465. (1) Unless reaccredited, a training program's
6 accreditation under section 5462, including refresher course
7 training accredited under section 5464, expires 1 year after the
8 date of issuance.

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

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

15 (4) ~~Upon request, a~~ **A** training program ~~shall~~ **must** allow the
16 department to audit the training program to verify the contents of
17 the application for reaccreditation.

18 Sec. 5468. (1) An individual seeking certification by the
19 department to engage in lead-based paint activities shall pay the
20 appropriate fees required under section 5471 and submit an
21 application to the department demonstrating either of the
22 following:

23 (a) Compliance with the requirements of this part and the
24 rules promulgated under this part for the particular discipline for
25 which certification is sought.

26 (b) A copy of a valid lead-based paint activities
27 certification or its equivalent, as determined by the department,
28 from a training program that has been authorized by the EPA
29 pursuant to 40 ~~C.F.R.~~ **CFR** part 745 along with proof of the

1 applicant's ~~third party~~**state** examination results.

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

- 6 (a) Inspector.
- 7 (b) Risk assessor.
- 8 (c) Supervisor.
- 9 (d) Project designer.
- 10 (e) Abatement worker.
- 11 ~~(f) Clearance technician.~~

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

17 (4) An individual shall not conduct a lead-based paint
18 activity unless that individual is certified by the department
19 under this section in the appropriate discipline.

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

23 (a) Successfully complete a course in the appropriate
24 discipline and receive a course completion certificate from an
25 accredited training program.

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

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

1 (6) After an individual passes the appropriate certification
 2 exam and submits an application demonstrating that he or she **passed**
 3 **that exam and** meets the appropriate training, education, and
 4 experience requirements, ~~and passes the appropriate certification~~
 5 ~~exam,~~ the department shall issue a certificate to the individual in
 6 the specific discipline for which certification is sought. To
 7 maintain certification, an individual must be recertified pursuant
 8 to this part.

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

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

21 (a) Successfully complete a course in the appropriate
 22 discipline and receive a course completion certificate from an
 23 accredited training program.

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

26 (9) After an individual has successfully completed the
 27 appropriate training courses, applied to the department, and met
 28 the requirements of this part and the rules promulgated under this
 29 part, the department shall issue a certificate to the individual.

1 ~~in the discipline of project designer.~~ To maintain certification,
2 the individual must be periodically recertified pursuant to this
3 part.

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

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

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

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

20 ~~(b) Pass the third party exam for the discipline of clearance~~
21 ~~technician.~~

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

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

1 (2) A person seeking certification under subsection (1) shall
2 submit to the department a letter attesting that the person shall
3 only employ appropriately certified employees to conduct lead-based
4 paint activities and that the person and its employees shall follow
5 the work practice standards for conducting lead-based paint
6 activities 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 has received training and certification
18 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~~ **must** be performed by an individual certified
6 in the appropriate discipline under this part and pursuant to the
7 work practice standards prescribed in rules promulgated by the
8 department.

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

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

17 (2) Fees for an individual certified or seeking certification
18 to engage in lead-based paint abatement are as follows:

- 19 (a) Initial **accreditation** application processing
- 20 fee..... \$25.00.
- 21 (b) Certification fee, per year:
- 22 (i) Inspector..... \$150.00.
- 23 (ii) Risk assessor..... \$150.00.
- 24 (iii) Supervisor..... \$50.00.
- 25 (iv) Project designer..... \$150.00.
- 26 (v) Abatement worker/laborer..... \$25.00.
- 27 ~~(vi) Clearance technician..... \$ 50.00.~~

28 (3) Fees for a person certified or seeking certification to
29 engage in lead-based paint abatement are as follows:

- 1 (a) Initial **abatement** application processing
- 2 fee..... \$100.00.
- 3 (b) Initial **environmental application processing**
- 4 **fee**..... \$100.00.
- 5 (c) Certification fee, per year:
- 6 ~~(b)~~ ~~\$ 220.00.~~
- 7 (i) **Abatement firm**..... \$200.00.
- 8 (ii) **Environmental firm**..... \$200.00.

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

13 (5) By August 1 of each year, the department shall provide to
 14 the director of the department of management and budget and to the
 15 chairpersons of the appropriations committees of the senate and
 16 house of representatives a complete schedule of fees to be
 17 collected under this section.

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

20 (7) The department may waive the fees for an accredited
 21 training program for a person who has demonstrated that no part of
 22 its net earnings benefit any private shareholder or individual.

23 (8) **The department may adjust the amounts prescribed in**
 24 **subsection (1) every 3 years by an amount determined by the state**
 25 **treasurer to reflect the cumulative annual percentage change in the**
 26 **Detroit Consumer Price Index and rounded to the nearest dollar. As**
 27 **used in this subsection, "Detroit Consumer Price Index" means the**
 28 **most comprehensive index of consumer prices available for the**
 29 **Detroit area from the Bureau of Labor Statistics of the United**

1 **States Department of Labor.**

2 Sec. 5472. Before beginning a lead-based paint abatement,
 3 **including an interim control activity**, a person conducting lead-
 4 based paint abatement, **including an interim control activity**, shall
 5 notify the department, on forms provided by the department or
 6 through electronic methods approved by the department, regarding
 7 information the department considers necessary ~~in order to conduct~~
 8 **for compliance with section 5474b and** an unannounced site
 9 inspection. The person shall send notification not less than 3
 10 business days before commencing the lead-based paint abatement,
 11 **including an interim control activity.**

12 Sec. 5473a. (1) The department shall administer this part and
 13 promulgate rules as may be necessary for the administration and
 14 enforcement of this part pursuant to the administrative procedures
 15 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

16 (2) The department shall authorize, coordinate, and conduct
 17 programs to educate persons including, but not limited to,
 18 homeowners and remodelers of lead hazards associated with
 19 remodeling target housing and methods of lead-hazard reduction
 20 activities.

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

25 (4) ~~Not later than January 1, 2000, the~~ **The** department shall
 26 recommend appropriate maintenance practices for owners of
 27 residential property, day care facilities, and secured lenders that
 28 are designed to prevent lead poisoning among children **not more than**
 29 6 years of age ~~or less~~ and pregnant women. In making its

1 recommendations, the department shall consult with affected
 2 stakeholders and shall consider the effects of those maintenance
 3 practices on the availability and affordability of housing and
 4 credit.

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

10 (a) The name ~~, street address,~~ and telephone number of the
 11 owner, agent, or tenant of a residential dwelling where lead-based
 12 paint investigations have been conducted. **The address where the**
 13 **lead-based paint investigation occurred is not exempt.**

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

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

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

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

25 (b) A comprehensive educational and community outreach program
 26 regarding lead poisoning prevention that ~~shall,~~ **must,** at a minimum,
 27 include the development of appropriate educational materials
 28 targeted to health care providers, child care providers, public
 29 schools, owners and tenants of residential dwellings, and parents

1 of young children. These educational materials ~~shall~~**must** be made
 2 available, upon request, to local and state community groups, legal
 3 services organizations, and tenants' groups.

4 (c) A technical assistance system for health care providers to
 5 assist those providers in managing cases of childhood lead
 6 poisoning. As part of this system, the department shall require
 7 that results of all blood lead level tests conducted in Michigan be
 8 reported to the department as provided for in rule and that when
 9 the department receives notice of blood lead levels above 10
 10 micrograms per deciliter, it shall initiate contact with the local
 11 public health department or the physician, or both, of the child
 12 whose blood lead level exceeds 10 micrograms per deciliter.

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

25 (3) ~~Not more than 1 year after the effective date of this~~
 26 ~~part, and annually thereafter,~~ the ~~The~~ department shall **annually**
 27 prepare a written report regarding the expenditures under the lead
 28 poisoning prevention program including the amounts and sources of
 29 money from the previous year and a complete accounting of its use.

1 The report ~~shall~~**must** be given to the appropriate committees of the
 2 legislature and be made available to the general public upon
 3 request.

4 Sec. 5474b. (1) The department ~~in cooperation with the family~~
 5 ~~independence agency and the Michigan state housing development~~
 6 ~~authority~~ shall establish and maintain a registry, to be known as
 7 the "lead ~~safe~~**information** housing registry", to provide the public
 8 with a listing of residential and multifamily dwellings and child
 9 occupied facilities that have **had a lead-based paint investigation**
 10 **or have** been abated of or have had interim controls performed to
 11 control lead-based paint hazards as determined through a lead-based
 12 paint investigation performed by a certified risk assessor,
 13 **certified inspector, or EBL investigator** certified under this part.
 14 **The registry shall include, at a minimum, all of the following**
 15 **information:**

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

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

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

19 (d) **Property description.**

20 (e) **Date and description of any lead-based paint and interim**
 21 **control activities, including the name of the certified abatement**
 22 **worker or the certified risk assessor certified under this part who**
 23 **performed the abatement or conducted the inspection, assessment, or**
 24 **clearance testing of the building and the results of the lead**
 25 **hazard control activity.**

26 (2) The owner of target housing ~~that is offered for rent or~~
 27 ~~lease as a residence~~ or the owner of a child occupied facility
 28 ~~shall~~**may** register that property with the department if that
 29 property has **had a lead-based paint investigation or has** been

1 abated of or has had interim controls performed to control lead-
 2 based paint hazards as determined through a lead-based paint
 3 investigation performed by a certified risk assessor, **certified**
 4 **inspector, or EBL investigator** certified under this part in a form
 5 as prescribed by the department free of charge. The form ~~shall~~**must**
 6 include, at a minimum, **all of** the following **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)** ~~(d)~~ Date and description of any lead-based paint ~~activity~~
 12 **and interim control activities** including the name of the certified
 13 abatement worker or the certified risk assessor certified under
 14 this part who performed the abatement or conducted the inspection,
 15 ~~lead hazard screen, assessment, or clearance testing of the~~
 16 building and the results of the ~~lead-based paint~~ **lead hazard**
 17 **control** activity.

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

23 **(3)** ~~(4)~~ The owner of any other residential or multifamily
 24 dwelling that is **not otherwise included in the registry but is**
 25 offered for rent or lease as a residence or the owner of a child
 26 occupied facility may register that property with the department
 27 and the department shall include that property on the lead ~~safe~~
 28 **information** housing registry. A person who wishes to register under
 29 this subsection ~~shall~~**must** execute and return the registration form

1 to the department with payment of the registration fee in an amount
 2 as prescribed by the department. **To list a property on the lead**
 3 **information housing registry, properties built after 1978 may**
 4 **submit proof of year built instead of any lead-based paint or lead**
 5 **hazard control activity reports.**

6 (4) ~~(5)~~—The department shall publish the lead ~~safe-information~~
 7 housing registry on its website and provide a copy of the registry
 8 to a person upon request. The department may charge a reasonable,
 9 cost-based fee for providing copies of the lead ~~safe-information~~
 10 housing registry under this subsection.

11 Sec. 5474c. (1) The legislature recognizes the imminent
 12 threats posed to children's health and cognitive development from
 13 ingestion of lead paint dust in residential neighborhoods, the
 14 broad dispersal of lead-laden soils from historical airborne
 15 deposition of leaded fuel emissions, and identified specific
 16 facilities that present known or potential lead hazards. The
 17 legislature further recognizes the need to educate the citizens of
 18 this state regarding those threats.

19 (2) The legislature declares that ~~October 23 through October~~
 20 ~~29, 2005 shall be known as the "Lead Poisoning Prevention Week" and~~
 21 ~~for each year thereafter the period beginning on the fourth Sunday~~
 22 of October through the following Saturday shall be known as the
 23 "Lead Poisoning Prevention Week".

24 Sec. 5475. (1) The department shall receive or initiate
 25 complaints of alleged violations of this part or rules promulgated
 26 under this part and take action with respect to alleged violations
 27 or complaints as prescribed by this part.

28 (2) The department, in its own discretion, or upon the written
 29 complaint of an aggrieved party or of a state agency or political

1 subdivision of this state, may investigate the acts of an
2 accredited training program, an individual or other person
3 certified under this part, or a person allegedly engaged in lead-
4 based paint activity. The department may deny, suspend, or revoke
5 certification or accreditation issued under this part if a
6 certified person, accredited training program, certified
7 individual, or a person allegedly engaged in lead-based paint
8 activity is found to be not in compliance with this part or the
9 rules promulgated under this part. In addition, the department may
10 deny, suspend, or revoke a certification or accreditation issued
11 under this part for 1 or more of the following:

12 (a) Willful or negligent acts that cause a person to be
13 exposed to a lead-containing substance in violation of this part,
14 the rules promulgated under this part, or other state or federal
15 law pertaining to the public health and safety aspects of lead
16 abatement.

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

18 (c) Continued failure to obtain or renew certification or
19 accreditation under this part.

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

22 (e) Permitting a person who has not received the proper
23 training and certification under this part or other applicable
24 state or federal law to come in contact with lead or be responsible
25 for a lead abatement project.

26 **(3) Information identifying a complainant or person who**
27 **submits a tip or complaint to the department is exempt from**
28 **disclosure as a public record under the freedom of information act,**
29 **1976 PA 442, MCL 15.231 to 15.246.**

1 upon conviction for a second or subsequent offense, not more than
2 ~~\$10,000.00,~~ **\$25,000.00** or imprisonment for not more than 6 months,
3 or both. A violation of this subsection may be prosecuted by either
4 the attorney general or the prosecuting attorney of the judicial
5 district in which the violation was committed.

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

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

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

16 Enacting section 1. Section 5474b of the public health code,
17 1978 PA 368, MCL 333.5474b[1], is repealed.