

**SUBSTITUTE FOR
HOUSE BILL NO. 4532**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 5453, 5454, 5455, 5456, 5457, 5458, 5459,
5460, 5460a, 5461, 5461a, 5462, 5463, 5464, 5465, 5466, 5468, 5469,
5470, 5471, 5472, 5473a, 5474b, 5474c, 5475, 5476, and 5477 (MCL
333.5453, 333.5454, 333.5455, 333.5456, 333.5457, 333.5458,
333.5459, 333.5460, 333.5460a, 333.5461, 333.5461a, 333.5462,
333.5463, 333.5464, 333.5465, 333.5466, 333.5468, 333.5469,
333.5470, 333.5471, 333.5472, 333.5473a, 333.5474b, 333.5474c[1],
333.5475, 333.5476, and 333.5477), section 5453 as amended by 2008
PA 45, sections 5454, 5455, 5456, 5457, 5458, 5459, 5460, 5462,
5463, 5468, 5471, 5472, 5473a, 5475, 5476, and 5477 as amended by
2002 PA 644, sections 5460a, 5461, 5469, and 5470 as added by 1998

PA 219, sections 5461a, 5464, 5465, and 5466 as added by 1998 PA 220, section 5474b as added by 2004 PA 432, and section 5474c as added by 2004 PA 433; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5 (a) The **permanent** removal of lead-based paint and dust lead
6 hazards, the permanent enclosure or encapsulation of lead-based
7 paint, the replacement of lead-painted surfaces or fixtures, the
8 **permanent** removal or covering of soil lead hazards, and all
9 preparation, cleanup, disposal, and postabatement clearance testing
10 activities associated 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
22 company name or promotional literature, represents, advertises, or
23 holds themselves out to be in the business of performing lead-based
24 paint activities **and renovations** except a project that is exempt
25 from this part.

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

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

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

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

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

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

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

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

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

29 (A) Is in compliance with the procedures established under

1 ~~subpart J of part 35 of title 24 of the code of federal~~
 2 ~~regulations,~~ 24 CFR 35.900 to 35.940.

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

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

8 (I) The presence of any known lead-based paint and lead-based
 9 paint hazards.

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

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

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

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

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

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

28 (3) "Accredited training program" means a training program
 29 that has been accredited by the department under this part to

1 provide training for individuals engaged in lead-based paint
2 activities **and renovations.**

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

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

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

17 (2) ~~(3)~~ "Certified firm" means a person that performs a lead-
18 based paint activity for which the department has issued a
19 certificate of approval under this part.

20 (3) ~~(4)~~ "Certified inspector" means an individual who has been
21 trained by an accredited training program and certified by the
22 department under this part to conduct inspections and take samples
23 for the presence of lead in paint, dust, and soil for the purposes
24 of abatement clearance testing.

25 (4) ~~(5)~~ "Certified project designer" means an individual who
26 has been trained by an accredited training program and certified by
27 the department under this part to prepare abatement project
28 designs, occupant protection plans, and abatement reports.

29 (5) **"Certified renovator" means a renovator who has**

1 **successfully completed a renovator course accredited by the EPA or**
2 **an EPA authorized state or tribal program.**

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

9 (7) "Certified supervisor" means an individual who has been
10 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 (8) "Child occupied facility" means a building or portion of a
14 building constructed before 1978 that is visited regularly by ~~a the~~
15 **same** child who is **not more than** 6 years of age, ~~or less,~~ on at
16 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~~ **child care**
21 center, a preschool, and a kindergarten classroom. **A child occupied**
22 **facility 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 subdivision (a) (i).

8 Sec. 5455. (1) "Cleaning verification card" means a card
9 developed and distributed, or otherwise approved, by the EPA to
10 determine if postrenovation cleaning was properly completed through
11 the comparison of wet and dry disposable cleaning cloths with the
12 card.

13 (2) "Clearance levels" means the values that indicate the
14 maximum amount of lead permitted in dust on a surface following
15 completion of an abatement as listed in rules promulgated by the
16 department.

17 (3) ~~(2)~~ "Clearance professional" means ~~1 or more~~ **any** of the
18 following individuals when performing clearance testing:

19 (a) A certified inspector.

20 (b) A certified risk assessor.

21 ~~(c) A certified clearance technician.~~

22 (4) ~~(3)~~ "Common area" means a portion of a building that is
23 generally accessible to all occupants of the building. Common area
24 includes, but is not limited to, a hallway, a stairway, a laundry
25 and recreational room, a playground, a community center, a garage,
26 and a boundary fence.

27 (5) ~~(4)~~ "Component" or "building component" means ~~a specific~~
28 design or structural ~~element~~ **elements** or ~~fixture~~ **fixtures** of a
29 building ~~, or residential dwelling, or child occupied facility~~

1 that ~~is~~**are** distinguished **from each other** by ~~its~~ form, function,
2 and location. Component or building component ~~,~~ includes, but is
3 not limited to, ~~a specific interior or exterior~~**all of the**
4 **following:**

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

7 (i) Ceilings.

8 (ii) Crown molding.

9 (iii) Wall chair rails.

10 (iv) Doors.

11 (v) Door trim.

12 (vi) Floors.

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

14 (viii) Shelves.

15 (ix) Shelf supports.

16 (x) Stair treads.

17 (xi) Stair risers.

18 (xii) Stair stringers.

19 (xiii) Newel posts.

20 (xiv) Railing caps.

21 (xv) Balustrades.

22 (xvi) Windows.

23 (xvii) Window trim, including, but not limited to, sashes,
24 heads, jambs, sills or stools, and troughs.

25 (xviii) Built-in cabinets.

26 (xix) Columns.

27 (xx) Beams.

28 (xxi) Bathroom vanities.

1 (xxii) Counter tops.

2 (xxiii) Air conditioners.

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

6 (i) Painted roofing.

7 (ii) Chimneys.

8 (iii) Flashing.

9 (iv) Gutters and downspouts.

10 (v) Ceilings.

11 (vi) Soffits.

12 (vii) Fascias.

13 (viii) Rake boards.

14 (ix) Cornerboards.

15 (x) Bulkheads.

16 (xi) Door and door trim.

17 (xii) Fences.

18 (xiii) Floors.

19 (xiv) Joists.

20 (xv) Lattice work.

21 (xvi) Railings and railing caps.

22 (xvii) Siding.

23 (xviii) Handrails.

24 (xix) Stair risers and treads.

25 (xx) Stair stringers.

26 (xxi) Columns.

27 (xxii) Balustrades.

28 (xxiii) Window sills or stools and troughs, casings, sashes, and

1 wells.

2 (xxiv) Air conditioners.

3 (6) ~~(5)~~—"Containment" means a process to protect workers and
4 the environment by controlling exposure to a dust lead hazard and
5 debris created during an abatement **or renovation project**.

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

9 (8) ~~(7)~~—"Course test" means an evaluation of the overall
10 effectiveness of the accredited training program by testing a
11 trainee's knowledge and retention of the topics covered during the
12 accredited training program.

13 (9) ~~(8)~~—"Course test blueprint" means written documentation
14 identifying the proportion of course test questions devoted to each
15 major topic in the accredited training program curriculum.

16 Sec. 5456. ~~(1)~~ "Department" ~~means the department of community~~
17 ~~health.~~

18 (1) ~~(2)~~—"Deteriorated paint" means paint or other surface
19 coating that is cracking, flaking, chipping, peeling, or otherwise
20 damaged or separating from the substrate of a building component.

21 (2) ~~(3)~~—"Discipline" means 1 of the specific types or
22 categories of lead-based paint activities **or renovation** identified
23 in this part for which an individual may receive training from an
24 accredited training program and become certified by the department.

25 (3) ~~(4)~~—"Distinct painting history" means the application
26 history, as indicated by its visual appearance or a record of
27 application, over time of paint or other surface coatings to a
28 component or room.

29 (4) ~~(5)~~—"Documented methodology" means a method or protocol

1 used to do either or both of the following:

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

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

6 (5) **"Dry disposable cleaning cloth" means a commercially**
7 **available, dry, electrostatically charged, white, disposable cloth**
8 **designed for cleaning hard surfaces such as uncarpeted floors or**
9 **countertops.**

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

15 ~~(7) "Elevated blood level" or "EBL" means for purposes of lead~~
16 ~~abatement an excessive absorption of lead that is a confirmed~~
17 ~~concentration of lead in whole blood of 20 ug/dl, micrograms of~~
18 ~~lead per deciliter of whole blood, for a single venous test or of~~
19 ~~15-19 ug/dl in 2 consecutive tests taken 3 to 4 months apart. For~~
20 ~~purposes of case management of children 6 years of age or less,~~
21 ~~elevated blood level means an excessive absorption of lead that is~~
22 ~~a confirmed concentration of lead in whole blood of 10 ug/dl.~~

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

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

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

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

2 ~~(11) "EPA" means the United States environmental protection~~
3 ~~agency.~~

4 (7) "Dust sampling technician" means an individual who has
5 completed an approved training course and been certified by the
6 department under this part to conduct optional dust sampling
7 following renovation, repair, painting, or other activities under
8 40 CFR 745 subpart E. A dust sampling technician is not permitted
9 to conduct clearance after abatement activities.

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

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

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

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

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

28 (6) "Housing for the elderly" means retirement communities or
29 similar types of housing reserved for households composed of 1 or

1 **more persons not less than 62 years of age at the time of initial**
 2 **occupancy.**

3 (7) ~~(4)~~—"Inspection" means a surface-by-surface investigation
 4 in target housing or a child occupied facility to determine the
 5 presence of lead-based paint and the provision of a report
 6 explaining the results of the investigation.

7 (8) ~~(5)~~—"Interim controls" means a set of measures designed to
 8 temporarily reduce human exposure or likely exposure to lead-based
 9 paint hazards, including, but not limited to, specialized cleaning,
 10 repairs, maintenance, painting, temporary containment, ongoing
 11 monitoring of lead-based paint hazards or potential hazards, and
 12 the establishment and operation of management and resident
 13 education programs.

14 (9) **"Investigation" means an activity designed to determine**
 15 **the presence of lead-based paint or lead-based paint hazards in**
 16 **target housing or child occupied facilities. Investigation includes**
 17 **inspection, lead hazard screen, risk assessment, EBL environmental**
 18 **investigation, or clearance examination after abatement or**
 19 **renovation.**

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

23 (2) "Lead-based paint activity" means ~~inspection, risk~~
 24 ~~assessment,~~ **investigation** and abatement in target housing and child
 25 occupied facilities or in any part thereof. **of target housing and**
 26 **child occupied facilities.**

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

29 (a) Any lead-based paint on a friction surface that is subject

1 to abrasion ~~and where~~ **if** the lead dust levels on the nearest
2 horizontal surface are equal to or greater than the dust lead
3 hazard levels identified in rules promulgated under this part.

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

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

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

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

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

18 ~~(4) "Lead-based paint investigation" means an activity~~
19 ~~designed to determine the presence of lead-based paint or lead-~~
20 ~~based paint hazards in target housing and child-occupied~~
21 ~~facilities.~~

22 **(4) "Lead hazard control activity" means a measure or set of**
23 **measures designed or performed specifically to reduce or eliminate**
24 **lead-based paint hazards in target housing and child occupied**
25 **facilities. Lead hazard control activity includes, but is not**
26 **limited to, abatement, interim controls, and clearance examinations**
27 **following abatement.**

28 **(5) "Lead hazard screen" means a limited risk assessment**
29 **activity as described in 40 CFR 745.227.**

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

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

7 (2) "Multifamily dwelling" means a structure that contains
 8 more than 1 separate residential dwelling unit and ~~that~~ is used or
 9 occupied, or intended to be used or occupied, in whole or in part,
 10 as the home or residence of 1 or more persons.

11 (3) ~~(2)~~—"Paint in poor condition" means 1 or more of the
 12 following:

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

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

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

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

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

24 (6) ~~(3)~~—"Permanently covered soil" means soil that has been
 25 separated from human contact by the placement of a barrier
 26 consisting of solid, relatively impermeable materials, including,
 27 but not limited to, pavement or concrete but not including grass,
 28 mulch, or other landscaping materials.

29 (7) ~~(4)~~—"Person" means that term as defined in section 1106

1 but including ~~the~~ **this** state and a political subdivision of ~~the~~
2 **this** state.

3 (8) ~~(5)~~—"Principal instructor" means the individual who has
4 the primary responsibility for organizing and teaching a particular
5 course in an accredited training program.

6 (9) ~~(6)~~—"Recognized laboratory" means an environmental
7 laboratory recognized by the EPA pursuant to ~~under~~ section 405 of
8 title IV of the toxic substances control act, ~~Public Law 94-469,~~ 15
9 ~~U.S.C. USC~~ 2685, as being capable of performing an analysis for
10 lead compounds in paint, soil, and dust.

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

17 (11) ~~(7)~~—"Reduction" means a measure designed to reduce or
18 eliminate human exposure to a lead-based paint hazard through
19 methods, including, but not limited to, interim controls and
20 abatement.

21 (12) "Renovation" means the modification of any existing
22 structure, or portion thereof, that results in the disturbance of
23 painted surfaces, unless that activity is performed as part of an
24 abatement. Renovation does not include minor repair and maintenance
25 activities. Renovation includes, but is not limited to, all of the
26 following:

27 (a) The removal, modification, or repair of painted surfaces
28 or painted components, including, but not limited to, modification
29 of painted doors, surface restoration, window repair, or surface

1 preparation activity such as sanding, scraping, or other activities
2 that may generate paint dust.

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

5 (c) Weatherization projects, including, but not limited to,
6 cutting holes in painted surfaces to install blown-in insulation or
7 to gain access to attics and planing thresholds to install weather
8 stripping.

9 (d) A renovation to convert a building, or part of a building,
10 into target housing or a child occupied facility.

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

13 (14) ~~(8)~~ "Residential dwelling" means either of the following:

14 (a) A detached single family dwelling unit, including, but not
15 limited to, attached structures such as porches and stoops and
16 accessory structures such as garages, fences, and nonagricultural
17 or noncommercial outbuildings.

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

21 (15) ~~(9)~~ "Risk assessment" means ~~both of the following:~~

22 ~~(a) An~~ **an** on-site investigation in target housing or a child
23 occupied facility to determine the existence, nature, severity, and
24 location of a lead-based paint hazard.

25 ~~(b) The~~ **A risk assessment must include the** provision of a
26 report by the person conducting the risk assessment explaining the
27 results of the investigation and options for reducing the lead-
28 based paint hazard.

29 (16) ~~(10)~~ "Soil lead hazard" means bare soil on a residential

1 dwelling or on the property of a child occupied facility that
 2 contains lead at or in excess of levels identified by the EPA
 3 ~~pursuant to~~ **under** section 403 of title IV of the toxic substances
 4 control act, ~~Public Law 94-469, 15 U.S.C. USC~~ 2683, or as otherwise
 5 defined by rule.

6 **(17) "State examination" means the examination for**
 7 **certification under this part in the disciplines of inspector, risk**
 8 **assessor, worker, and supervisor offered and administered by a**
 9 **party other than an accredited training program.**

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

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

15 (b) A 0-bedroom dwelling.

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

18 ~~(2) "Third party examination" means the examination for~~
 19 ~~certification under this part in the disciplines of clearance~~
 20 ~~technician, inspector, risk assessor, worker, and supervisor~~
 21 ~~offered and administered by a party other than an accredited~~
 22 ~~training program.~~

23 **(2) (3) "Training curriculum" means an established set of**
 24 **course topics for instruction in an accredited training program for**
 25 **a particular discipline designed to provide specialized knowledge**
 26 **and skills.**

27 **(3) (4) "Training hour" means not less than 50 minutes of**
 28 **actual learning, including, but not limited to, time devoted to**
 29 **lecture, learning activities, small group activities,**

1 demonstrations, evaluations, or hands-on experience or a
2 combination of those activities.

3 (4) ~~(5)~~—"Training manager" means the individual responsible
4 for administering an accredited training program and monitoring the
5 performance of principal instructors and guest instructors.

6 (5) "Vertical containment" means a vertical barrier consisting
7 of plastic sheeting or other impermeable material over scaffolding
8 or a rigid frame, or an equivalent system of containing the work
9 area.

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

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

18 (8) "Wet disposable cleaning cloth" means a commercially
19 available, premoistened, white, disposable cloth designed for
20 cleaning hard surfaces such as uncarpeted floors or countertops.

21 (9) "Wet mopping system" means a device with all of the
22 following:

23 (a) A long handle.

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

26 (c) A reservoir for cleaning solution.

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

29 (10) "Work area" means the area that the certified lead

1 **abatement supervisor or certified renovator establishes to contain**
2 **dust and debris generated by lead hazard control or renovation**
3 **work.**

4 Sec. 5460a. (1) This part contains procedures and requirements
5 for the accreditation of lead-based paint activities **and renovation**
6 training programs, procedures and requirements for the
7 certification of individuals and other persons engaged in lead-
8 based paint activities **and renovations**, and work practice standards
9 for performing lead-based paint activities ~~as that term is defined~~
10 ~~in section 5458.~~ **and renovations**. This part requires that all lead-
11 based paint activities **and renovations** be performed by certified
12 individuals and persons. ~~, except for those circumstances and~~
13 ~~persons described in section 5453(2).~~

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

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

22 Sec. 5461. (1) A person shall not engage or offer to engage in
23 a lead-based paint activity **or renovation** unless certified in the
24 appropriate discipline under this part. A person conducting a lead-
25 based paint activity **or renovation** shall comply with the standards
26 for performing lead-based paint activities **or renovations** contained
27 in this part and the rules promulgated under this part.

28 (2) The department shall certify a person applying for
29 certification under this part if that person demonstrates to the

1 department that ~~he or she~~ **the person** is licensed, certified, or
2 registered in another state and the standards for obtaining that
3 license, certification, or registration are substantially similar
4 to those imposed under this part.

5 Sec. 5461a. (1) A person shall not provide or offer to provide
6 a training program for lead-based paint activities **or renovations**
7 unless the training program is accredited under the appropriate
8 discipline under this part. A person providing an accredited
9 training program shall comply with the standards for accreditation
10 and training certification prescribed in this part and the rules
11 promulgated under this part.

12 (2) The department shall accredit a training program if the
13 training program is registered by the department under the
14 department's voluntary registration program by August 30, 1998 if
15 the training program submits an application under section 5462.

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

- 19 (a) Inspector.
- 20 (b) Risk assessor.
- 21 (c) Supervisor.
- 22 (d) Project designer.
- 23 (e) Abatement worker/laborer.
- 24 ~~(f) Clearance technician.~~
- 25 **(f) Renovator.**
- 26 **(g) Dust sampling technician.**

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

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

5 (4) A person seeking accreditation for a training program
6 shall submit a written application to the department containing all
7 of the following:

8 (a) If the applicant is a sole proprietorship or corporation,
9 its "doing business as" or corporate identification number.

10 (b) The fee required by section 5471.

11 (c) The name of each principal position, partner, shareholder,
12 member, or owner.

13 (d) The training program's proposed name, address, and
14 telephone number.

15 (e) A list of courses and disciplines for which it is seeking
16 accreditation.

17 (f) A statement signed by the training program manager
18 certifying that the training program meets the requirements
19 established by this part and the rules promulgated under this part.

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

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

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

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

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

29 (l) A copy of the quality control plan as defined in rules

1 promulgated by the department.

2 (5) The department shall approve an application for
3 accreditation of a training program within 180 days after receiving
4 a complete application from the training program if the department
5 determines that the applicant meets the requirements of this part
6 and the rules promulgated under this part. In the case of approval,
7 the department shall send a certificate of accreditation to the
8 applicant. Before disapproving an application, the department may
9 advise the applicant as to specific inadequacies in the application
10 for accreditation or specific instances where the training program
11 does not meet the requirements of this part or the rules
12 promulgated under this part, or both. The department may request
13 additional information or materials from the training program under
14 this section. If the department disapproves a training program's
15 application for accreditation, the applicant may reapply for
16 accreditation at any time.

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

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

22 (b) Provide that the training manager described in subdivision
23 (a) designate a qualified principal instructor for each course who
24 has training, education, and experience as described in rules
25 promulgated by the department.

26 (c) Provide that the principal instructor described in
27 subdivision (b) be responsible for the organization of the course
28 and oversight of the teaching of all course material. A training
29 manager may designate guest instructors as needed to provide

1 instruction specific to the lecture, hands-on activities, or work
2 practice components of a course.

3 (7) The following documents are recognized by the department
4 as evidence that a training manager or a principal instructor has
5 the education, work experience, training requirements, or
6 demonstrated experience specifically listed in rules promulgated by
7 the department, which documentation is not required to be submitted
8 with the accreditation application but, if not submitted, must be
9 retained by the training program as required by the record-keeping
10 requirements contained in this part:

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

13 (b) A resume, letter of reference, or documentation of work
14 experience, as evidence of meeting the work experience
15 requirements.

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

19 (8) A training program accredited under this part ~~shall~~**must**
20 ensure the availability of, and provide adequate facilities for,
21 the delivery of the lecture, course test, hands-on training, and
22 assessment activities, including, but not limited to, providing
23 training equipment that reflects current work practices and
24 maintaining or updating the equipment and facilities of the
25 training program, as needed.

26 Sec. 5463. (1) A training program accredited under section
27 5462 ~~shall~~**must** provide training courses that meet the following
28 training hour requirements ~~in order~~ to become accredited in the
29 following disciplines:

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

6 (b) A risk assessor course ~~shall~~**must** last a minimum of 16
7 training hours, with a minimum of 4 hours devoted to hands-on
8 training activities. The department shall promulgate rules to
9 determine the minimum curriculum requirements for the risk assessor
10 course.

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

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

19 (e) An abatement worker course ~~shall~~**must** last a minimum of ~~16~~
20 **24** training hours, with a minimum of 8 hours devoted to hands-on
21 training activities. The department shall promulgate rules to
22 determine the minimum curriculum requirements for the abatement
23 worker course.

24 ~~(f) A clearance technician course shall last a minimum of 8~~
25 ~~training hours, with a minimum of 2 hours devoted to hands-on~~
26 ~~training activities. The department shall promulgate rules to~~
27 ~~determine the minimum curriculum requirements for the clearance~~
28 ~~technician course. Until rules are promulgated, a clearance~~
29 ~~technician course shall use the curriculum for the lead sampling~~

1 ~~technician course approved by the EPA under subpart Q of part 745~~
2 ~~of title 40 of the code of federal regulations.~~

3 **(f) The renovator and dust sampling technician course must**
4 **last a minimum of 8 training hours, with a minimum of 2 hours**
5 **devoted to hands-on training activities.**

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

10 (3) For each course offered, the training program ~~shall~~**must**
11 conduct a course test at the completion of the course and, if
12 applicable, a hands-on skills assessment. Each individual enrolled
13 in the training program must successfully complete the hands-on
14 skills assessment, if conducted for that course, and receive a
15 passing score on the course test ~~in order to~~ pass a course.

16 (4) The training manager shall maintain the validity and
17 integrity of a hands-on skills assessment to ensure that it
18 accurately evaluates the trainees' performance of the work
19 practices and procedures associated with the course topics
20 contained in rules promulgated under this section and the course
21 test to ensure that it accurately evaluates the trainees' knowledge
22 and retention of the course topics.

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

26 (6) A training program ~~shall~~**must** issue course completion
27 certificates to each individual who passes the training course. The
28 course completion certificates ~~shall~~**must** include **all of the**
29 **following information:**

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

3 (b) The name of the particular course that the individual
4 passed.

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

6 (d) Expiration date of course certificate.

7 (e) The name, address, and telephone number of the training
8 program.

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

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

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

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

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

28 (10) The training manager shall allow the department to audit
29 the training program to verify the contents of the application for

1 accreditation.

2 Sec. 5464. (1) A training program may seek accreditation to
3 offer refresher training courses in **classroom or online format in** 1
4 or more of the disciplines described in section 5462(1). A training
5 program ~~shall~~**must** meet those minimum requirements contained in
6 rules promulgated by the department ~~in order~~ to obtain department
7 accreditation.

8 (2) A training program may apply for accreditation of a
9 refresher course concurrently with its application for
10 accreditation of the corresponding training course pursuant to
11 rules promulgated by the department.

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

24 Sec. 5465. (1) Unless reaccredited, a training program's
25 accreditation under section 5462, including refresher course
26 training accredited under section 5464, expires 1 year after the
27 date of issuance.

28 (2) A training program seeking reaccreditation shall submit an
29 application to the department no later than 45 days before its

1 accreditation expires.

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

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

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

16 (a) Misrepresented the contents of a training course to the
17 department or the trainees enrolled in the training program, or
18 both.

19 (b) Failed to submit required information or notifications in
20 a timely manner.

21 (c) Failed to maintain required records.

22 (d) Falsified accreditation records, student certificates,
23 instructor qualifications, or other accreditation-related
24 information or documentation.

25 (e) Failed to comply with the training standards and
26 requirements of this part and the rules promulgated under this
27 part.

28 (f) Failed to comply with a federal, state, or local statute,
29 rule, or regulation involving lead-based paint activities **and**

1 **renovations.**

2 (g) Made false or misleading statements to the department in
3 its application for accreditation or reaccreditation that the
4 department relied upon in approving the application.

5 (2) In addition to an administrative or judicial finding of a
6 violation, the execution of a consent agreement in settlement of an
7 enforcement action is considered, for purposes of this section,
8 evidence of a failure to comply with the standards and requirements
9 of this part and the rules promulgated under this part or other
10 relevant statutes or regulations involving lead-based paint
11 activities **and renovations.**

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

17 (a) Compliance with the requirements of this part and the
18 rules promulgated under this part for the particular discipline for
19 which certification is sought.

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

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

29 (a) Inspector.

- 1 (b) Risk assessor.
- 2 (c) Supervisor.
- 3 (d) Project designer.
- 4 (e) Abatement worker.
- 5 ~~(f) Clearance technician.~~

- 6 **(f) Renovator.**
- 7 **(g) Dust sampling technician.**

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

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

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

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

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

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

29 (6) After an individual passes the appropriate certification

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

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

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

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

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

25 (9) After an individual has successfully completed the
 26 appropriate training courses, applied to the department, and met
 27 the requirements of this part and the rules promulgated under this
 28 part, the department shall issue a certificate to the individual.
 29 ~~in the discipline of project designer.~~ To maintain certification,

1 the individual must be periodically recertified pursuant to this
2 part.

3 **(10) An applicant pursuing certification as a certified**
4 **renovator or dust sampling technician must successfully complete a**
5 **course in the appropriate discipline and receive a course**
6 **completion certificate from an accredited training program before**
7 **applying to the department for certification.**

8 **(11)** ~~(10)~~ An individual who received training in a lead-based
9 paint activity between October 1, 1990 and March 1, 1999 and an
10 individual who has received lead-based paint activities **or**
11 **renovations** training at an EPA-authorized accredited training
12 program are eligible for certification by the department under
13 rules promulgated by the department.

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

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

21 ~~(a) Successfully complete an approved course for the~~
22 ~~discipline of clearance technician and receive a course completion~~
23 ~~certificate.~~

24 ~~(b) Pass the third party exam for the discipline of clearance~~
25 ~~technician.~~

26 **(13) If an individual has unpaid enforcement fines and the**
27 **individual is not successfully executing a payment plan established**
28 **by the department, the department shall deny that individual**
29 **recertification until the fine is paid in full or a payment plan is**

1 **established.**

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

6 (2) A person seeking certification under subsection (1) shall
7 submit to the department a letter attesting that the person shall
8 **employ** only ~~employ~~ appropriately certified employees **under section**
9 **5468** to conduct lead-based paint activities **or renovations** and that
10 the person and its employees shall follow the work practice
11 standards for conducting lead-based paint activities **and**
12 **renovations** as established in rules promulgated by the department.

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

15 (a) Complete the application and pay the appropriate fee
16 accompanied by a corporate identification number, certificate of
17 sole proprietorship, or other business entity documentation
18 acceptable to the department.

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

20 ~~(c) Submit proof of Michigan workers' disability compensation~~
21 ~~insurance.~~

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

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

27 (4) Not more than 90 days from the date of receipt of the
28 person's completed application, the department shall approve or
29 disapprove the person's request for certification. Within that time

1 period, the department shall respond with either a certificate of
2 approval or a letter describing the reasons for a disapproval.

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

6 (6) **If a person has unpaid enforcement fines and the person is**
7 **not successfully executing a payment plan established by the**
8 **department, the department shall deny that person recertification**
9 **until the fine is paid in full or a payment plan is established.**

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

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

- 19 (a) Initial application processing fee..... \$ 100.00.
- 20 (b) Initial accreditation fee..... ~~\$475.00~~ **\$450.00** per
21 discipline.
- 22 (c) Reaccreditation fee, annual..... ~~\$265.00~~ **\$250.00** per
23 discipline.

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

- 27 (a) Initial application processing fee..... \$ 25.00.
- 28 (b) Certification fee, per year **if 1 of the**
29 **following disciplines:**

1	(i) Inspector.....	\$ 150.00.
2		125.00.
3	(ii) Risk assessor.....	\$ 150.00.
4		125.00.
5	(iii) Supervisor.....	\$ 50.00.
6		75.00
7	(iv) Project designer.....	\$ 150.00.
8		125.00.
9	(v) Abatement worker/laborer.....	\$ 25.00.
10		50.00.
11	(vi) Clearance technician.....	\$ 50.00.

**Certification fee, per every 3 years if a dust
sampling technician.....**

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

- (a) Initial **abatement** application processing fee..... \$ 100.00.
- (b) ~~Certification~~ **Abatement firm certification** fee, per year..... \$ 220.00.
- (c) **Initial renovation firm application processing fee**..... \$ 100.00.
- (d) **Renovation firm certification fee per year**..... \$ 60.00.

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

(5) By August 1 of each year, the department shall provide to

1 the director of the department of management and budget and to the
2 chairpersons of the appropriations committees of the senate and
3 house of representatives a complete schedule of fees to be
4 collected under this section.

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

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

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

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

1 **unannounced site inspections.**

2 Sec. 5473a. (1) The department shall administer this part and
3 promulgate rules as may be necessary for the administration and
4 enforcement of this part pursuant to the administrative procedures
5 act of 1969, 1969 PA 306, MCL 24.201 to 24.328. **Rules promulgated**
6 **under this subsection must do all of the following:**

7 (a) **Adopt by reference the provisions of the regulations**
8 **issued by the EPA for renovation work practice activities in 40 CFR**
9 **part 745.**

10 (b) **Allow vertical containment to be used in any renovation or**
11 **lead-based paint activity.**

12 (c) **Allow for a lead hazard screen to be conducted as part of**
13 **municipal rental certification for target housing.**

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

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

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

1 maintenance practices on the availability and affordability of
2 housing and credit.

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

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

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

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

18 Sec. 5474b. (1) The department ~~in cooperation with the family~~
19 ~~independence agency and the Michigan state housing development~~
20 ~~authority~~ shall establish and maintain a registry, to be known as
21 the "lead ~~safe~~ **information** housing registry", to provide the public
22 with a listing of residential and multifamily dwellings and child
23 occupied facilities that have **had an inspection, a risk assessment,**
24 **or an EBL environmental investigation or have** been abated or
25 have had interim controls performed to control lead-based paint
26 hazards as determined through a ~~lead-based paint investigation~~ **a**
27 **clearance examination** performed by a certified risk assessor,
28 **certified inspector, or EBL environmental investigator** certified
29 under this part. **The registry must include, at a minimum, all of**

1 the following information:

2 (a) Name of the owner of the building.

3 (b) Address of the building.

4 (c) Date of construction.

5 (d) Property description.

6 (e) Date and description of any lead-based paint and interim
7 control activities, including the name of the certified abatement
8 worker or the certified risk assessor certified under this part who
9 performed the abatement or conducted the inspection, risk
10 assessment, EBL environmental investigation, or clearance
11 examination of the building and the results of the lead hazard
12 control activity.

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

25 (a) Name of the owner of the building.

26 (b) Address of the building.

27 (c) Date of construction.

28 (d) **Property description.**

29 (e) ~~(d)~~ Date and description of any lead-based paint ~~activity~~

1 **and interim control activities** including the name of the certified
2 abatement worker or the certified risk assessor certified under
3 this part who performed the abatement or conducted the inspection,
4 ~~lead-hazard screen, risk assessment, EBL environmental~~
5 **investigation**, or clearance ~~testing~~**examination** of the building and
6 the results of the ~~lead-based paint~~**lead hazard control** activity.

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

12 **(3)** ~~(4)~~The owner of any other residential or multifamily
13 dwelling that is **not otherwise included in the registry but is**
14 offered for rent or lease as a residence or the owner of a child
15 occupied facility may register that property with the department
16 and the department shall include that property on the lead ~~safe~~
17 **information** housing registry. A person who wishes to register under
18 this subsection ~~shall~~**must** execute and return the registration form
19 to the department with payment of the registration fee in an amount
20 as prescribed by the department. **To list a property on the lead**
21 **information housing registry, properties built after 1978 may**
22 **submit proof of year built instead of any lead-based paint or lead**
23 **hazard control activity reports.**

24 **(4)** ~~(5)~~The department shall publish the lead ~~safe~~**information**
25 housing registry on its website and provide a copy of the registry
26 to a person upon request. The department may charge a reasonable,
27 cost-based fee for providing copies of the lead ~~safe~~**information**
28 housing registry under this subsection.

29 Sec. 5474c. (1) The legislature recognizes the imminent

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

8 (2) The legislature declares that ~~October 23 through October~~
 9 ~~29, 2005 shall be known as the "Lead Poisoning Prevention Week" and~~
 10 ~~for each year thereafter the period beginning on the fourth Sunday~~
 11 of October through the following Saturday shall be known as the
 12 "Lead Poisoning Prevention Week".

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

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

1 accreditation issued under this part for 1 or more of the
2 following:

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

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

9 (c) Continued failure to obtain or renew certification or
10 accreditation under this part.

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

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

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

21 Sec. 5476. (1) A person who violates this part or a rule
22 promulgated under this part is subject to an administrative fine up
23 to the following amounts for each violation ~~or~~ **and \$500.00** each day
24 ~~that~~ a violation continues:

- 25 (a) For a first violation..... \$ ~~2,000.00.~~
- 26 **5,000.00.**
- 27 (b) For a second violation..... \$ ~~5,000.00.~~
- 28 **8,000.00.**

1 (c) For a third or subsequent violation..... \$ ~~10,000.00.~~
 2 **13,000.00.**

3 (2) If the department has reasonable cause to believe that a
 4 person has violated this part or a rule promulgated under this
 5 part, the department may issue a citation at that time or not later
 6 than ~~180 days~~ **3 years** after discovery of the alleged violation. The
 7 citation ~~shall~~ **must** be written and ~~shall~~ state with particularity
 8 the nature of the violation as provided for by the administrative
 9 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. An
 10 alleged violator may request an administrative hearing pursuant to
 11 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
 12 to 24.328.

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

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

28 (3) This part does not diminish the responsibilities of an
 29 owner or occupant, or the authority of enforcing agents under

1 state, county, city, municipal, or other local building, housing,
2 or health and safety codes.

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

5 Enacting section 1. Section 5474b of the public health code,
6 1978 PA 368, MCL 333.5474b[1], is repealed.

7 Enacting section 2. This amendatory act does not take effect
8 unless House Bill No. 5368 of the 102nd Legislature is enacted into
9 law.