

**SUBSTITUTE FOR
HOUSE BILL NO. 5561**

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 5451, 5457, 5458,
5459, 5460, 5460a, 5461, 5468, 5469, 5470, 5472, 5473a, 5474,
5475, 5477, and 5478.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

PART 54A

2

LEAD ABATEMENT

3

SEC. 5451. THIS PART SHALL BE KNOWN AND MAY BE CITED AS THE

4

"LEAD ABATEMENT ACT".

5

SEC. 5457. (1) "GUEST INSTRUCTOR" MEANS AN INDIVIDUAL DES-

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IGNATED BY THE MANAGER OR PRINCIPAL INSTRUCTOR OF AN ACCREDITED

7

TRAINING PROGRAM TO PROVIDE INSTRUCTION SPECIFIC TO THE LECTURE,

8

HANDS-ON ACTIVITIES, OR WORK PRACTICE COMPONENTS OF A COURSE IN

9

THE ACCREDITED TRAINING PROGRAM.

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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 AS DEFINED IN 40
6 C.F.R. 261.3.

7 (4) "INSPECTION" MEANS A SURFACE-BY-SURFACE INVESTIGATION TO
8 DETERMINE THE PRESENCE OF LEAD-BASED PAINT AND THE PROVISION OF A
9 REPORT EXPLAINING THE RESULTS OF THE INVESTIGATION.

10 (5) "INTERIM CONTROLS" MEANS A SET OF MEASURES DESIGNED TO
11 TEMPORARILY REDUCE HUMAN EXPOSURE OR LIKELY EXPOSURE TO
12 LEAD-BASED PAINT HAZARDS INCLUDING, BUT NOT LIMITED TO, SPECIAL-
13 IZED CLEANING, REPAIRS, MAINTENANCE, PAINTING, TEMPORARY CONTAIN-
14 MENT, ONGOING MONITORING OF LEAD-BASED PAINT HAZARDS OR POTENTIAL
15 HAZARDS, AND THE ESTABLISHMENT AND OPERATION OF MANAGEMENT AND
16 RESIDENT EDUCATION PROGRAMS.

17 SEC. 5458. (1) "LEAD-BASED PAINT" MEANS PAINT OR OTHER SUR-
18 FACE COATINGS THAT CONTAIN LEAD EQUAL TO OR IN EXCESS OF 1.0 MIL-
19 LIGRAMS PER SQUARE CENTIMETER OR MORE THAN 0.5% BY WEIGHT.

20 (2) "LEAD-BASED PAINT ACTIVITY" MEANS INSPECTION, RISK
21 ASSESSMENT, AND ABATEMENT IN TARGET HOUSING AND CHILD OCCUPIED
22 FACILITIES.

23 (3) "LEAD-BASED PAINT HAZARD" MEANS A CONDITION CAUSING
24 EXPOSURE TO LEAD FROM LEAD-CONTAMINATED DUST, LEAD-CONTAMINATED
25 SOIL, OR LEAD-BASED OR LEAD-CONTAMINATED PAINT THAT IS DETERIO-
26 RATED OR PRESENT IN AN ACCESSIBLE SURFACE, FRICTION SURFACE, OR

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1 IMPACT SURFACE THAT WOULD RESULT IN ADVERSE HUMAN HEALTH
2 EFFECTS.

3 (4) "LEAD-CONTAMINATED DUST" MEANS SURFACE DUST IN A RESI-
4 DENTIAL DWELLING OR CHILD OCCUPIED FACILITY THAT CONTAINS AN AREA
5 OR MASS CONCENTRATION OF LEAD AT OR IN EXCESS OF LEVELS IDENTI-
6 FIED BY THE EPA PURSUANT TO SECTION 403 OF TITLE IV OF THE TOXIC
7 SUBSTANCE CONTROL ACT, PUBLIC LAW 94-469, 15 U.S.C. 2683, OR AS
8 OTHERWISE DEFINED BY RULE.

9 (5) "LEAD-CONTAMINATED SOIL" MEANS BARE SOIL ON RESIDENTIAL
10 REAL PROPERTY OR ON THE PROPERTY OF A CHILD OCCUPIED FACILITY
11 THAT CONTAINS LEAD AT OR IN EXCESS OF LEVELS IDENTIFIED BY THE
12 EPA PURSUANT TO SECTION 403 OF TITLE IV OF THE TOXIC SUBSTANCE
13 CONTROL ACT, PUBLIC LAW 94-469, 15 U.S.C. 2683, OR AS OTHERWISE
14 DEFINED BY RULE.

15 (6) "LEAD-HAZARD SCREEN" MEANS A LIMITED RISK ASSESSMENT
16 ACTIVITY THAT INVOLVES LIMITED LEAD-BASED OR LEAD-CONTAMINATED
17 PAINT AND LEAD DUST SAMPLING.

18 (7) "LIVING AREA" MEANS AN AREA OF A RESIDENTIAL DWELLING
19 USED BY 1 OR MORE CHILDREN AGE 6 AND UNDER INCLUDING, BUT NOT
20 LIMITED TO, A LIVING ROOM, KITCHEN AREA, DEN, PLAYROOM, AND A
21 CHILDREN'S BEDROOM.

22 SEC. 5459. (1) "MULTIFAMILY DWELLING" MEANS A STRUCTURE
23 THAT CONTAINS MORE THAN 1 SEPARATE RESIDENTIAL DWELLING UNIT AND
24 THAT IS USED OR OCCUPIED, OR INTENDED TO BE USED OR OCCUPIED, IN
25 WHOLE OR IN PART, AS THE HOME OR RESIDENCE OF 1 OR MORE PERSONS.

26 (2) "PAINT IN POOR CONDITION" MEANS 1 OR MORE OF THE
27 FOLLOWING:

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1 (A) MORE THAN 10 SQUARE FEET OF DETERIORATED PAINT ON AN
2 EXTERIOR COMPONENT WITH A LARGE SURFACE AREA.

3 (B) MORE THAN 2 SQUARE FEET OF DETERIORATED PAINT ON AN
4 INTERIOR COMPONENT WITH LARGE SURFACE AREAS.

5 (C) MORE THAN 10% OF THE TOTAL SURFACE AREA OF THE COMPONENT
6 IS DETERIORATED ON AN INTERIOR OR EXTERIOR COMPONENT WITH A SMALL
7 SURFACE AREA.

8 (3) "PERMANENTLY COVERED SOIL" MEANS SOIL THAT HAS BEEN SEP-
9 ARATED FROM HUMAN CONTACT BY THE PLACEMENT OF A BARRIER CONSIST-
10 ING OF SOLID, RELATIVELY IMPERMEABLE MATERIALS INCLUDING, BUT NOT
11 LIMITED TO, PAVEMENT OR CONCRETE, BUT NOT INCLUDING GRASS, MULCH,
12 OR OTHER LANDSCAPING MATERIALS.

13 (4) "PERSON" MEANS THAT TERM AS DEFINED IN SECTION 1106 BUT
14 INCLUDING THE STATE AND A POLITICAL SUBDIVISION OF THE STATE.

15 (5) "PRINCIPAL INSTRUCTOR" MEANS THE INDIVIDUAL WHO HAS THE
16 PRIMARY RESPONSIBILITY FOR ORGANIZING AND TEACHING A PARTICULAR
17 COURSE IN AN ACCREDITED TRAINING PROGRAM.

18 (6) "RECOGNIZED LABORATORY" MEANS AN ENVIRONMENTAL LABORA-
19 TORY RECOGNIZED BY THE EPA PURSUANT TO SECTION 405 OF TITLE IV OF
20 THE TOXIC SUBSTANCES CONTROL ACT, PUBLIC LAW 94-469, 15
21 U.S.C. 2685, AS BEING CAPABLE OF PERFORMING AN ANALYSIS FOR LEAD
22 COMPOUNDS IN PAINT, SOIL, AND DUST.

23 (7) "REDUCTION" MEANS A MEASURE DESIGNED TO REDUCE OR ELIMI-
24 NATE HUMAN EXPOSURE TO A LEAD-BASED PAINT HAZARD THROUGH METHODS
25 INCLUDING, BUT NOT LIMITED TO, INTERIM CONTROLS AND ABATEMENT.

26 (8) "RESIDENTIAL DWELLING" MEANS EITHER OF THE FOLLOWING:

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1 (A) A DETACHED SINGLE FAMILY DWELLING UNIT, INCLUDING, BUT
2 NOT LIMITED, TO, ATTACHED STRUCTURES SUCH AS PORCHES AND STOOPS.

3 (B) A SINGLE FAMILY DWELLING UNIT IN A STRUCTURE THAT CON-
4 TAINS MORE THAN 1 SEPARATE RESIDENTIAL DWELLING UNIT USED OR
5 OCCUPIED, IN WHOLE OR IN PART, AS THE HOME OR RESIDENCE OF 1 OR
6 MORE PERSONS.

7 (9) "RISK ASSESSMENT" MEANS BOTH OF THE FOLLOWING:

8 (A) AN ON-SITE INVESTIGATION TO DETERMINE THE EXISTENCE,
9 NATURE, SEVERITY, AND LOCATION OF A LEAD-BASED PAINT HAZARD.

10 (B) THE PROVISION OF A REPORT BY THE PERSON CONDUCTING THE
11 RISK ASSESSMENT EXPLAINING THE RESULTS OF THE INVESTIGATION AND
12 OPTIONS FOR REDUCING THE LEAD-BASED PAINT HAZARD.

13 SEC. 5460. (1) "TARGET HOUSING" MEANS HOUSING CONSTRUCTED
14 BEFORE 1978, EXCEPT EITHER OF THE FOLLOWING:

15 (A) HOUSING FOR THE ELDERLY OR PERSONS WITH DISABILITIES,
16 UNLESS ANY 1 OR MORE CHILDREN AGE 6 YEARS OR UNDER RESIDES OR IS
17 EXPECTED TO RESIDE IN THAT HOUSING.

18 (B) A 0-BEDROOM DWELLING.

19 (2) "THIRD PARTY EXAMINATION" MEANS THE EXAMINATION FOR CER-
20 TIFICATION UNDER THIS PART IN THE DISCIPLINES OF INSPECTOR, RISK
21 ASSESSOR, WORKER, AND SUPERVISOR OFFERED AND ADMINISTERED BY A
22 PARTY OTHER THAN AN ACCREDITED TRAINING PROGRAM.

23 (3) "TRAINING CURRICULUM" MEANS AN ESTABLISHED SET OF COURSE
24 TOPICS FOR INSTRUCTION IN AN ACCREDITED TRAINING PROGRAM FOR A
25 PARTICULAR DISCIPLINE DESIGNED TO PROVIDE SPECIALIZED KNOWLEDGE
26 AND SKILLS.

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1 (4) "TRAINING HOUR" MEANS NOT LESS THAN 50 MINUTES OF ACTUAL
2 LEARNING, INCLUDING, BUT NOT LIMITED TO, TIME DEVOTED TO LECTURE,
3 LEARNING ACTIVITIES, SMALL GROUP ACTIVITIES, DEMONSTRATIONS,
4 EVALUATIONS, OR HANDS-ON EXPERIENCE OR A COMBINATION OF THOSE
5 ACTIVITIES.

6 (5) "TRAINING MANAGER" MEANS THE INDIVIDUAL RESPONSIBLE FOR
7 ADMINISTERING AN ACCREDITED TRAINING PROGRAM AND MONITORING THE
8 PERFORMANCE OF PRINCIPAL INSTRUCTORS AND GUEST INSTRUCTORS.

9 (6) "VISUAL INSPECTION FOR CLEARANCE TESTING" MEANS THE
10 VISUAL EXAMINATION OF A RESIDENTIAL DWELLING OR A CHILD OCCUPIED
11 FACILITY FOLLOWING AN ABATEMENT DESIGNED TO DETERMINE WHETHER THE
12 ABATEMENT HAS BEEN SUCCESSFULLY COMPLETED.

13 (7) "VISUAL INSPECTION FOR RISK ASSESSMENT" MEANS THE VISUAL
14 EXAMINATION OF A RESIDENTIAL DWELLING OR A CHILD OCCUPIED FACIL-
15 ITY TO DETERMINE THE EXISTENCE OF DETERIORATED PAINT OR OTHER
16 POTENTIAL SOURCES OF LEAD-BASED PAINT HAZARDS.

17 SEC. 5460A. (1) THIS PART CONTAINS PROCEDURES AND REQUIRE-
18 MENTS FOR THE ACCREDITATION OF LEAD-BASED PAINT ACTIVITIES TRAIN-
19 ING PROGRAMS, PROCEDURES AND REQUIREMENTS FOR THE CERTIFICATION
20 OF INDIVIDUALS AND OTHER PERSONS ENGAGED IN LEAD-BASED PAINT
21 ACTIVITIES, AND WORK PRACTICE STANDARDS FOR PERFORMING LEAD-BASED
22 PAINT ACTIVITIES AS THAT TERM IS DEFINED IN SECTION 5458. THIS
23 PART REQUIRES THAT ALL LEAD-BASED PAINT ACTIVITIES BE PERFORMED
24 BY CERTIFIED INDIVIDUALS AND PERSONS, EXCEPT FOR THOSE CIRCUM-
25 STANCES AND PERSONS DESCRIBED IN SECTION 5453(2).

26 (2) THIS PART DOES NOT APPLY TO INDIVIDUALS AND PERSONS
27 ENGAGED IN LEAD-BASED PAINT ACTIVITIES CONDUCTED WITHIN OR ON

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1 CERTAIN OWNER-OCCUPIED RESIDENTIAL AND MULTIFAMILY DWELLINGS AS
2 FURTHER DESCRIBED IN SECTION 5453(2) EXCEPT IN CERTAIN DWELLINGS
3 IN WHICH A RESIDING CHILD IS IDENTIFIED AS HAVING AN ELEVATED
4 BLOOD LEAD LEVEL.

5 (3) THIS PART DOES NOT REQUIRE THE OWNER OR OCCUPANT TO
6 UNDERTAKE ANY LEAD-BASED PAINT ACTIVITIES.

7 SEC. 5461. (1) A PERSON SHALL NOT ENGAGE OR OFFER TO ENGAGE
8 IN A LEAD-BASED PAINT ACTIVITY UNLESS CERTIFIED IN THE APPROPRI-
9 ATE DISCIPLINE UNDER THIS PART. A PERSON CONDUCTING A LEAD-BASED
10 PAINT ACTIVITY SHALL COMPLY WITH THE STANDARDS FOR PERFORMING
11 LEAD-BASED PAINT ACTIVITIES CONTAINED IN THIS PART AND THE RULES
12 PROMULGATED UNDER THIS PART.

13 (2) THE DEPARTMENT SHALL CERTIFY A PERSON APPLYING FOR CER-
14 TIFICATION UNDER THIS PART IF THAT PERSON DEMONSTRATES TO THE
15 DEPARTMENT THAT HE OR SHE IS LICENSED, CERTIFIED, OR REGISTERED
16 IN ANOTHER STATE AND THE STANDARDS FOR OBTAINING THAT LICENSE,
17 CERTIFICATION, OR REGISTRATION ARE SUBSTANTIALLY SIMILAR TO THOSE
18 IMPOSED UNDER THIS PART.

19 SEC. 5468. (1) AN INDIVIDUAL SEEKING CERTIFICATION BY THE
20 DEPARTMENT TO ENGAGE IN LEAD-BASED PAINT ACTIVITIES SHALL PAY THE
21 APPROPRIATE APPLICATION FEE REQUIRED UNDER SECTION 5471 AND
22 SUBMIT AN APPLICATION TO THE DEPARTMENT DEMONSTRATING EITHER OF
23 THE FOLLOWING:

24 (A) COMPLIANCE WITH THE REQUIREMENTS OF THIS PART AND THE
25 RULES PROMULGATED UNDER THIS PART FOR THE PARTICULAR DISCIPLINE
26 FOR WHICH CERTIFICATION IS SOUGHT.

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1 (B) A COPY OF A VALID LEAD-BASED PAINT ACTIVITIES
2 CERTIFICATION OR ITS EQUIVALENT, AS DETERMINED BY THE DEPARTMENT,
3 FROM A TRAINING PROGRAM THAT HAS BEEN AUTHORIZED BY THE EPA PUR-
4 SUANT TO 40 C.F.R. PART 745 ALONG WITH PROOF OF THE APPLICANT'S
5 THIRD PARTY EXAMINATION RESULTS.

6 (2) FOLLOWING THE SUBMISSION OF AN APPLICATION DEMONSTRATING
7 THAT THE REQUIREMENTS OF THIS PART AND THE RULES PROMULGATED
8 UNDER THIS PART HAVE BEEN MET, THE DEPARTMENT SHALL CERTIFY AN
9 APPLICANT IN 1 OR MORE OF THE FOLLOWING DISCIPLINES:

10 (A) INSPECTOR.

11 (B) RISK ASSESSOR.

12 (C) SUPERVISOR.

13 (D) PROJECT DESIGNER.

14 (E) ABATEMENT WORKER.

15 (3) UPON RECEIVING THE DEPARTMENT CERTIFICATION IN 1 OR MORE
16 OF THE DISCIPLINES DESCRIBED IN SUBSECTION (2), AN INDIVIDUAL
17 CONDUCTING LEAD-BASED PAINT ACTIVITIES SHALL COMPLY WITH THE WORK
18 PRACTICE STANDARDS FOR PERFORMING THAT DISCIPLINE AS ESTABLISHED
19 UNDER THIS PART AND THE RULES PROMULGATED UNDER THIS PART.

20 (4) BEGINNING MARCH 1, 1999, AN INDIVIDUAL SHALL NOT CONDUCT
21 A LEAD-BASED PAINT ACTIVITY UNLESS THAT INDIVIDUAL IS CERTIFIED
22 BY THE DEPARTMENT UNDER THIS SECTION IN THE APPROPRIATE
23 DISCIPLINE.

24 (5) AN INDIVIDUAL SHALL DO ALL OF THE FOLLOWING IN ORDER TO
25 BECOME CERTIFIED BY THE DEPARTMENT AS AN INSPECTOR, RISK ASSES-
26 SOR, ABATEMENT WORKER, OR SUPERVISOR:

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1 (A) SUCCESSFULLY COMPLETE A COURSE IN THE APPROPRIATE
2 DISCIPLINE AND RECEIVE A COURSE COMPLETION CERTIFICATE FROM AN
3 ACCREDITED TRAINING PROGRAM.

4 (B) PASS THE THIRD PARTY EXAM IN THE APPROPRIATE
5 DISCIPLINE.

6 (C) MEET THE EXPERIENCE OR EDUCATION REQUIREMENTS, OR BOTH,
7 AS DESCRIBED IN RULES PROMULGATED BY THE DEPARTMENT.

8 (6) AFTER AN INDIVIDUAL PASSES THE APPROPRIATE CERTIFICATION
9 EXAM AND SUBMITS AN APPLICATION DEMONSTRATING THAT HE OR SHE
10 MEETS THE APPROPRIATE TRAINING, EDUCATION, AND EXPERIENCE
11 REQUIREMENTS, THE DEPARTMENT SHALL ISSUE A CERTIFICATE TO THE
12 INDIVIDUAL IN THE SPECIFIC DISCIPLINE FOR WHICH CERTIFICATION IS
13 SOUGHT. TO MAINTAIN CERTIFICATION, AN INDIVIDUAL MUST BE RECER-
14 TIFIED PURSUANT TO THIS PART.

15 (7) AN INDIVIDUAL SHALL TAKE THE THIRD PARTY EXAM WITHIN 6
16 MONTHS AFTER RECEIVING A COURSE COMPLETION CERTIFICATE OR MUST
17 AGAIN COMPLETE THE APPROPRIATE COURSE FROM AN ACCREDITED TRAINING
18 PROGRAM IN ORDER TO BE ELIGIBLE FOR CERTIFICATION. AN INDIVIDUAL
19 IS NOT ELIGIBLE TO TAKE THE THIRD PARTY EXAM MORE THAN 3 TIMES
20 WITHIN THE 6 MONTHS AFTER RECEIVING A COURSE COMPLETION
21 CERTIFICATE.

22 (8) AN INDIVIDUAL SHALL DO BOTH OF THE FOLLOWING IN ORDER TO
23 BECOME CERTIFIED BY THE DEPARTMENT AS A PROJECT DESIGNER:

24 (A) SUCCESSFULLY COMPLETE A COURSE IN THE APPROPRIATE DISCI-
25 PLINE AND RECEIVE A COURSE COMPLETION CERTIFICATE FROM AN ACCRED-
26 ITED TRAINING PROGRAM.

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1 (B) MEET THE EXPERIENCE OR EDUCATION REQUIREMENTS, OR BOTH,
2 AS DESCRIBED IN RULES PROMULGATED BY THE DEPARTMENT.

3 (9) AFTER AN INDIVIDUAL HAS SUCCESSFULLY COMPLETED THE
4 APPROPRIATE TRAINING COURSES, APPLIED TO THE DEPARTMENT, AND MET
5 THE REQUIREMENTS OF THIS PART AND THE RULES PROMULGATED UNDER
6 THIS PART, THE DEPARTMENT SHALL ISSUE A CERTIFICATE TO THE INDI-
7 VIDUAL IN THE DISCIPLINE OF PROJECT DESIGNER. TO MAINTAIN CERTI-
8 FICATION, THE INDIVIDUAL MUST BE PERIODICALLY RECERTIFIED PURSU-
9 ANT TO THIS PART.

10 (10) AN INDIVIDUAL WHO RECEIVED TRAINING IN A LEAD-BASED
11 PAINT ACTIVITY BETWEEN OCTOBER 1, 1990 AND MARCH 1, 1999 AND AN
12 INDIVIDUAL WHO HAS RECEIVED LEAD-BASED PAINT ACTIVITIES TRAINING
13 AT AN EPA-AUTHORIZED ACCREDITED TRAINING PROGRAM ARE ELIGIBLE FOR
14 CERTIFICATION BY THE DEPARTMENT UNDER RULES PROMULGATED BY THE
15 DEPARTMENT.

16 (11) UNTIL AUGUST 30, 1999, AN INDIVIDUAL MAY APPLY TO THE
17 DEPARTMENT FOR CERTIFICATION UNDER SUBSECTION (10). BEGINNING
18 AUGUST 30, 1999, AN INDIVIDUAL SEEKING CERTIFICATION TO ENGAGE IN
19 LEAD-BASED PAINT ACTIVITIES SHALL APPLY FOR INITIAL CERTIFICATION
20 UNDER THIS PART.

21 (12) UPON SUBMISSION OF AN APPLICATION AND PAYMENT OF THE
22 APPROPRIATE FEE, THE DEPARTMENT SHALL ISSUE A CERTIFICATION TO
23 ENGAGE IN LEAD-BASED PAINT ACTIVITIES TO AN INDIVIDUAL REGISTERED
24 BY THE DEPARTMENT BY AUGUST 30, 1998 UNDER THE DEPARTMENT'S VOL-
25 UNTARY REGISTRATION PROGRAM.

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1 (13) IN ORDER TO MAINTAIN CERTIFICATION IN A PARTICULAR
2 DISCIPLINE, A CERTIFIED INDIVIDUAL SHALL APPLY TO AND BE
3 RECERTIFIED IN THAT DISCIPLINE BY THE DEPARTMENT EVERY 3 YEARS.

4 SEC. 5469. (1) BEGINNING AUGUST 30, 1999, A PERSON SHALL
5 NOT PERFORM OR OFFER TO PERFORM LEAD-BASED PAINT ACTIVITIES WITH-
6 OUT OBTAINING CERTIFICATION BY THE DEPARTMENT UNDER THIS PART.

7 (2) A PERSON SEEKING CERTIFICATION UNDER SUBSECTION (1)
8 SHALL SUBMIT TO THE DEPARTMENT A LETTER ATTESTING THAT THE PERSON
9 SHALL ONLY EMPLOY APPROPRIATELY CERTIFIED EMPLOYEES TO CONDUCT
10 LEAD-BASED PAINT ACTIVITIES AND THAT THE PERSON AND ITS EMPLOYEES
11 SHALL FOLLOW THE WORK PRACTICE STANDARDS FOR CONDUCTING
12 LEAD-BASED PAINT ACTIVITIES AS ESTABLISHED IN RULES PROMULGATED
13 BY THE DEPARTMENT.

14 (3) A PERSON SEEKING CERTIFICATION UNDER SUBSECTION (1)
15 SHALL DO ALL OF THE FOLLOWING:

16 (A) COMPLETE THE APPLICATION AND PAY THE APPROPRIATE FEE
17 ACCOMPANIED BY A CORPORATE IDENTIFICATION NUMBER, CERTIFICATE OF
18 SOLE PROPRIETORSHIP, OR OTHER BUSINESS ENTITY DOCUMENTATION
19 ACCEPTABLE TO THE DEPARTMENT.

20 (B) INDICATE WHETHER THE APPLICANT HAS LIABILITY INSURANCE.

21 (C) SUBMIT PROOF OF MICHIGAN WORKERS' DISABILITY COMPENSA-
22 TION INSURANCE.

23 (D) SUBMIT PROOF THAT EACH EMPLOYEE OR AGENT INVOLVED IN
24 LEAD-BASED PAINT ACTIVITIES HAS RECEIVED TRAINING AND CERTIFICA-
25 TION AS REQUIRED BY THIS PART.

26 (E) IF APPLICABLE, SUBMIT THE NAME OF EACH PRINCIPAL
27 PARTNER, SHAREHOLDER, MEMBER, OR OWNER.

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1 (4) NOT MORE THAN 90 DAYS FROM THE DATE OF RECEIPT OF THE
2 PERSON'S COMPLETED APPLICATION, THE DEPARTMENT SHALL APPROVE OR
3 DISAPPROVE THE PERSON'S REQUEST FOR CERTIFICATION. WITHIN THAT
4 TIME PERIOD, THE DEPARTMENT SHALL RESPOND WITH EITHER A CERTIFI-
5 CATE OF APPROVAL OR A LETTER DESCRIBING THE REASONS FOR A
6 DISAPPROVAL.

7 (5) A PERSON CERTIFIED BY THE DEPARTMENT UNDER THIS SECTION
8 SHALL MAINTAIN ALL RECORDS PURSUANT TO THE REQUIREMENTS IMPOSED
9 IN RULES PROMULGATED BY THE DEPARTMENT.

10 SEC. 5470. BEGINNING ON MARCH 1, 1999, ALL LEAD-BASED PAINT
11 ACTIVITIES SHALL BE PERFORMED BY AN INDIVIDUAL CERTIFIED IN THE
12 APPROPRIATE DISCIPLINE UNDER THIS PART AND PURSUANT TO THE WORK
13 PRACTICE STANDARDS PRESCRIBED IN RULES PROMULGATED BY THE
14 DEPARTMENT.

15 SEC. 5472. BEFORE BEGINNING A LEAD-BASED PAINT ACTIVITY, A
16 PERSON CONDUCTING LEAD-BASED PAINT ACTIVITIES SHALL NOTIFY THE
17 DEPARTMENT, ON FORMS PROVIDED BY THE DEPARTMENT, REGARDING INFOR-
18 MATION THE DEPARTMENT CONSIDERS NECESSARY IN ORDER TO CONDUCT AN
19 UNANNOUNCED SITE INSPECTION. THE PERSON SHALL SEND NOTIFICATION
20 NOT LESS THAN 7 CALENDAR DAYS BEFORE COMMENCING THE LEAD-BASED
21 PAINT ACTIVITY.

22 SEC. 5473A. (1) THE DEPARTMENT SHALL ADMINISTER THIS PART
23 AND PROMULGATE RULES AS MAY BE NECESSARY FOR THE ADMINISTRATION
24 AND ENFORCEMENT OF THIS PART PURSUANT TO THE ADMINISTRATIVE PRO-
25 CEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.

26 (2) THE DEPARTMENT SHALL AUTHORIZE, COORDINATE, AND CONDUCT
27 PROGRAMS TO EDUCATE PERSONS INCLUDING, BUT NOT LIMITED TO,

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1 HOMEOWNERS AND REMODELERS OF LEAD HAZARDS ASSOCIATED WITH
2 REMODELING TARGET HOUSING AND METHODS OF LEAD-HAZARD REDUCTION
3 ACTIVITIES.

4 (3) THE DEPARTMENT SHALL ESTABLISH A PROGRAM THAT PROVIDES
5 AN OPPORTUNITY FOR PROPERTY OWNERS, MANAGERS, AND MAINTENANCE
6 STAFF TO LEARN ABOUT LEAD-SAFE PRACTICES AND THE AVOIDANCE OF
7 CREATING LEAD-BASED PAINT HAZARDS DURING MINOR PAINTING, REPAIR,
8 OR RENOVATION.

9 (4) NOT LATER THAN JANUARY 1, 2000, THE DEPARTMENT SHALL
10 RECOMMEND APPROPRIATE MAINTENANCE PRACTICES FOR OWNERS OF RESI-
11 DENTIAL PROPERTY, DAY CARE FACILITIES, AND SECURED LENDERS THAT
12 ARE DESIGNED TO PREVENT LEAD POISONING AMONG CHILDREN UNDER 6
13 YEARS OF AGE AND PREGNANT WOMEN. IN MAKING ITS RECOMMENDATIONS,
14 THE DEPARTMENT SHALL CONSULT WITH AFFECTED STAKEHOLDERS AND SHALL
15 CONSIDER THE EFFECTS OF THOSE MAINTENANCE PRACTICES ON THE AVAIL-
16 ABILITY AND AFFORDABILITY OF HOUSING AND CREDIT.

17 SEC. 5474. (1) THE DEPARTMENT SHALL ESTABLISH A LEAD POI-
18 SONING PREVENTION PROGRAM THAT HAS THE FOLLOWING COMPONENTS:

19 (A) A COORDINATED AND COMPREHENSIVE PLAN TO PREVENT CHILD-
20 HOOD LEAD POISONING AND TO CONTROL EXPOSURE OF THE GENERAL PUBLIC
21 TO LEAD-BASED PAINT HAZARDS.

22 (B) A COMPREHENSIVE EDUCATIONAL AND COMMUNITY OUTREACH PRO-
23 GRAM REGARDING LEAD POISONING PREVENTION THAT SHALL, AT A MINI-
24 MUM, INCLUDE THE DEVELOPMENT OF APPROPRIATE EDUCATIONAL MATERIALS
25 TARGETED TO HEALTH CARE PROVIDERS, CHILD CARE PROVIDERS, PUBLIC
26 SCHOOLS, OWNERS AND TENANTS OF RESIDENTIAL DWELLINGS, AND PARENTS
27 OF YOUNG CHILDREN. THESE EDUCATIONAL MATERIALS SHALL BE MADE

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1 AVAILABLE, UPON REQUEST, TO LOCAL AND STATE COMMUNITY GROUPS,
2 LEGAL SERVICES ORGANIZATIONS, AND TENANTS' GROUPS.

3 (C) [A TECHNICAL ASSISTANCE SYSTEM FOR HEALTH CARE PROVIDERS
4 TO ASSIST THOSE PROVIDERS IN MANAGING CASES OF CHILDHOOD LEAD
5 POISONING.] AS PART OF THIS SYSTEM, THE DEPART-
6 MENT SHALL REQUIRE THAT RESULTS OF ALL BLOOD LEAD LEVEL TESTS
7 CONDUCTED IN MICHIGAN BE REPORTED TO THE DEPARTMENT [AS PROVIDED FOR
IN RULE] AND THAT WHEN
8 THE DEPARTMENT RECEIVES NOTICE OF BLOOD LEAD LEVELS ABOVE 10
9 MICROGRAMS PER DECILITER, IT SHALL INITIATE CONTACT WITH THE
10 LOCAL PUBLIC HEALTH DEPARTMENT OR THE PHYSICIAN, OR BOTH, OF THE
11 CHILD WHOSE BLOOD LEAD LEVEL EXCEEDS 10 MICROGRAMS PER
12 DECILITER.

13 (2) THE DEPARTMENT SHALL 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 DURING THE
16 PRECEDING FISCAL YEAR AND WHO WERE CONFIRMED TO HAVE HAD BLOOD
17 LEAD LEVELS ABOVE 10 MICROGRAMS PER DECILITER. THE REPORT SHALL
18 COMPARE THESE RATES WITH THOSE OF PREVIOUS FISCAL YEARS AND THE
19 DEPARTMENT SHALL RECOMMEND METHODS FOR IMPROVING COMPLIANCE WITH
20 GUIDELINES ISSUED BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND
21 PREVENTION, INCLUDING ANY NECESSARY LEGISLATION OR
22 APPROPRIATIONS.

23 (3) NOT MORE THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THIS
24 PART, AND ANNUALLY THEREAFTER, THE DEPARTMENT SHALL PREPARE A
25 WRITTEN REPORT REGARDING THE EXPENDITURES UNDER THE LEAD POISON-
26 ING PREVENTION PROGRAM INCLUDING THE AMOUNTS AND SOURCES OF MONEY
27 FROM THE PREVIOUS YEAR AND A COMPLETE ACCOUNTING OF ITS USE. THE

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1 REPORT SHALL BE GIVEN TO THE APPROPRIATE COMMITTEES OF THE
2 LEGISLATURE AND BE MADE AVAILABLE TO THE GENERAL PUBLIC UPON
3 REQUEST.

4 SEC. 5475. (1) THE DEPARTMENT SHALL RECEIVE OR INITIATE
5 COMPLAINTS OF ALLEGED VIOLATIONS OF THIS PART OR RULES PROMUL-
6 GATED UNDER THIS PART AND TAKE ACTION WITH RESPECT TO ALLEGED
7 VIOLATIONS OR COMPLAINTS AS PRESCRIBED BY THIS PART.

8 (2) THE DEPARTMENT, IN ITS OWN DISCRETION, OR UPON THE WRIT-
9 TEN COMPLAINT OF AN AGGRIEVED PARTY OR OF A STATE AGENCY OR
10 POLITICAL SUBDIVISION OF THIS STATE, MAY INVESTIGATE THE ACTS OF
11 AN ACCREDITED TRAINING PROGRAM OR AN INDIVIDUAL OR OTHER PERSON
12 CERTIFIED UNDER THIS PART. THE DEPARTMENT MAY DENY, SUSPEND, OR
13 REVOKE CERTIFICATION OR ACCREDITATION ISSUED UNDER THIS PART IF A
14 CERTIFIED PERSON, ACCREDITED TRAINING PROGRAM, OR CERTIFIED INDI-
15 VIDUAL IS FOUND TO BE NOT IN COMPLIANCE WITH THIS PART OR THE
16 RULES PROMULGATED UNDER THIS PART. IN ADDITION, THE DEPARTMENT
17 MAY DENY, SUSPEND, OR REVOKE A CERTIFICATION OR ACCREDITATION
18 ISSUED UNDER THIS PART FOR 1 OR MORE OF THE FOLLOWING:

19 (A) WILLFUL OR NEGLIGENT ACTS THAT CAUSE A PERSON TO BE
20 EXPOSED TO A LEAD-CONTAINING SUBSTANCE IN VIOLATION OF THIS PART,
21 THE RULES PROMULGATED UNDER THIS PART, OR OTHER STATE OR FEDERAL
22 LAW PERTAINING TO THE PUBLIC HEALTH AND SAFETY ASPECTS OF LEAD
23 ABATEMENT.

24 (B) FALSIFICATION OF RECORDS REQUIRED UNDER THIS PART.

25 (C) CONTINUED FAILURE TO OBTAIN OR RENEW CERTIFICATION OR
26 ACCREDITATION UNDER THIS PART.

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1 (D) DELIBERATE MISREPRESENTATION OF FACTS OR INFORMATION IN
2 APPLYING FOR CERTIFICATION OR ACCREDITATION UNDER THIS PART.

3 (E) PERMITTING A PERSON WHO HAS NOT RECEIVED THE PROPER
4 TRAINING AND CERTIFICATION UNDER THIS PART OR OTHER APPLICABLE
5 STATE OR FEDERAL LAW TO COME IN CONTACT WITH LEAD OR BE RESPONSIB-
6 BLE FOR A LEAD ABATEMENT PROJECT.

7 SEC. 5477. (1) A PERSON WHO ENGAGES IN A REGULATED ACTIVITY
8 AS PROVIDED FOR BY THIS PART OR ANY PERSON WHO VIOLATES THIS PART
9 OR ANY RULES PROMULGATED UNDER THIS PART AND WHO FAILS TO CORRECT
10 THE VIOLATION AFTER NOTICE FROM THE DEPARTMENT UNDER THIS PART IS
11 GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN
12 \$5,000.00, AND UPON CONVICTION FOR A SECOND OR SUBSEQUENT
13 OFFENSE, NOT MORE THAN \$10,000.00, OR IMPRISONMENT FOR NOT MORE
14 THAN 6 MONTHS, OR BOTH. A VIOLATION OF THIS PART MAY BE PROSE-
15 CUTED BY EITHER THE ATTORNEY GENERAL OR THE PROSECUTING ATTORNEY
16 OF THE JUDICIAL DISTRICT IN WHICH THE VIOLATION WAS COMMITTED.

17 (2) THE APPLICATION OF SANCTIONS UNDER THIS PART IS CUMULA-
18 TIVE AND DOES NOT PRECLUDE THE APPLICATION OF OTHER SANCTIONS,
19 PENALTIES, OR PROVISIONS OF ANY OTHER FEDERAL, STATE, OR POLITI-
20 CAL SUBDIVISION.

21 (3) THIS ACT DOES NOT DIMINISH THE RESPONSIBILITIES OF AN
22 OWNER OR OCCUPANT, OR THE AUTHORITY OF ENFORCING AGENTS UNDER
23 STATE, COUNTY, CITY, MUNICIPAL, OR OTHER LOCAL BUILDING, HOUSING,
24 OR HEALTH AND SAFETY CODES.

25 (4) THE REQUIREMENTS OF THIS ACT ARE IN ADDITION TO OTHER
26 PERTINENT PROVISIONS OF A CODE LISTED IN SUBSECTION (3).

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1 SEC. 5478. A LEAD ABATEMENT CONTRACTOR PROVIDING WRITTEN
2 NOTIFICATION TO THE DEPARTMENT PURSUANT TO SECTION 5472 FOR
3 LEAD-BASED PAINT ABATEMENT ACTIVITY SHALL INCLUDE A FEE EQUAL TO
4 1% OF THE PRICE OF THE CONTRACT FOR THE PROJECT AND SHALL MAKE
5 AVAILABLE UPON REQUEST TO THE DEPARTMENT A COPY OF THE CONTRACT
6 FOR THE PROJECT. ALL FEES COLLECTED PURSUANT TO THIS SECTION
7 SHALL BE ALLOCATED TO THE DEPARTMENT FOR THE ENFORCEMENT AND
8 ADMINISTRATION OF THIS PART.

9 Enacting section 1. This amendatory act does not take
10 effect unless Senate Bill No. 1047 of the 89th Legislature is
11 enacted into law.