

**SUBSTITUTE FOR
SENATE BILL NO. 1047**

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding part 54a.

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. 5452. FOR PURPOSES OF THIS PART, THE WORDS AND PHRASES
6 DEFINED IN SECTIONS 5453 TO 5460 HAVE THE MEANINGS ASCRIBED TO
7 THEM UNLESS THE CONTEXT REQUIRES OTHERWISE.

8 SEC. 5453. (1) "ABATEMENT", EXCEPT AS OTHERWISE PROVIDED IN
9 SUBSECTION (2), MEANS A MEASURE OR SET OF MEASURES DESIGNED TO
10 PERMANENTLY ELIMINATE LEAD-BASED PAINT HAZARDS. ABATEMENT
11 INCLUDES ALL OF THE FOLLOWING:

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1 (A) THE REMOVAL OF LEAD-BASED PAINT AND LEAD-CONTAMINATED
2 DUST, THE PERMANENT ENCLOSURE OR ENCAPSULATION OF LEAD-BASED
3 PAINT, THE REPLACEMENT OF LEAD-PAINTED SURFACES OR FIXTURES, THE
4 REMOVAL OR COVERING OF LEAD-CONTAMINATED SOIL, AND ALL PREPARA-
5 TION, CLEANUP, DISPOSAL, AND POSTABATEMENT CLEARANCE TESTING
6 ACTIVITIES ASSOCIATED WITH SUCH MEASURES.

7 (B) A PROJECT FOR WHICH THERE IS A WRITTEN CONTRACT OR OTHER
8 DOCUMENTATION THAT PROVIDES THAT A PERSON WILL BE CONDUCTING
9 ACTIVITIES IN OR TO A RESIDENTIAL DWELLING OR CHILD OCCUPIED
10 FACILITY THAT WILL RESULT IN THE PERMANENT ELIMINATION OF
11 LEAD-BASED PAINT HAZARDS OR THAT ARE DESIGNED TO PERMANENTLY
12 ELIMINATE LEAD-BASED PAINT HAZARDS.

13 (C) A PROJECT RESULTING IN THE PERMANENT ELIMINATION OF
14 LEAD-BASED PAINT HAZARDS, CONDUCTED BY A PERSON CERTIFIED UNDER
15 THIS ACT, EXCEPT A PROJECT THAT IS EXEMPT FROM THIS PART.

16 (D) A PROJECT RESULTING IN THE PERMANENT ELIMINATION OF
17 LEAD-BASED PAINT HAZARDS, CONDUCTED BY A PERSON WHO, THROUGH
18 THEIR COMPANY NAME OR PROMOTIONAL LITERATURE, REPRESENTS, ADVER-
19 TISES, OR HOLDS THEMSELVES OUT TO BE IN THE BUSINESS OF PERFORM-
20 ING LEAD-BASED PAINT ACTIVITIES EXCEPT A PROJECT THAT IS EXEMPT
21 FROM THIS PART.

22 (E) A PROJECT RESULTING IN THE PERMANENT ELIMINATION OF
23 LEAD-BASED PAINT HAZARDS THAT IS CONDUCTED IN RESPONSE TO A STATE
24 OR LOCAL GOVERNMENT ABATEMENT ORDER.

25 (2) ABATEMENT DOES NOT INCLUDE ANY OF THE FOLLOWING:

26 (A) RENOVATION, REMODELING, LANDSCAPING, OR OTHER ACTIVITY,
27 IF THE ACTIVITY IS NOT DESIGNED TO PERMANENTLY ELIMINATE

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1 LEAD-BASED PAINT HAZARDS, BUT IS INSTEAD DESIGNED TO REPAIR,
2 RESTORE, OR REMODEL A STRUCTURE, TARGET HOUSING, OR DWELLING EVEN
3 THOUGH THE ACTIVITY MAY INCIDENTALY RESULT IN A REDUCTION OR
4 ELIMINATION OF A LEAD-BASED PAINT HAZARD.

5 (B) AN INTERIM CONTROL, OPERATION, AND MAINTENANCE ACTIVITY,
6 OR OTHER MEASURE OR ACTIVITY DESIGNED TO TEMPORARILY, BUT NOT
7 PERMANENTLY, REDUCE A LEAD-BASED PAINT HAZARD.

8 (C) ANY LEAD-BASED PAINT ACTIVITY PERFORMED BY THE OWNER OF
9 AN OWNER-OCCUPIED RESIDENTIAL DWELLING OR AN OWNER-OCCUPIED MUL-
10 TIFAMILY DWELLING CONTAINING 4 OR FEWER UNITS IF THE ACTIVITY IS
11 PERFORMED ONLY IN THAT OWNER-OCCUPIED UNIT OF THE MULTIFAMILY
12 DWELLING.

13 (3) "ACCREDITED TRAINING PROGRAM" MEANS A TRAINING PROGRAM
14 THAT HAS BEEN ACCREDITED BY THE DEPARTMENT UNDER THIS PART TO
15 PROVIDE TRAINING FOR INDIVIDUALS ENGAGED IN LEAD-BASED PAINT
16 ACTIVITIES.

17 (4) "ADEQUATE QUALITY CONTROL" MEANS A PLAN OR DESIGN THAT
18 ENSURES THE AUTHENTICITY, INTEGRITY, AND ACCURACY OF A SAMPLE
19 INCLUDING, BUT NOT LIMITED TO, A DUST SAMPLE, A SOIL OR PAINT
20 CHIP SAMPLE, OR A PAINT FILM SAMPLE. ADEQUATE QUALITY CONTROL
21 ALSO INCLUDES A PROVISION IN A PLAN OR DESIGN DESCRIBED IN THIS
22 SUBSECTION FOR REPRESENTATIVE SAMPLING.

23 SEC. 5454. (1) "CERTIFIED ABATEMENT WORKER" MEANS AN INDI-
24 VIDUAL WHO HAS BEEN TRAINED TO PERFORM ABATEMENTS BY AN ACCREDI-
25 TED TRAINING PROGRAM.

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1 (2) "CERTIFIED FIRM" MEANS A PERSON THAT PERFORMS A
2 LEAD-BASED PAINT ACTIVITY FOR WHICH THE DEPARTMENT HAS ISSUED A
3 CERTIFICATE OF APPROVAL UNDER THIS PART.

4 (3) "CERTIFIED INSPECTOR" MEANS AN INDIVIDUAL WHO HAS BEEN
5 TRAINED BY AN ACCREDITED TRAINING PROGRAM AND CERTIFIED BY THE
6 DEPARTMENT UNDER THIS PART TO CONDUCT INSPECTIONS AND TAKE SAM-
7 PLES FOR THE PRESENCE OF LEAD IN PAINT, DUST, AND SOIL FOR THE
8 PURPOSES OF ABATEMENT CLEARANCE TESTING.

9 (4) "CERTIFIED PROJECT DESIGNER" MEANS AN INDIVIDUAL WHO HAS
10 BEEN TRAINED BY AN ACCREDITED TRAINING PROGRAM AND CERTIFIED BY
11 THE DEPARTMENT UNDER THIS PART TO PREPARE ABATEMENT PROJECT
12 DESIGNS, OCCUPANT PROTECTION PLANS, AND ABATEMENT REPORTS.

13 (5) "CERTIFIED RISK ASSESSOR" MEANS AN INDIVIDUAL WHO HAS
14 BEEN TRAINED BY AN ACCREDITED TRAINING PROGRAM AND CERTIFIED BY
15 THE DEPARTMENT UNDER THIS PART TO CONDUCT RISK ASSESSMENTS AND
16 TAKE SAMPLES FOR THE PRESENCE OF LEAD IN PAINT, DUST, AND SOIL
17 FOR THE PURPOSES OF ABATEMENT CLEARANCE TESTING.

18 (6) "CERTIFIED SUPERVISOR" MEANS AN INDIVIDUAL WHO HAS BEEN
19 TRAINED BY AN ACCREDITED TRAINING PROGRAM AND CERTIFIED BY THE
20 DEPARTMENT UNDER THIS PART TO SUPERVISE AND CONDUCT ABATEMENTS
21 AND TO PREPARE OCCUPANT PROTECTION PLANS AND ABATEMENT REPORTS.

22 (7) "CHILD OCCUPIED FACILITY" MEANS A BUILDING OR PORTION OF
23 A BUILDING CONSTRUCTED BEFORE 1978 THAT IS VISITED REGULARLY BY A
24 CHILD WHO IS 6 YEARS OF AGE OR LESS, ON AT LEAST 2 DIFFERENT DAYS
25 WITHIN A GIVEN WEEK, IF EACH DAY'S VISIT IS AT LEAST 3 HOURS AND
26 THE COMBINED WEEKLY VISIT IS AT LEAST 6 HOURS IN LENGTH, AND THE
27 COMBINED ANNUAL VISITS ARE AT LEAST 60 HOURS IN LENGTH.

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1 CHILD-OCCUPIED FACILITY INCLUDES, BUT IS NOT LIMITED TO, A
2 DAY-CARE CENTER, A PRESCHOOL, AND A KINDERGARTEN CLASSROOM.

3 SEC. 5455. (1) "CLEARANCE LEVELS" MEANS THE VALUES THAT
4 INDICATE THE MAXIMUM AMOUNT OF LEAD PERMITTED IN DUST ON A SUR-
5 FACE FOLLOWING COMPLETION OF AN ABATEMENT ACTIVITY AS LISTED IN
6 RULES PROMULGATED BY THE DEPARTMENT.

7 (2) "COMMON AREA" MEANS A PORTION OF A BUILDING THAT IS GEN-
8 ERALLY ACCESSIBLE TO ALL OCCUPANTS OF THE BUILDING. COMMON AREA
9 INCLUDES, BUT IS NOT LIMITED TO, A HALLWAY, A STAIRWAY, A LAUNDRY
10 AND RECREATIONAL ROOM, A PLAYGROUND, A COMMUNITY CENTER, A
11 GARAGE, AND A BOUNDARY FENCE.

12 (3) "COMPONENT" OR "BUILDING COMPONENT" MEANS A SPECIFIC
13 DESIGN OR STRUCTURAL ELEMENT OR FIXTURE OF A BUILDING, RESIDEN-
14 TIAL DWELLING, OR CHILD OCCUPIED FACILITY THAT IS DISTINGUISHED
15 BY ITS FORM, FUNCTION, AND LOCATION. COMPONENT OR BUILDING COM-
16 PONENT, INCLUDES BUT IS NOT LIMITED TO, A SPECIFIC INTERIOR OR
17 EXTERIOR DESIGN OR STRUCTURAL ELEMENT OR FIXTURE.

18 (4) "CONTAINMENT" MEANS A PROCESS TO PROTECT WORKERS AND THE
19 ENVIRONMENT BY CONTROLLING EXPOSURE TO THE LEAD-CONTAMINATED DUST
20 AND DEBRIS CREATED DURING AN ABATEMENT.

21 (5) "COURSE AGENDA" MEANS AN OUTLINE OF THE KEY TOPICS TO BE
22 COVERED DURING AN ACCREDITED TRAINING PROGRAM, INCLUDING THE TIME
23 ALLOTTED TO TEACH EACH TOPIC.

24 (6) "COURSE TEST" MEANS AN EVALUATION OF THE OVERALL EFFEC-
25 TIVENESS OF THE ACCREDITED TRAINING PROGRAM BY TESTING A
26 TRAINEE'S KNOWLEDGE AND RETENTION OF THE TOPICS COVERED DURING
27 THE ACCREDITED TRAINING PROGRAM.

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1 (7) "COURSE TEST BLUEPRINT" MEANS WRITTEN DOCUMENTATION
2 IDENTIFYING THE PROPORTION OF COURSE TEST QUESTIONS DEVOTED TO
3 EACH MAJOR TOPIC IN THE ACCREDITED TRAINING PROGRAM CURRICULUM.

4 SEC. 5456. (1) "DEPARTMENT" MEANS THE DEPARTMENT OF COMMU-
5 NITY HEALTH.

6 (2) "DETERIORATED PAINT" MEANS PAINT THAT IS CRACKING, FLAK-
7 ING, CHIPPING, PEELING, OR OTHERWISE SEPARATING FROM THE SUB-
8 STRATE OF A BUILDING COMPONENT.

9 (3) "DISCIPLINE" MEANS 1 OF THE SPECIFIC TYPES OR CATEGORIES
10 OF LEAD-BASED PAINT ACTIVITIES IDENTIFIED IN THIS PART FOR WHICH
11 AN INDIVIDUAL MAY RECEIVE TRAINING FROM AN ACCREDITED TRAINING
12 PROGRAM AND BECOME CERTIFIED BY THE DEPARTMENT.

13 (4) "DISTINCT PAINTING HISTORY" MEANS THE APPLICATION HISTO-
14 RY, AS INDICATED BY ITS VISUAL APPEARANCE OR A RECORD OF APPLICA-
15 TION, OVER TIME OF PAINT OR OTHER SURFACE COATINGS TO A COMPONENT
16 OR ROOM.

17 (5) "DOCUMENTED METHODOLOGY" MEANS A METHOD OR PROTOCOL USED
18 TO SAMPLE AND TEST FOR THE PRESENCE OF LEAD IN PAINT, DUST, AND
19 SOIL.

20 (6) "ELEVATED BLOOD LEVEL" OR "EBL" MEANS FOR PURPOSES OF LEAD
21 ABATEMENT AN EXCESSIVE
22 ABSORPTION OF LEAD THAT IS A CONFIRMED CONCENTRATION OF LEAD IN
23 WHOLE BLOOD OF 20 UG/DL, MICROGRAMS OF LEAD PER DECILITER OF
24 WHOLE BLOOD, FOR A SINGLE VENOUS TEST OR OF 15-19 UG/DL IN 2 CON-
25 SECUTIVE TESTS TAKEN 3 TO 4 MONTHS APART. FOR PURPOSES OF CASE
26 MANAGEMENT OF CHILDREN UNDER SIX YEARS OF AGE SCREENED AND TESTED
FOR LEAD ELEVATED BLOOD LEVEL MEANS AN EXCESSIVE ABSORPTION OF LEAD
THAT IS A CONFIRMED CONCENTRATION OF LEAD IN WHOLE BLOOD OF 10
UG/DL.

(7) "ENCAPSULANT" MEANS A SUBSTANCE THAT FORMS A BARRIER
BETWEEN LEAD-BASED PAINT AND THE ENVIRONMENT USING A

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1 LIQUID-APPLIED COATING, WITH OR WITHOUT REINFORCEMENT MATERIALS,
2 OR AN ADHESIVELY BONDED COVERING MATERIAL.

3 (8) "ENCAPSULATION" MEANS THE APPLICATION OF AN
4 ENCAPSULANT.

5 (9) "ENCLOSURE" MEANS THE USE OF RIGID, DURABLE CONSTRUCTION
6 MATERIALS THAT ARE MECHANICALLY FASTENED TO THE SUBSTRATE IN
7 ORDER TO ACT AS A BARRIER BETWEEN LEAD-BASED PAINT AND THE
8 ENVIRONMENT.

9 (10) "EPA" MEANS THE UNITED STATES ENVIRONMENTAL PROTECTION
10 AGENCY.

11 SEC. 5457. (1) "GUEST INSTRUCTOR" MEANS AN INDIVIDUAL DES-
12 IGNATED BY THE MANAGER OR PRINCIPAL INSTRUCTOR OF AN ACCREDITED
13 TRAINING PROGRAM TO PROVIDE INSTRUCTION SPECIFIC TO THE LECTURE,
14 HANDS-ON ACTIVITIES, OR WORK PRACTICE COMPONENTS OF A COURSE IN
15 THE ACCREDITED TRAINING PROGRAM.

16 (2) "HANDS-ON SKILLS ASSESSMENT" MEANS AN EVALUATION THAT
17 TESTS A TRAINEE'S ABILITY TO SATISFACTORILY PERFORM THE WORK
18 PRACTICES, WORK PROCEDURES, OR ANY OTHER SKILL TAUGHT IN AN
19 ACCREDITED TRAINING PROGRAM.

20 (3) "HAZARDOUS WASTE" MEANS WASTE AS DEFINED IN 40
21 C.F.R. 261.3.

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

25 (5) "INTERIM CONTROLS" MEANS A SET OF MEASURES DESIGNED TO
26 TEMPORARILY REDUCE HUMAN EXPOSURE OR LIKELY EXPOSURE TO
27 LEAD-BASED PAINT HAZARDS INCLUDING, BUT NOT LIMITED TO,

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1 SPECIALIZED CLEANING, REPAIRS, MAINTENANCE, PAINTING, TEMPORARY
2 CONTAINMENT, ONGOING MONITORING OF LEAD-BASED PAINT HAZARDS OR
3 POTENTIAL HAZARDS, AND THE ESTABLISHMENT AND OPERATION OF MANAGE-
4 MENT AND RESIDENT EDUCATION PROGRAMS.

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

8 (2) "LEAD-BASED PAINT ACTIVITY" MEANS INSPECTION, RISK
9 ASSESSMENT, AND ABATEMENT IN TARGET HOUSING AND CHILD OCCUPIED
10 FACILITIES.

11 (3) "LEAD-BASED PAINT HAZARD" MEANS A CONDITION CAUSING
12 EXPOSURE TO LEAD FROM LEAD-CONTAMINATED DUST, LEAD-CONTAMINATED
13 SOIL, OR LEAD-BASED OR LEAD-CONTAMINATED PAINT THAT IS DETERIO-
14 RATED OR PRESENT IN AN ACCESSIBLE SURFACE, FRICTION SURFACE, OR
15 IMPACT SURFACE THAT WOULD RESULT IN ADVERSE HUMAN HEALTH EFFECTS
16 AS IDENTIFIED BY THE EPA PURSUANT TO TSCA SECTION 403.

17 (4) "LEAD-CONTAMINATED DUST" MEANS SURFACE DUST IN A RESI-
18 DENTIAL DWELLING OR CHILD OCCUPIED FACILITY THAT CONTAINS AN AREA
19 OR MASS CONCENTRATION OF LEAD AT OR IN EXCESS OF LEVELS IDENTI-
20 FIED BY THE EPA PURSUANT TO SECTION 403 OF TITLE IV OF THE TOXIC
21 SUBSTANCE CONTROL ACT, PUBLIC LAW 94-469, 15 U.S.C. 2683.

22 (5) "LEAD-CONTAMINATED SOIL" MEANS BARE SOIL ON RESIDENTIAL
23 REAL PROPERTY OR ON THE PROPERTY OF A CHILD OCCUPIED FACILITY
24 THAT CONTAINS LEAD AT OR IN EXCESS OF LEVELS IDENTIFIED BY THE
25 EPA PURSUANT TO SECTION 403 OF TITLE IV OF THE TOXIC SUBSTANCE
26 CONTROL ACT, PUBLIC LAW 94-469, 15 U.S.C. 2683.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (B) A 0-BEDROOM DWELLING.

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

9 (3) "TRAINING CURRICULUM" MEANS AN ESTABLISHED SET OF COURSE
10 TOPICS FOR INSTRUCTION IN AN ACCREDITED TRAINING PROGRAM FOR A
11 PARTICULAR DISCIPLINE DESIGNED TO PROVIDE SPECIALIZED KNOWLEDGE
12 AND SKILLS.

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

18 (5) "TRAINING MANAGER" MEANS THE INDIVIDUAL RESPONSIBLE FOR
19 ADMINISTERING AN ACCREDITED TRAINING PROGRAM AND MONITORING THE
20 PERFORMANCE OF PRINCIPAL INSTRUCTORS AND GUEST INSTRUCTORS.

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

25 (7) "VISUAL INSPECTION FOR RISK ASSESSMENT" MEANS THE VISUAL
26 EXAMINATION OF A RESIDENTIAL DWELLING OR A CHILD OCCUPIED

1 FACILITY TO DETERMINE THE EXISTENCE OF DETERIORATED PAINT OR

2 OTHER POTENTIAL SOURCES OF LEAD-BASED PAINT HAZARDS.

SEC. 5460A. (1) THIS PART CONTAINS PROCEDURES AND REQUIREMENTS FOR THE ACCREDITATION OF LEAD-BASED PAINT ACTIVITIES TRAINING PROGRAMS, PROCEDURES AND REQUIREMENTS FOR THE CERTIFICATION OF INDIVIDUALS AND OTHER PERSONS ENGAGED IN LEAD-BASED PAINT ACTIVITIES, AND WORK PRACTICE STANDARDS FOR PERFORMING LEAD-BASED PAINT ACTIVITIES AS THAT TERM IS DEFINED IN SECTION 5458. THIS PART REQUIRES THAT ALL LEAD-BASED PAINT ACTIVITIES BE PERFORMED BY CERTIFIED INDIVIDUALS AND PERSONS, EXCEPT FOR THOSE CIRCUMSTANCES AND PERSONS DESCRIBED IN SECTION 5453(2).

(2) THIS PART DOES NOT APPLY TO INDIVIDUALS AND PERSONS ENGAGED IN LEAD-BASED PAINT ACTIVITIES CONDUCTED WITHIN OR ON CERTAIN OWNER-OCCUPIED RESIDENTIAL AND MULTIFAMILY DWELLINGS AS FURTHER DESCRIBED IN SECTION 5453(2) EXCEPT IN CERTAIN DWELLINGS IN WHICH A RESIDING CHILD IS IDENTIFIED AS HAVING AN ELEVATED BLOOD LEAD LEVEL.

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

3 SEC. 5461. (1) A PERSON SHALL NOT ENGAGE OR OFFER TO ENGAGE

4 IN A LEAD-BASED PAINT ACTIVITY UNLESS CERTIFIED IN THE APPROPRI-

5 ATE DISCIPLINE UNDER THIS PART. A PERSON CONDUCTING A LEAD-BASED

6 PAINT ACTIVITY SHALL COMPLY WITH THE STANDARDS FOR PERFORMING

7 LEAD-BASED PAINT ACTIVITIES CONTAINED IN THIS PART AND THE RULES

8 PROMULGATED UNDER THIS PART.

9 (2) A PERSON SHALL NOT PROVIDE OR OFFER TO PROVIDE A TRAIN-

10 ING PROGRAM FOR LEAD-BASED PAINT ACTIVITIES UNLESS THE TRAINING

11 PROGRAM IS ACCREDITED UNDER THE APPROPRIATE DISCIPLINE UNDER THIS

12 PART. A PERSON PROVIDING AN ACCREDITED TRAINING PROGRAM SHALL

13 COMPLY WITH THE STANDARDS FOR ACCREDITATION AND TRAINING CERTIFI-

14 CATION PRESCRIBED IN THIS PART AND THE RULES PROMULGATED UNDER

15 THIS PART.

16 (3) THE DEPARTMENT SHALL CERTIFY A PERSON APPLYING FOR CER-

17 TIFICATION UNDER THIS PART IF THAT PERSON DEMONSTRATES TO THE

18 DEPARTMENT THAT HE OR SHE IS LICENSED, CERTIFIED, OR REGISTERED

19 IN ANOTHER STATE AND THE STANDARDS FOR OBTAINING THAT LICENSE,

20 CERTIFICATION, OR REGISTRATION ARE SUBSTANTIALLY SIMILAR TO THOSE

21 IMPOSED UNDER THIS PART.

22 (4) THE DEPARTMENT SHALL ACCREDIT A TRAINING PROGRAM IF THE

23 TRAINING PROGRAM IS REGISTERED BY THE DEPARTMENT UNDER THE

24 DEPARTMENT'S VOLUNTARY REGISTRATION PROGRAM BY AUGUST 30, 1998 IF

25 THE TRAINING PROGRAM SUBMITS AN APPLICATION UNDER SECTION 5462.

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1 SEC. 5462. (1) A PERSON MAY SEEK ACCREDITATION FOR A
2 TRAINING PROGRAM TO OFFER COURSES IN LEAD-BASED PAINT ACTIVITIES
3 IN 1 OR MORE OF THE FOLLOWING DISCIPLINES:

4 (A) INSPECTOR.

5 (B) RISK ASSESSOR.

6 (C) SUPERVISOR.

7 (D) PROJECT DESIGNER.

8 (E) ABATEMENT WORKER.

9 (2) A PERSON MAY ALSO SEEK ACCREDITATION FOR A TRAINING PRO-
10 GRAM TO OFFER REFRESHER COURSES FOR EACH OF THE DISCIPLINES
11 DESCRIBED IN SUBSECTION (1).

12 (3) BEGINNING MARCH 1, 1999, A PERSON SHALL NOT PROVIDE,
13 OFFER, OR CLAIM TO PROVIDE EPA-ACCREDITED COURSES IN LEAD-BASED
14 PAINT ACTIVITIES WITHOUT APPLYING FOR AND RECEIVING ACCREDITATION
15 FROM THE DEPARTMENT UNDER THIS PART.

16 (4) A PERSON SEEKING ACCREDITATION FOR A TRAINING PROGRAM
17 SHALL SUBMIT A WRITTEN APPLICATION TO THE DEPARTMENT CONTAINING
18 ALL OF THE FOLLOWING:

19 (A) IF THE APPLICANT IS A SOLE PROPRIETORSHIP OR CORPORA-
20 TION, ITS "DOING BUSINESS AS" OR CORPORATE IDENTIFICATION
21 NUMBER.

22 (B) THE FEE REQUIRED BY SECTION 5471.

23 (C) THE NAME OF EACH PRINCIPAL POSITION, PARTNER, SHAREHOLD-
24 ER, MEMBER, OR OWNER.

25 (D) THE TRAINING PROGRAM'S PROPOSED NAME, ADDRESS, AND TELE-
26 PHONE NUMBER.

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1 (E) A LIST OF COURSES AND DISCIPLINES FOR WHICH IT IS
2 SEEKING ACCREDITATION.

3 (F) A STATEMENT SIGNED BY THE TRAINING PROGRAM MANAGER CER-
4 TIFYING THAT THE TRAINING PROGRAM MEETS THE REQUIREMENTS ESTAB-
5 LISHED BY THIS PART AND THE RULES PROMULGATED UNDER THIS PART.

6 (G) A COPY OF THE STUDENT AND INSTRUCTOR MANUALS OR OTHER
7 MATERIALS TO BE USED FOR EACH COURSE.

8 (H) A COPY OF THE COURSE AGENDA FOR EACH COURSE.

9 (I) A DESCRIPTION OF THE FACILITIES AND EQUIPMENT TO BE USED
10 FOR LECTURE AND HANDS-ON TRAINING.

11 (J) A COPY OF THE COURSE TEST BLUEPRINT FOR EACH COURSE.

12 (K) A DESCRIPTION OF THE ACTIVITIES AND PROCEDURES THAT WILL
13 BE USED FOR CONDUCTING THE HANDS-ON SKILLS ASSESSMENT FOR EACH
14 COURSE.

15 (L) A COPY OF THE QUALITY CONTROL PLAN AS DESCRIBED IN THIS
16 SECTION.

17 (6) THE DEPARTMENT SHALL APPROVE AN APPLICATION FOR ACCRED-
18 ITATION OF A TRAINING PROGRAM WITHIN 180 DAYS AFTER RECEIVING A
19 COMPLETE APPLICATION FROM THE TRAINING PROGRAM IF THE DEPARTMENT
20 DETERMINES THAT THE APPLICANT MEETS THE REQUIREMENTS OF THIS PART
21 AND THE RULES PROMULGATED UNDER THIS PART. IN THE CASE OF
22 APPROVAL, THE DEPARTMENT SHALL SEND A CERTIFICATE OF ACCREDIT-
23 ATION TO THE APPLICANT. BEFORE DISAPPROVING AN APPLICATION, THE
24 DEPARTMENT MAY ADVISE THE APPLICANT AS TO SPECIFIC INADEQUACIES
25 IN THE APPLICATION FOR ACCREDITATION OR SPECIFIC INSTANCES WHERE
26 THE TRAINING PROGRAM DOES NOT MEET THE REQUIREMENTS OF THIS PART
27 OR THE RULES PROMULGATED UNDER THIS PART, OR BOTH. THE

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1 DEPARTMENT MAY REQUEST ADDITIONAL INFORMATION OR MATERIALS FROM
2 THE TRAINING PROGRAM UNDER THIS SECTION. IF THE DEPARTMENT DIS-
3 APPROVES A TRAINING PROGRAM'S APPLICATION FOR ACCREDITATION, THE
4 APPLICANT MAY REAPPLY FOR ACCREDITATION AT ANY TIME.

5 (7) A TRAINING PROGRAM SHALL MEET ALL OF THE FOLLOWING
6 REQUIREMENTS IN ORDER TO BECOME ACCREDITED TO OFFER COURSES IN
7 LEAD-BASED PAINT ACTIVITIES:

8 (A) EMPLOY A TRAINING MANAGER WHO HAS TRAINING, EDUCATION,
9 AND EXPERIENCE AS DESCRIBED IN RULES PROMULGATED BY THE
10 DEPARTMENT.

11 (B) PROVIDE THAT THE TRAINING MANAGER DESCRIBED IN
12 SUBDIVISION (A) DESIGNATE A QUALIFIED PRINCIPAL INSTRUCTOR FOR
13 EACH COURSE WHO HAS TRAINING, EDUCATION, AND EXPERIENCE AS
14 DESCRIBED IN RULES PROMULGATED BY THE DEPARTMENT.

15 (C) PROVIDE THAT THE PRINCIPAL INSTRUCTOR DESCRIBED IN
16 SUBDIVISION (B) BE RESPONSIBLE FOR THE ORGANIZATION OF THE COURSE
17 AND OVERSIGHT OF THE TEACHING OF ALL COURSE MATERIAL. A TRAINING
18 MANAGER MAY DESIGNATE GUEST INSTRUCTORS AS NEEDED TO PROVIDE
19 INSTRUCTION SPECIFIC TO THE LECTURE, HANDS-ON ACTIVITIES, OR WORK
20 PRACTICE COMPONENTS OF A COURSE.

21 (8) THE FOLLOWING DOCUMENTS ARE RECOGNIZED BY THE DEPARTMENT
22 AS EVIDENCE THAT A TRAINING MANAGER OR A PRINCIPAL INSTRUCTOR HAS
23 THE EDUCATION, WORK EXPERIENCE, TRAINING REQUIREMENTS, OR DEMON-
24 STRATED EXPERIENCE SPECIFICALLY LISTED IN RULES PROMULGATED BY
25 THE DEPARTMENT, WHICH DOCUMENTATION IS NOT REQUIRED TO BE SUBMIT-
26 TED WITH THE ACCREDITATION APPLICATION BUT, IF NOT SUBMITTED,

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1 MUST BE RETAINED BY THE TRAINING PROGRAM AS REQUIRED BY THE
2 RECORD-KEEPING REQUIREMENTS CONTAINED IN THIS PART:

3 (A) AN OFFICIAL ACADEMIC TRANSCRIPT OR DIPLOMA AS EVIDENCE
4 OF MEETING THE EDUCATION REQUIREMENTS.

5 (B) A RESUME, LETTER OF REFERENCE, OR DOCUMENTATION OF WORK
6 EXPERIENCE, AS EVIDENCE OF MEETING THE WORK EXPERIENCE
7 REQUIREMENTS.

8 (C) A CERTIFICATE FROM A TRAIN-THE-TRAINER COURSE OR A
9 LEAD-SPECIFIC TRAINING COURSE, OR BOTH, AS EVIDENCE OF MEETING
10 THE TRAINING REQUIREMENTS.

11 (9) A TRAINING PROGRAM ACCREDITED UNDER THIS PART SHALL
12 ENSURE THE AVAILABILITY OF, AND PROVIDE ADEQUATE FACILITIES FOR,
13 THE DELIVERY OF THE LECTURE, COURSE TEST, HANDS-ON TRAINING, AND
14 ASSESSMENT ACTIVITIES INCLUDING, BUT NOT LIMITED TO, PROVIDING
15 TRAINING EQUIPMENT THAT REFLECTS CURRENT WORK PRACTICES AND MAIN-
16 TAINING OR UPDATING THE EQUIPMENT AND FACILITIES OF THE TRAINING
17 PROGRAM, AS NEEDED.

18 SEC. 5463. (1) A TRAINING PROGRAM ACCREDITED UNDER
19 SECTION 5462 SHALL PROVIDE TRAINING COURSES THAT MEET THE FOLLOW-
20 ING TRAINING HOUR REQUIREMENTS IN ORDER TO BECOME ACCREDITED IN
21 THE FOLLOWING DISCIPLINES:

22 (A) AN INSPECTOR COURSE SHALL LAST A MINIMUM OF 24 TRAINING
23 HOURS, WITH A MINIMUM OF 8 HOURS DEVOTED TO HANDS-ON TRAINING
24 ACTIVITIES. THE DEPARTMENT SHALL PROMULGATE RULES TO DETERMINE
25 THE MINIMUM CURRICULUM REQUIREMENTS FOR THE INSPECTOR COURSE.

26 (B) A RISK ASSESSOR COURSE SHALL LAST A MINIMUM OF 16
27 TRAINING HOURS, WITH A MINIMUM OF 4 HOURS DEVOTED TO HANDS-ON

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1 TRAINING ACTIVITIES. THE DEPARTMENT SHALL PROMULGATE RULES TO
2 DETERMINE THE MINIMUM CURRICULUM REQUIREMENTS FOR THE RISK ASSES-
3 SOR COURSE.

4 (C) A SUPERVISOR COURSE SHALL LAST A MINIMUM OF 32 TRAINING
5 HOURS, WITH A MINIMUM OF 8 HOURS DEVOTED TO HANDS-ON ACTIVITIES.
6 THE DEPARTMENT SHALL PROMULGATE RULES TO DETERMINE THE MINIMUM
7 CURRICULUM REQUIREMENTS FOR THE SUPERVISOR COURSE.

8 (D) A PROJECT DESIGNER COURSE SHALL LAST A MINIMUM OF 8
9 TRAINING HOURS. THE DEPARTMENT SHALL PROMULGATE RULES TO DETER-
10 MINE THE MINIMUM CURRICULUM REQUIREMENTS FOR THE PROJECT DESIGNER
11 COURSE.

12 (E) AN ABATEMENT WORKER COURSE SHALL LAST A MINIMUM OF 16
13 TRAINING HOURS, WITH A MINIMUM OF 8 HOURS DEVOTED TO HANDS-ON
14 TRAINING ACTIVITIES. THE DEPARTMENT SHALL PROMULGATE RULES TO
15 DETERMINE THE MINIMUM CURRICULUM REQUIREMENTS FOR THE ABATEMENT
16 WORKER COURSE.

17 (2) THE DEPARTMENT MAY PROMULGATE RULES TO MODIFY 1 OR MORE
18 OF THE REQUIREMENTS IMPOSED UNDER SUBSECTION (1) IF CHANGES ARE
19 NEEDED TO COMPLY WITH FEDERAL MANDATES OR FOR ANOTHER REASON CON-
20 sidered APPROPRIATE BY THE DEPARTMENT.

21 (3) FOR EACH COURSE OFFERED, THE TRAINING PROGRAM SHALL CON-
22 DUCT A COURSE TEST AT THE COMPLETION OF THE COURSE AND, IF APPLI-
23 CABLE, A HANDS-ON SKILLS ASSESSMENT. EACH INDIVIDUAL ENROLLED IN
24 THE TRAINING PROGRAM MUST SUCCESSFULLY COMPLETE THE HANDS-ON
25 SKILLS ASSESSMENT, IF CONDUCTED FOR THAT COURSE, AND RECEIVE A
26 PASSING SCORE ON THE COURSE TEST IN ORDER TO PASS A COURSE.

1 (4) THE TRAINING MANAGER SHALL MAINTAIN THE VALIDITY AND
2 INTEGRITY OF A HANDS-ON SKILLS ASSESSMENT TO ENSURE THAT IT
3 ACCURATELY EVALUATES THE TRAINEES' PERFORMANCE OF THE WORK PRAC-
4 TICES AND PROCEDURES ASSOCIATED WITH THE COURSE TOPICS CONTAINED
5 IN RULES PROMULGATED UNDER THIS SECTION AND THE COURSE TEST TO
6 ENSURE THAT IT ACCURATELY EVALUATES THE TRAINEES' KNOWLEDGE AND
7 RETENTION OF THE COURSE TOPICS.

8 (5) A TRAINING PROGRAM'S COURSE TEST SHALL BE DEVELOPED IN
9 ACCORDANCE WITH THE TEST BLUEPRINT SUBMITTED WITH THE TRAINING
10 PROGRAM ACCREDITATION APPLICATION.

11 (6) A TRAINING PROGRAM SHALL ISSUE COURSE COMPLETION CERTIF-
12 ICATES TO EACH INDIVIDUAL WHO PASSES THE TRAINING COURSE. THE
13 COURSE COMPLETION CERTIFICATES SHALL INCLUDE:

14 (A) THE NAME AND ADDRESS OF THE INDIVIDUAL, ALONG WITH A
15 UNIQUE IDENTIFICATION NUMBER.

16 (B) THE NAME OF THE PARTICULAR COURSE THAT THE INDIVIDUAL
17 PASSED.

18 (C) DATES OF COURSE COMPLETION AND TEST PASSAGE.

19 (D) EXPIRATION DATE OF COURSE CERTIFICATE, WHICH SHALL BE 6
20 MONTHS FROM DATE OF COURSE COMPLETION AND PASSAGE.

21 (E) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE TRAINING
22 PROGRAM.

23 (7) THE TRAINING MANAGER SHALL DEVELOP AND IMPLEMENT A QUAL-
24 ITY CONTROL PLAN DESIGNED TO MAINTAIN AND IMPROVE THE QUALITY OF
25 THE TRAINING PROGRAM. THE QUALITY CONTROL PLAN SHALL CONTAIN AT
26 LEAST BOTH OF THE FOLLOWING ELEMENTS:

1 (A) PROCEDURES FOR PERIODIC REVISION OF TRAINING MATERIALS
2 AND THE COURSE TEST TO REFLECT INNOVATIONS IN THE FIELD.

3 (B) PROCEDURES FOR THE TRAINING MANAGER'S ANNUAL REVIEW OF
4 EACH PRINCIPAL INSTRUCTOR'S COMPETENCE.

5 (8) THE TRAINING PROGRAM SHALL OFFER COURSES THAT TEACH THE
6 WORK PRACTICE STANDARDS FOR CONDUCTING LEAD-BASED PAINT ACTIVI-
7 TIES AND OTHER STANDARDS DEVELOPED BY THE EPA PURSUANT TO TITLE
8 IV OF THE TSCA AND CONSIDERED APPROPRIATE OR NECESSARY BY THE
9 DEPARTMENT. THE WORK PRACTICE STANDARDS SHALL BE TAUGHT IN THE
10 APPROPRIATE COURSES TO PROVIDE TRAINEES WITH THE KNOWLEDGE NEEDED
11 TO PERFORM THE LEAD-BASED PAINT ACTIVITIES.

12 (9) THE TRAINING MANAGER SHALL ENSURE THAT THE TRAINING PRO-
13 GRAM COMPLIES AT ALL TIMES WITH ALL OF THE REQUIREMENTS OF THIS
14 SECTION AND THE RULES PROMULGATED UNDER THIS SECTION.

15 (10) THE TRAINING MANAGER SHALL ALLOW THE DEPARTMENT TO
16 AUDIT THE TRAINING PROGRAM TO VERIFY THE CONTENTS OF THE APPLICA-
17 TION FOR ACCREDITATION.

18 SEC. 5464. (1) A TRAINING PROGRAM MAY SEEK ACCREDITATION TO
19 OFFER REFRESHER TRAINING COURSES IN 1 OR MORE OF THE DISCIPLINES
20 DESCRIBED IN SECTION 5462(1). A TRAINING PROGRAM SHALL MEET
21 THOSE MINIMUM REQUIREMENTS CONTAINED IN RULES PROMULGATED BY THE
22 DEPARTMENT IN ORDER TO OBTAIN DEPARTMENT ACCREDITATION.

23 (2) A TRAINING PROGRAM MAY APPLY FOR ACCREDITATION OF A
24 REFRESHER COURSE CONCURRENTLY WITH ITS APPLICATION FOR ACCREDIT-
25 ATION OF THE CORRESPONDING TRAINING COURSE PURSUANT TO RULES
26 PROMULGATED BY THE DEPARTMENT.

1 (3) THE DEPARTMENT SHALL APPROVE AN APPLICATION FOR
2 ACCREDITATION OF A REFRESHER COURSE WITHIN 180 DAYS AFTER
3 RECEIVING A COMPLETE APPLICATION. UPON APPROVAL, THE DEPARTMENT
4 SHALL SEND A CERTIFICATE OF ACCREDITATION TO THE APPLICANT.
5 BEFORE DISAPPROVAL, THE DEPARTMENT MAY ADVISE THE APPLICANT AS TO
6 SPECIFIC INADEQUACIES IN THE APPLICATION FOR ACCREDITATION OR
7 SPECIFIC INSTANCES WHERE THE CONTINUING EDUCATION COURSE DOES NOT
8 MEET THE REQUIREMENTS OF THIS PART AND THE RULES PROMULGATED
9 UNDER THIS PART, OR BOTH. THE DEPARTMENT MAY ALSO REQUEST ADDI-
10 TIONAL INFORMATION OR MATERIALS RETAINED BY THE TRAINING
11 PROGRAM. IF THE DEPARTMENT DENIES A TRAINING PROGRAM'S APPLICA-
12 TION FOR ACCREDITATION OF A REFRESHER COURSE, THE APPLICANT MAY
13 REAPPLY FOR ACCREDITATION AT ANY TIME.

14 SEC. 5465. (1) UNLESS REACCREDITED, A TRAINING PROGRAM'S
15 ACCREDITATION UNDER SECTION 5462, INCLUDING REFRESHER COURSE
16 TRAINING ACCREDITED UNDER SECTION 5464, EXPIRES 1 YEAR AFTER THE
17 DATE OF ISSUANCE.

18 (2) A TRAINING PROGRAM SEEKING REACCREDITATION SHALL SUBMIT
19 AN APPLICATION TO THE DEPARTMENT NO LATER THAN 45 DAYS BEFORE ITS
20 ACCREDITATION EXPIRES.

21 (3) A TRAINING PROGRAM'S APPLICATION FOR REACCREDITATION
22 SHALL INCLUDE ANY FEES AND INFORMATION REQUIRED PURSUANT TO RULES
23 PROMULGATED BY THE DEPARTMENT.

24 (4) UPON REQUEST, A TRAINING PROGRAM SHALL ALLOW THE DEPART-
25 MENT TO AUDIT THE TRAINING PROGRAM TO VERIFY THE CONTENTS OF THE
26 APPLICATION FOR REACCREDITATION.

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1 SEC. 5466. (1) THE DEPARTMENT MAY, AFTER NOTICE AND AN
2 OPPORTUNITY FOR HEARING PURSUANT TO THE ADMINISTRATIVE PROCEDURES
3 ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328, SUSPEND, REVOKE,
4 OR MODIFY A TRAINING PROGRAM ACCREDITATION OR A REFRESHER COURSE
5 TRAINING PROGRAM ACCREDITATION IF THE DEPARTMENT DETERMINES THAT
6 A TRAINING PROGRAM, TRAINING MANAGER, OR OTHER PERSON WITH SUPER-
7 VISORY AUTHORITY OVER THE TRAINING PROGRAM HAS DONE 1 OR MORE OF
8 THE FOLLOWING:

9 (A) MISREPRESENTED THE CONTENTS OF A TRAINING COURSE TO THE
10 DEPARTMENT OR THE TRAINEES ENROLLED IN THE TRAINING PROGRAM, OR
11 BOTH.

12 (B) FAILED TO SUBMIT REQUIRED INFORMATION OR NOTIFICATIONS
13 IN A TIMELY MANNER.

14 (C) FAILED TO MAINTAIN REQUIRED RECORDS.

15 (D) FALSIFIED ACCREDITATION RECORDS, STUDENT CERTIFICATES,
16 INSTRUCTOR QUALIFICATIONS, OR OTHER ACCREDITATION-RELATED INFOR-
17 MATION OR DOCUMENTATION.

18 (E) FAILED TO COMPLY WITH THE TRAINING STANDARDS AND
19 REQUIREMENTS OF THIS PART AND THE RULES PROMULGATED UNDER THIS
20 PART.

21 (F) FAILED TO COMPLY WITH A FEDERAL, STATE, OR LOCAL STAT-
22 UTE, RULE, OR REGULATION INVOLVING LEAD-BASED PAINT ACTIVITIES.

23 (G) MADE FALSE OR MISLEADING STATEMENTS TO THE DEPARTMENT IN
24 ITS APPLICATION FOR ACCREDITATION OR REACCREDITATION THAT THE
25 DEPARTMENT RELIED UPON IN APPROVING THE APPLICATION.

26 (2) IN ADDITION TO AN ADMINISTRATIVE OR JUDICIAL FINDING OF
27 A VIOLATION, THE EXECUTION OF A CONSENT AGREEMENT IN SETTLEMENT

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1 OF AN ENFORCEMENT ACTION IS CONSIDERED, FOR PURPOSES OF THIS
2 SECTION, EVIDENCE OF A FAILURE TO COMPLY WITH THE STANDARDS AND
3 REQUIREMENTS OF THIS PART AND THE RULES PROMULGATED UNDER THIS
4 PART OR OTHER RELEVANT STATUTES OR REGULATIONS INVOLVING
5 LEAD-BASED PAINT ACTIVITIES.

6 SEC. 5467. (1) AN ACCREDITED TRAINING PROGRAM SHALL MAIN-
7 TAIN, AND MAKE AVAILABLE TO THE DEPARTMENT, UPON REQUEST, ALL OF
8 THE FOLLOWING RECORDS:

9 (A) EACH DOCUMENT THAT DEMONSTRATES THE QUALIFICATIONS OF A
10 TRAINING MANAGER OR A PRINCIPAL INSTRUCTOR.

11 (B) CURRENT CURRICULUM AND COURSE MATERIALS AND DOCUMENTS
12 REFLECTING CHANGES MADE TO THESE MATERIALS.

13 (C) THE COURSE TEST BLUEPRINT.

14 (D) INFORMATION REGARDING HOW THE HANDS-ON SKILLS ASSESSMENT
15 IS CONDUCTED INCLUDING, BUT NOT LIMITED TO, ALL OF THE
16 FOLLOWING:

17 (i) THE PERSON CONDUCTING THE HANDS-ON SKILLS ASSESSMENT.

18 (ii) THE METHOD OF GRADING THE HANDS-ON SKILLS.

19 (iii) A DESCRIPTION OF THE FACILITIES USED.

20 (iv) THE PASS/FAIL RATE.

21 (v) THE QUALITY CONTROL PLAN.

22 (vi) THE RESULTS OF THE STUDENTS' HANDS-ON SKILLS ASSESS-
23 MENTS AND COURSE TESTS AND A RECORD OF EACH STUDENT'S PARTICIPA-
24 TION, INCLUDING NAME, SOCIAL SECURITY NUMBER, AND SCORE, WITHIN
25 10 CALENDAR DAYS OF THE LAST DAY OF THE COURSE TAKEN.

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1 (vii) ANY OTHER MATERIAL THAT WAS SUBMITTED TO THE
2 DEPARTMENT AS PART OF THE PROGRAM'S APPLICATION FOR
3 ACCREDITATION.

4 (2) A TRAINING PROGRAM SHALL RETAIN THE RECORDS DESCRIBED IN
5 SUBSECTION (1) FOR AT LEAST 3-1/2 YEARS AT THE ADDRESS SPECIFIED
6 ON THE TRAINING PROGRAM ACCREDITATION APPLICATION.

7 (3) THE TRAINING PROGRAM SHALL NOTIFY THE DEPARTMENT IN
8 WRITING WITHIN 30 DAYS OF CHANGING THE ADDRESS SPECIFIED ON ITS
9 TRAINING PROGRAM ACCREDITATION APPLICATION OR TRANSFERRING THE
10 RECORDS FROM THAT ADDRESS.

11 SEC. 5468. (1) AN INDIVIDUAL SEEKING CERTIFICATION BY THE
12 DEPARTMENT TO ENGAGE IN LEAD-BASED PAINT ACTIVITIES SHALL PAY THE
13 APPROPRIATE APPLICATION FEE REQUIRED UNDER SECTION 5471 AND
14 SUBMIT AN APPLICATION TO THE DEPARTMENT DEMONSTRATING EITHER OF
15 THE FOLLOWING:

16 (A) COMPLIANCE WITH THE REQUIREMENTS OF THIS PART AND THE
17 RULES PROMULGATED UNDER THIS PART FOR THE PARTICULAR DISCIPLINE
18 FOR WHICH CERTIFICATION IS SOUGHT.

19 (B) A COPY OF A VALID LEAD-BASED PAINT ACTIVITIES CERTIFICA-
20 TION OR ITS EQUIVALENT, AS DETERMINED BY THE DEPARTMENT, FROM A
21 TRAINING PROGRAM THAT HAS BEEN AUTHORIZED BY THE EPA PURSUANT TO
22 40 C.F.R. PART 745 ALONG WITH PROOF OF THE APPLICANT'S THIRD
23 PARTY EXAMINATION RESULTS.

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

1 (A) INSPECTOR.
2 (B) RISK ASSESSOR.
3 (C) SUPERVISOR.
4 (D) PROJECT DESIGNER.
5 (E) ABATEMENT WORKER.
6 (3) UPON RECEIVING THE DEPARTMENT CERTIFICATION IN 1 OR MORE
7 OF THE DISCIPLINES DESCRIBED IN SUBSECTION (2), AN INDIVIDUAL
8 CONDUCTING LEAD-BASED PAINT ACTIVITIES SHALL COMPLY WITH THE WORK
9 PRACTICE STANDARDS FOR PERFORMING THAT DISCIPLINE AS ESTABLISHED
10 UNDER THIS PART AND THE RULES PROMULGATED UNDER THIS PART.
11 (4) BEGINNING MARCH 1, 1999, AN INDIVIDUAL SHALL NOT CONDUCT
12 A LEAD-BASED PAINT ACTIVITY UNLESS THAT INDIVIDUAL IS CERTIFIED
13 BY THE DEPARTMENT UNDER THIS SECTION IN THE APPROPRIATE
14 DISCIPLINE.
15 (5) AN INDIVIDUAL SHALL DO ALL OF THE FOLLOWING IN ORDER TO
16 BECOME CERTIFIED BY THE DEPARTMENT AS AN INSPECTOR, RISK ASSES-
17 SOR, ABATEMENT WORKER, OR SUPERVISOR:
18 (A) SUCCESSFULLY COMPLETE A COURSE IN THE APPROPRIATE DISCI-
19 PLINE AND RECEIVE A COURSE COMPLETION CERTIFICATE FROM AN ACCRED-
20 ITED TRAINING PROGRAM.
21 (B) PASS THE THIRD PARTY EXAM IN THE APPROPRIATE
22 DISCIPLINE.
23 (C) MEET THE EXPERIENCE OR EDUCATION REQUIREMENTS, OR BOTH,
24 AS DESCRIBED IN RULES PROMULGATED BY THE DEPARTMENT.
25 (6) AFTER AN INDIVIDUAL PASSES THE APPROPRIATE CERTIFICATION
26 EXAM AND SUBMITS AN APPLICATION DEMONSTRATING THAT HE OR SHE
27 MEETS THE APPROPRIATE TRAINING, EDUCATION, AND EXPERIENCE

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1 REQUIREMENTS, THE DEPARTMENT SHALL ISSUE A CERTIFICATE TO THE
2 INDIVIDUAL IN THE SPECIFIC DISCIPLINE FOR WHICH CERTIFICATION IS
3 SOUGHT. TO MAINTAIN CERTIFICATION, AN INDIVIDUAL MUST BE RECER-
4 TIFIED PURSUANT TO THIS PART.

5 (7) AN INDIVIDUAL SHALL TAKE THE THIRD PARTY EXAM WITHIN 6
6 MONTHS AFTER RECEIVING A COURSE COMPLETION CERTIFICATE OR MUST
7 AGAIN COMPLETE THE APPROPRIATE COURSE FROM AN ACCREDITED TRAINING
8 PROGRAM IN ORDER TO BE ELIGIBLE FOR CERTIFICATION. AN INDIVIDUAL
9 IS NOT ELIGIBLE TO TAKE THE THIRD PARTY EXAM MORE THAN 3 TIMES
10 WITHIN THE 6 MONTHS AFTER RECEIVING A COURSE COMPLETION
11 CERTIFICATE.

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

14 (A) SUCCESSFULLY COMPLETE A COURSE IN THE APPROPRIATE DISCI-
15 PLINE AND RECEIVE A COURSE COMPLETION CERTIFICATE FROM AN ACCRED-
16 ITED TRAINING PROGRAM.

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

19 (9) AFTER AN INDIVIDUAL HAS SUCCESSFULLY COMPLETED THE
20 APPROPRIATE TRAINING COURSES, APPLIED TO THE DEPARTMENT, AND MET
21 THE REQUIREMENTS OF THIS PART AND THE RULES PROMULGATED UNDER
22 THIS PART, THE DEPARTMENT SHALL ISSUE A CERTIFICATE TO THE INDI-
23 VIDUAL IN THE DISCIPLINE OF PROJECT DESIGNER. TO MAINTAIN CERTI-
24 FICATION, THE INDIVIDUAL MUST BE PERIODICALLY RECERTIFIED PURSU-
25 ANT TO THIS PART.

26 (10) AN INDIVIDUAL WHO RECEIVED TRAINING IN A LEAD-BASED
27 PAINT ACTIVITY BETWEEN OCTOBER 1, 1990 AND MARCH 1, 1999 AND AN

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1 INDIVIDUAL WHO HAS RECEIVED LEAD-BASED PAINT ACTIVITIES TRAINING
2 AT AN EPA-AUTHORIZED ACCREDITED TRAINING PROGRAM ARE ELIGIBLE FOR
3 CERTIFICATION BY THE DEPARTMENT UNDER RULES PROMULGATED BY THE
4 DEPARTMENT.

5 (11) UNTIL AUGUST 30, 1999, AN INDIVIDUAL MAY APPLY TO THE
6 DEPARTMENT FOR CERTIFICATION UNDER SUBSECTION (10). BEGINNING
7 AUGUST 30, 1999, AN INDIVIDUAL SEEKING CERTIFICATION TO ENGAGE IN
8 LEAD-BASED PAINT ACTIVITIES SHALL APPLY FOR INITIAL CERTIFICATION
9 UNDER THIS PART.

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

15 (13) IN ORDER TO MAINTAIN CERTIFICATION IN A PARTICULAR DIS-
16 CIPLINE, A CERTIFIED INDIVIDUAL SHALL APPLY TO AND BE RECERTIFIED
17 IN THAT DISCIPLINE BY THE DEPARTMENT EVERY 3 YEARS.

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

21 (2) A PERSON SEEKING CERTIFICATION UNDER SUBSECTION (1)
22 SHALL SUBMIT TO THE DEPARTMENT A LETTER ATTESTING THAT THE PERSON
23 SHALL ONLY EMPLOY APPROPRIATELY CERTIFIED EMPLOYEES TO CONDUCT
24 LEAD-BASED PAINT ACTIVITIES AND THAT THE PERSON AND ITS EMPLOYEES
25 SHALL FOLLOW THE WORK PRACTICE STANDARDS FOR CONDUCTING
26 LEAD-BASED PAINT ACTIVITIES AS ESTABLISHED IN RULES PROMULGATED
27 BY THE DEPARTMENT.

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1 (3) A PERSON SEEKING CERTIFICATION UNDER SUBSECTION (1)

2 SHALL DO ALL OF THE FOLLOWING:

3 (A) COMPLETE THE APPLICATION AND PAY THE APPROPRIATE FEE
4 ACCOMPANIED BY A CORPORATE IDENTIFICATION NUMBER, CERTIFICATE OF
5 SOLE PROPRIETORSHIP, OR OTHER BUSINESS ENTITY DOCUMENTATION
6 ACCEPTABLE TO THE DEPARTMENT.

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

8 (C) SUBMIT PROOF OF MICHIGAN WORKERS' DISABILITY COMPENSA-
9 TION INSURANCE.

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

13 (E) IF APPLICABLE, SUBMIT THE NAME OF EACH PRINCIPAL PART-
14 NER, SHAREHOLDER, MEMBER, OR OWNER.

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

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

24 SEC. 5470. BEGINNING ON MARCH 1, 1999, ALL LEAD-BASED PAINT
25 ACTIVITIES SHALL BE PERFORMED BY AN INDIVIDUAL CERTIFIED IN THE
26 APPROPRIATE DISCIPLINE UNDER THIS PART AND PURSUANT TO THE WORK

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1 PRACTICE STANDARDS PRESCRIBED IN RULES PROMULGATED BY THE
2 DEPARTMENT.

3 SEC. 5471. (1) FEES FOR A PERSON ACCREDITED OR SEEKING
4 ACCREDITATION FOR A TRAINING PROGRAM OFFERING COURSES OR
5 REFRESHER COURSES IN LEAD-BASED PAINT ACTIVITIES ARE AS FOLLOWS:

6 (A) APPLICATION PROCESSING FEE..... \$100.00.

7 (B) INITIAL ACCREDITATION FEE..... \$475.00.

8 (C) REACCREDITATION FEE, ANNUAL..... \$265.00.

9 (2) FEES FOR AN INDIVIDUAL CERTIFIED OR SEEKING CERTIFICA-
10 TION TO ENGAGE IN LEAD-BASED PAINT ACTIVITIES ARE AS FOLLOWS:

11 (A) APPLICATION PROCESSING FEE..... \$25.00.

12 (B) CERTIFICATION FEE, PER YEAR:

13 (i) INSPECTOR..... \$135.00.

14 (ii) RISK ASSESSOR..... \$140.00.

15 (iii) SUPERVISOR..... \$145.00.

16 (iv) PROJECT DESIGNER..... \$155.00.

17 (v) ABATEMENT WORKER..... \$40.00.

18 (3) FEES FOR A PERSON CERTIFIED OR SEEKING CERTIFICATION TO
19 ENGAGE IN LEAD-BASED PAINT ACTIVITIES ARE AS FOLLOWS:

20 (A) APPLICATION PROCESSING FEE..... \$100.00.

21 (B) CERTIFICATION FEE, PER YEAR..... \$220.00.

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1 (4) IF THE DEPARTMENT INCREASES FEES UNDER SUBSECTION (4),
2 THE INCREASE SHALL BE EFFECTIVE FOR THAT FISCAL YEAR. THE
3 INCREASED FEES SHALL BE USED BY THE DEPARTMENT AS THE BASIS FOR
4 CALCULATING FEE INCREASES IN SUBSEQUENT FISCAL YEARS.

5 (5) BY AUGUST 1 OF EACH YEAR, THE DEPARTMENT SHALL PROVIDE
6 TO THE DIRECTOR OF THE DEPARTMENT OF MANAGEMENT AND BUDGET AND TO
7 THE CHAIRPERSONS OF THE APPROPRIATIONS COMMITTEES OF THE SENATE
8 AND HOUSE OF REPRESENTATIVES A COMPLETE SCHEDULE OF FEES TO BE
9 COLLECTED UNDER THIS SECTION.

10 (6) THE FEES IMPOSED UNDER THIS PART SHALL NOT EXCEED THE
11 ACTUAL COST OF ADMINISTERING THIS PART.

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

19 SEC. 5473. THE LEGISLATURE SHALL ANNUALLY APPROPRIATE TO
20 THE DEPARTMENT AN AMOUNT SUFFICIENT TO ADMINISTER AND ENFORCE
21 THIS PART. THESE FUNDS SHALL BE OFFSET BY FUNDS RECEIVED FROM
22 FEDERAL AGENCIES IN THE FORM OF GRANTS OR OTHER FUNDING
23 PROVISIONS. ALL FUNDS GENERATED BY THIS PART SHALL BE DEPOSITED
24 INTO THE GENERAL FUND TO BE USED EXCLUSIVELY BY THE DEPARTMENT TO
25 CARRY OUT THE DUTIES AND RESPONSIBILITIES OF THIS PART.

26 SEC. 5474. (1) THE DEPARTMENT SHALL ADMINISTER THIS PART
27 AND PROMULGATE RULES AS MAY BE NECESSARY FOR THE ADMINISTRATION

1 AND ENFORCEMENT OF THIS PART PURSUANT TO THE ADMINISTRATIVE
2 PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.

3 (2) THE DEPARTMENT SHALL AUTHORIZE, COORDINATE, AND CONDUCT
4 PROGRAMS TO EDUCATE, BUT NOT LIMITED TO, HOMEOWNERS AND REMODELERS
5 OF LEAD HAZARDS ASSOCIATED WITH REMODELING TARGET HOUSING AND
6 METHODS OF LEAD-HAZARD REDUC-
TION ACTIVITIES.

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

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

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

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

2 (C) CONTINUED FAILURE TO OBTAIN OR RENEW CERTIFICATION OR
3 ACCREDITATION UNDER THIS PART.

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

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

10 SEC. 5476. (1) A PERSON WHO VIOLATES THIS PART IS SUBJECT
11 TO AN ADMINISTRATIVE FINE UP TO THE FOLLOWING AMOUNTS FOR EACH
12 VIOLATION OR EACH DAY THAT A VIOLATION CONTINUES:

13 (A) FOR A FIRST VIOLATION..... \$2,000.00.

14 (B) FOR A SECOND VIOLATION..... \$5,000.00.

15 (C) FOR A THIRD OR SUBSEQUENT VIOLATION..... \$10,000.00.

16 (2) IF THE DEPARTMENT HAS REASONABLE CAUSE TO BELIEVE THAT A
17 PERSON HAS VIOLATED THIS PART OR A RULE PROMULGATED UNDER THIS
18 PART, THE DEPARTMENT MAY ISSUE A CITATION AT THAT TIME OR NOT
19 LATER THAN 180 DAYS AFTER DISCOVERY OF THE ALLEGED VIOLATION.

20 THE CITATION SHALL BE WRITTEN AND SHALL STATE WITH PARTICULARITY
21 THE NATURE OF THE VIOLATION AS PROVIDED FOR BY THE ADMINISTRATIVE
22 PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328. AN
23 ALLEGED VIOLATOR MAY REQUEST AN ADMINISTRATIVE HEARING PURSUANT
24 TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
25 24.201 TO 24.328.

26 SEC. 5477. (1) A PERSON WHO ENGAGES IN A REGULATED ACTIVITY
27 AS PROVIDED FOR BY THIS PART OR ANY PERSON WHO VIOLATES THIS PART

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1 OR ANY RULES PROMULGATED UNDER THIS PART AND WHO FAILS TO CORRECT
2 THE VIOLATION AFTER NOTICE FROM THE DEPARTMENT UNDER THIS PART IS
3 GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN
4 \$5,000.00, AND UPON CONVICTION FOR A SECOND OR SUBSEQUENT
5 OFFENSE, NOT MORE THAN \$10,000.00, OR IMPRISONMENT FOR NOT MORE
6 THAN 6 MONTHS, OR BOTH. A VIOLATION OF THIS PART MAY BE PROSE-
7 CUTED BY EITHER THE ATTORNEY GENERAL OR THE PROSECUTING ATTORNEY
8 OF THE JUDICIAL DISTRICT IN WHICH THE VIOLATION WAS COMMITTED.
9 (2) THE APPLICATION OF SANCTIONS UNDER THIS PART IS CUMULA-
10 TIVE AND DOES NOT PRECLUDE THE APPLICATION OF OTHER SANCTIONS,
11 PENALTIES, OR PROVISIONS OF ANY OTHER FEDERAL, STATE, OR POLITI-
12 CAL SUBDIVISION.