

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1736*

Short Title: Study Comm.

(Public)

Sponsors: Representatives Dickson; Sexton, Gottovi, Gamble, and Morgan.

Referred to: Health and Human Services.

May 26, 1994

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE LEAD ABATEMENT IN ACCORDANCE WITH
3 FEDERAL LAW.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 130A of the General Statutes is amended by adding a new
6 Article to read:

7 **"ARTICLE 20.**

8 **"LEAD HAZARD MANAGEMENT PROGRAM.**

9 **"§ 130A-460. Definitions.**

10 As used in this Article, unless the context indicates otherwise:

- 11 (1) 'Deleading' means activities conducted by a person who offers to
12 eliminate lead-based paint or lead-based paint hazards or to plan such
13 activities.
- 14 (2) 'Lead abatement activities' means any set of measures designed to
15 permanently eliminate lead-based paint hazards.
- 16 (3) 'Lead-based paint' means paint or other surface coatings that contain
17 lead:
- 18 a. In excess of 1.0 milligrams per centimeter squared or five-
19 tenths percent (.5%) by weight;
- 20 b. In the case of paint or other surface coatings on target housing,
21 at a lower level as established by the United States Secretary of
22 Housing and Urban Development; or
- 23 c. At a level as established by the administrator of the United
24 States Environmental Protection Agency.

- 1 (4) 'Lead-based paint activities' means the identification, inspection, risk-
2 assessment, abatement, and demolition of lead-based paint or materials
3 containing lead-based paint in target housing, public buildings
4 constructed before 1978, commercial buildings, bridges, or other
5 nonresidential structures or superstructures.
- 6 (5) 'Lead-based paint hazard' means any condition that causes exposure to
7 lead from lead-contaminated dust, soil, or lead-contaminated paint that
8 is deteriorated or present in accessible surfaces, friction surfaces, or
9 impact surfaces that would result in adverse effects to human health, as
10 determined by the Commission.
- 11 (6) 'Lead Exposure Reduction Act' or 'LER' means the Lead-Based Paint
12 Exposure Reduction Act, Pub. L. No. 102-550, 106 Stat. 3672, 3912-
13 24 (1992).
- 14 (7) 'Person' means as defined in G.S. 130A-313(9).
- 15 (8) 'Target housing' means any housing constructed prior to 1978, unless
16 the housing is for the elderly or persons with disabilities. However,
17 target housing does include housing constructed prior to 1978 for the
18 elderly or persons with disabilities if any child less than six years of
19 age resides or is expected to reside in this housing. Target housing
20 does not include any dwelling with no bedrooms.

21 This section is applicable only to North Carolina's Lead-Based Paint Hazard
22 Reduction Grant from United States Housing and Urban Development, Category I.

23 **"§ 130A-461. Certification of persons performing lead abatement activities and**
24 **lead-based paint activities and accreditation of training courses.**

25 (a) No person shall commence or continue to perform lead abatement activities
26 or lead-based paint activities unless the person has been certified by the Department.
27 No person shall be certified until the person has passed a State-administered
28 examination. No person shall commence or continue to provide a training course in
29 lead abatement activities or lead-based paint activities unless the course has been
30 accredited by the Department. The Commission shall adopt rules governing
31 accreditation of training courses and certification of persons. The rules shall include
32 categories of training course accreditation and appropriate education, experience, and
33 training requirements for each category of certification. The rules adopted by the
34 Commission shall also establish an implementation schedule for accreditation and
35 certification requirements.

36 (b) Persons performing renovation and remodeling activities that are exempt
37 from the certification requirements contained in the regulations adopted pursuant to
38 LER shall be exempt from the lead certification requirements of subsection (a) of this
39 section.

40 This section is applicable only to North Carolina's Lead-Based Paint Hazard
41 Reduction Grant from United States Housing and Development, Category I.

42 **"§ 130A-462. Lead management fees.**

43 (a) The Department shall establish and collect annual lead certification fees and a
44 lead examination fee. These fees shall be used to support the Lead Hazard Management

1 Program. The annual certification fees shall not exceed one hundred dollars (\$100.00)
2 for each certified person per category. The examination fee shall not exceed seventy-
3 five dollars (\$75.00).

4 (b) The Department shall establish and collect fees for the initial accreditation
5 and annual accreditation of lead training courses. These fees shall be used to support
6 the Lead Hazard Management Program. The fees shall not exceed one thousand five
7 hundred dollars (\$1,500) for initial accreditation and shall not exceed five hundred
8 dollars (\$500.00) for annual reaccreditation.

9 This section is applicable only to North Carolina's Lead-Based Paint Hazard
10 Reduction Grant from United States Housing and Urban Development, Category I.

11 **"§ 130A-463. Commission to adopt rules.**

12 For the protection of the public health, the Commission shall adopt rules to
13 implement this Article and LER.

14 This section is applicable only to North Carolina's Lead-Based Paint Hazard
15 Reduction Grant from United States Housing and Urban Development, Category I."

16 Sec. 2. This act is effective upon ratification.