

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

2

SENATE BILL 595  
Finance Committee Substitute Adopted 6/21/96

Short Title: Lead Abatement Certification.

(Public)

---

Sponsors:

---

Referred to:

---

April 6, 1995

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH CERTIFICATION FOR PERSONS PERFORMING LEAD  
3 ABATEMENT.

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 21.**

8 **"LEAD HAZARD MANAGEMENT PROGRAM.**

9 **"§ 130A-470. Purposes; definitions.**

10 (a) Purpose. – The purpose of this Article is to protect the health of children under  
11 six years of age by preventing exposure to lead-based paint hazards. Lead exposure can  
12 be devastating to the developing brain and nervous system of young children leading to  
13 poor classroom performance and reduced worker productivity. A certification program is  
14 established to ensure that trained individuals are available to conduct ordered abatements  
15 where children are known to be lead poisoned. The certification program is intended to  
16 satisfy HUD requirements for lead-based paint abatement.

17 (b) Definitions. – The following definitions apply in this Article:

- 1           (1) Lead abatement. – A set of measures designed to identify or eliminate  
2 lead-based paint and lead-based paint hazards that includes only the  
3 following:
- 4           a. Abatements ordered by the Department pursuant to G.S. 130A-  
5 131.5.
- 6           b. Abatements funded by the Department of Commerce and the  
7 North Carolina Housing Finance Agency.
- 8           c. Inspections, risk assessments, or abatements performed by  
9 persons who, through their company name, promotional  
10 literature, or otherwise, advertise or hold themselves out to be  
11 lead abatement professionals.
- 12           (2) Lead-based paint. – Paint or other surface coatings that contain lead at  
13 or in excess of a level to be established by the Commission.
- 14           (3) Lead-based paint hazard. – A condition that causes exposure to lead  
15 from lead-contaminated dust, lead-contaminated soil, or lead-  
16 contaminated paint that is deteriorated or present in accessible surfaces,  
17 friction surfaces, or impact surfaces that would result in an adverse  
18 effect to human health.
- 19           (4) Person. – Defined in G.S. 130A-444.

20 **"§ 130A-471. Certificate of persons performing lead abatement; accreditation of**  
21 **training courses.**

22           (a) Certification Required. – No person shall commence or continue to perform  
23 lead abatement on or after January 1, 1997, unless the person has been certified by the  
24 Department. The Commission shall adopt rules governing the certification of persons,  
25 including, but not limited to, categories of certification, education, training, examination  
26 requirements, and an implementation schedule for certification requirements. Any entity  
27 engaged in lead abatement shall use only certified persons to conduct these activities.

28           (b) Course Accreditation. – No person shall commence or continue to provide a  
29 lead abatement training course unless the course has been accredited by the Department.  
30 The Commission shall adopt rules governing accreditation of training courses including,  
31 but not limited to, categories of training course accreditation, standards for training  
32 courses, and an implementation schedule for accreditation requirements.

33 **"§ 130A-472. Lead management fees.**

34           (a) Certification Fees. – The Department shall establish and collect certification  
35 fees and examination fees. These fees shall be used to support the Lead Hazard  
36 Management Program in the Department. The annual certification fees shall not exceed  
37 one hundred dollars (\$100.00) for each certified person for each category of certification.  
38 The examination fees shall not exceed seventy-five dollars (\$75.00) for each  
39 examination.

40           (b) Course Accreditation Fees. – The Department shall establish and collect fees  
41 for the accreditation of lead abatement training courses. These fees shall be used to  
42 support the Lead Hazard Management Program in the Department. The fees shall not

1 exceed one thousand five hundred dollars (\$1,500) for each initial accreditation and shall  
2 not exceed five hundred dollars (\$500.00) for each annual renewal of accreditation.

3 (c) Exemptions. – The fees established under this section shall not apply to any  
4 State, local government, or nonprofit lead abatement training program.

5 **"§ 130A-473. Lead abatement permits.**

6 No person shall commence lead abatement on or after January 1, 1997, without a lead  
7 abatement permit issued by the Department. The Commission shall adopt rules  
8 governing lead abatement permits. No permit under this section shall be required for  
9 inspections or risk assessments.

10 **"§ 130A-474. Application fees for lead abatement permits.**

11 (a) Permit Fee. – The Department shall establish and collect an application fee for  
12 lead abatement permits. These fees shall be used to support the Lead Hazard  
13 Management Program in the Department. The fee shall be paid by the lead abatement  
14 contractor. The application fee shall not exceed one percent (1%) of the contract price.  
15 The fee for a residential dwelling shall not exceed fifty dollars (\$50.00).

16 (b) Exemption. – The owner of any single-family dwelling, in which the owner  
17 will reside after the lead abatement is complete, is not required to pay an application fee.

18 **"§ 130A-475. Commission to adopt rules.**

19 The Commission shall adopt rules to implement this Article."

20 Sec. 2. G.S. 130A-22 is amended by adding a new subsection to read:

21 "( b3) The Secretary may impose an administrative penalty on a person who violates  
22 Article 21 of this Chapter or any rules adopted pursuant to Article 21 of this Chapter.  
23 Each day of a continuing violation shall constitute a separate violation. The penalty shall  
24 not exceed one thousand dollars (\$1,000) for each day the violation continues."

25 Sec. 3. This act is effective upon ratification and will expire effective July 1,  
26 1999.