

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 516

Short Title: Lead-Based Paint Mgmt/AB.

(Public)

Sponsors: Senators Ballance; Jordan, Kinnaird, Lee, Odom, and Winner.

Referred to: Finance.

March 26, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A LEAD-BASED PAINT HAZARD MANAGEMENT
3 PROGRAM.

4 The General Assembly of North Carolina enacts:

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

7 **"ARTICLE 19A.**

8 **"LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM.**

9 **"§ 130A-453. Definitions.**

10 As used in this Article:

- 11 (1) 'Abatement' means any set of measures designed to identify lead-based
12 paint or lead-based paint hazards or eliminate lead-based paint hazards;
13 it does not include measures designed to identify or eliminate lead-
14 based paint and lead-based paint hazards on bridges, water towers,
15 superstructures, and industrial structures.
16 (2) 'Elevated blood lead level' means a level established by the Commission
17 pursuant to G.S. 130A-131.5.
18 (3) 'Inspection' means an investigation to determine the presence of lead-
19 based paint.

1 (4) 'Lead-based paint' means paint or other surface coatings that contain
2 lead in excess of a level to be established by the Commission.

3 (5) 'Lead-based paint hazard' means any condition that may cause adverse
4 human health effects as a result of exposure to lead from lead-
5 contaminated dust, lead-contaminated soil, or lead-contaminated paint.

6 (6) 'Person' has the same meaning as in G.S. 130A-444.

7 (7) 'Risk assessment' means an on-site investigation to determine and report
8 the existence, nature, severity, and location of lead-based paint hazards.

9 **"§ 130A-454. Certification of persons performing lead abatement; accreditation of**
10 **training courses and training providers.**

11 (a) No person shall commence or continue to perform abatement without first
12 obtaining certification from the Department. Persons who perform abatement within a
13 residential dwelling that they own and in which they reside are exempt from the above
14 certification requirement. The Commission shall adopt rules governing certification
15 including, but not limited to, categories of certification, education, training, examination
16 requirements, and an implementation schedule for certification requirements. Any entity
17 engaged in abatement activities shall only use persons certified by the Department to
18 perform abatements.

19 (b) No person shall commence or continue to provide certification training in
20 abatement unless the training and training provider have been accredited by the
21 Department. The Commission shall adopt rules governing accreditation of training and
22 training providers including, but not limited to, categories of training course
23 accreditation, standards for training, and an implementation schedule for accreditation
24 requirements.

25 **"§ 130A-454.1. Certification and accreditation fees.**

26 (a) The Department shall establish and collect certification fees and examination
27 fees. These fees shall be used to support the Lead-Based Paint Hazard Management
28 Program in the Department. The annual certification fees shall not exceed one hundred
29 fifty dollars (\$150.00) for each certified person for each category of certification. The
30 examination fees shall not exceed one hundred dollars (\$100.00) for each examination.

31 (b) The Department shall establish and collect fees for the accreditation of lead
32 abatement training courses. These fees shall be used to support the Lead-Based Paint
33 Hazard Management Program in the Department. The fees shall not exceed two thousand
34 dollars (\$2,000) for initial accreditation for each course and shall not exceed seven
35 hundred fifty dollars (\$750.00) for annual renewal of each course.

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

38 (d) The fees established under this section shall not apply to governmental
39 regulatory personnel performing or inspecting abatement solely for the purpose of
40 determining compliance with applicable statutes or regulations.

41 **"§ 130A-454.2. Lead abatement permits.**

1 No person shall engage in lead abatement without a lead abatement permit issued by
2 the Department. The Commission shall adopt rules governing lead abatement permits.
3 No permit under this section shall be required for inspections or risk assessments.

4 **"§ 130A-454.3. Application fees for lead abatement permits.**

5 (a) The Department shall establish and collect an application fee for lead
6 abatement permits. These fees shall be used to support the Lead-Based Paint Hazard
7 Management Program in the Department. The application fee shall not exceed two
8 percent (2%) of the contracted price.

9 (b) The owner of any single-family dwelling, in which the owner will reside after
10 the lead abatement is complete, is not required to pay an application fee under subsection
11 (a) of this section. The owner of any single-family dwelling that is not occupied by the
12 owner is required to pay the application fee under subsection (a) of this section.

13 **"§ 130A-454.4. Commission to adopt work practice standards.**

14 The Commission shall adopt standards to ensure that abatements performed under this
15 Article result in the elimination of lead-based paint hazards.

16 **"§ 130A-454.5. Commission to adopt rules.**

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

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

19 "(b3) The Secretary may impose an administrative penalty on a person who
20 violates Article 19A of this Chapter or any rules adopted pursuant to
21 Article 19A of this Chapter. Each day of a continuing violation shall
22 constitute a separate violation. The penalty shall not exceed one
23 thousand dollars (\$1,000) for each day the violation continues."

24 Section 3. This act is effective when it becomes law.