

HOUSE BILL No. 5931

March 9, 2010, Introduced by Reps. Warren, Tlaib, Smith, Liss, Leland, Ebli, Lipton and Meadows and referred to the Committee on Great Lakes and Environment.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5451, 5453, 5454, 5455, 5456, 5457, 5458, 5459, 5460, 5461, 5461a, 5462, 5463, 5466, 5467, 5468, 5469, 5470, 5471, 5472, 5473, 5473a, 5474, 5474b, 5475, 5475a, 5476, and 5477 (MCL 333.5451, 333.5453, 333.5454, 333.5455, 333.5456, 333.5457, 333.5458, 333.5459, 333.5460, 333.5461, 333.5461a, 333.5462, 333.5463, 333.5466, 333.5467, 333.5468, 333.5469, 333.5470, 333.5471, 333.5472, 333.5473, 333.5473a, 333.5474, 333.5474b, 333.5475, 333.5475a, 333.5476, and 333.5477), sections 5451, 5461, 5469, 5470, and 5474 as added by 1998 PA 219, section 5453 as amended by 2008 PA 45, sections 5454, 5455, 5456, 5457, 5458, 5459, 5460, 5462, 5463, 5467, 5468, 5471, 5472, 5473a, 5475, 5476, and 5477 as amended by 2002 PA 644, sections 5461a,

5466, and 5473 as added by 1998 PA 220, section 5474b as added by 2004 PA 432, and section 5475a as added by 2004 PA 434, and by adding sections 5460b, 5461b, 5461c, 5469a, and 5469b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5451. (1) This part shall be known and may be cited as
2 the "lead abatement **AND RENOVATION** act".

3 (2) **THE PURPOSE OF THIS PART IS TO REGULATE LEAD-BASED PAINT**
4 **ACTIVITIES, LEAD HAZARD CONTROL ACTIVITIES, AND RENOVATION**
5 **ACTIVITIES IN TARGET HOUSING AND CHILD-OCCUPIED FACILITIES. RULES**
6 **PROMULGATED BY THE DEPARTMENT UNDER THIS PART SHALL BE AT LEAST**
7 **AS PROTECTIVE AS THE EPA'S LEAD-BASED PAINT RENOVATION, REPAIR,**
8 **AND PAINTING RULE FOUND IN 40 CFR 745, FROM WHICH THIS PART WAS**
9 **FORMULATED.**

10 Sec. 5453. (1) "Abatement", except as otherwise provided in
11 subsection (2), means a measure or set of measures designed to
12 permanently eliminate ~~lead-based paint~~ **LEAD** hazards. Abatement
13 includes all of the following:

14 (a) The removal of lead-based paint and dust lead hazards,
15 the permanent enclosure or encapsulation of lead-based paint, the
16 replacement of lead-painted surfaces or fixtures, the removal or
17 covering of soil lead hazards, and all preparation, cleanup,
18 disposal, and postabatement clearance testing activities
19 associated with such measures.

20 (b) A project for which there is a written contract or other
21 documentation that provides that a person will be conducting
22 activities in or to a ~~residential dwelling~~ **TARGET HOUSING** or
23 child-occupied ~~facility~~ **FACILITIES** that will result in the

1 permanent elimination of ~~lead-based paint~~ **LEAD** hazards or that
2 are designed to permanently eliminate ~~lead-based paint~~ **LEAD**
3 hazards.

4 (c) A project resulting in the permanent elimination of
5 ~~lead-based paint~~ **LEAD** hazards, conducted by a person certified
6 under this part, except a project that is exempt from this part.

7 (d) A project resulting in the permanent elimination of
8 ~~lead-based paint~~ **LEAD** hazards, conducted by a person who, through
9 ~~their~~ **HIS OR HER** company name or promotional literature,
10 represents, advertises, or holds themselves out to be in the
11 business of performing ~~lead-based paint~~ **LEAD** activities, except a
12 project that is exempt from this part.

13 (e) A project resulting in the permanent elimination of
14 ~~lead-based paint~~ **LEAD** hazards that is conducted in response to a
15 state or local government abatement order.

16 (2) Abatement does not include any of the following:

17 (a) Renovation, remodeling, landscaping, or other activity,
18 if the activity is not designed to permanently eliminate ~~lead-~~
19 ~~based paint~~ **LEAD** hazards, but is instead designed to repair,
20 restore, or remodel a structure, target housing, or **RESIDENTIAL**
21 dwelling even though the activity may incidentally result in a
22 reduction or elimination of a lead-based paint hazard.

23 (b) An interim control, operation, and maintenance activity,
24 or other measure or activity designed to temporarily, but not
25 permanently, reduce a ~~lead-based paint~~ **LEAD** hazard.

26 (c) Any lead-based paint activity performed by the owner of
27 an owner-occupied residential dwelling or an owner-occupied

1 multifamily dwelling containing 4 or fewer units if the activity
2 is performed only in that owner-occupied unit of the multifamily
3 dwelling.

4 (d) The scraping or removal of paint, painting over paint,
5 or other similar activity that may incidentally result in a
6 reduction or elimination of a ~~lead-based paint~~ **LEAD** hazard, if
7 the activity meets all of the following:

8 (i) The activity is performed only on residential or
9 multifamily dwellings containing 4 or fewer units.

10 (ii) The activity is coordinated by a nonprofit charitable or
11 volunteer organization that meets all of the following:

12 (A) Is in compliance with the procedures established under
13 subpart J of part 35 of title 24 of the code of federal
14 regulations, 24 CFR 35.900 to 35.940.

15 (B) Has written guidelines in place to ensure safe work
16 practices to protect residents and volunteers from hazards
17 including, but not limited to, lead exposure and asbestos
18 exposure.

19 (C) In writing, discloses to the owner **OR OCCUPANTS** of the
20 residential or multifamily dwelling all of the following:

21 (I) The presence of any known lead-based paint and ~~lead-~~
22 ~~based paint~~ **LEAD** hazards.

23 (II) Information regarding the lead ~~safe~~ **INFORMATION** housing
24 registry maintained by the department under section 5474b.

25 (III) Information regarding the owner's obligations under
26 the federal lead-based paint or ~~lead-based paint~~ **LEAD** hazard
27 disclosure rule under subpart F of part 745 of title 40 of the

1 code of federal regulations, 40 CFR 745.100 to 745.119.

2 (D) Notifies the department that the residential or
3 multifamily dwelling may be required to be on the lead ~~safe~~
4 **INFORMATION** housing registry maintained by the department.

5 (iii) The activity is performed only by unpaid volunteers and
6 the organization receives no ~~remuneration directly~~ **COMPENSATION**
7 from the owner or occupant of the residential dwelling or
8 multifamily dwelling.

9 (iv) The activity does not involve the use of a lead-based
10 paint encapsulating product that requires certification from the
11 department.

12 (v) The activity does not involve the use of high-pressure
13 water or compressed air cleaning equipment on, the dry sanding
14 of, or the scraping of, asbestos siding prior to painting.

15 (3) "Accredited training program" means a training program
16 that has been accredited by the department under this part to
17 provide training for individuals engaged in lead-based paint
18 activities **OR RENOVATION ACTIVITIES. ACCREDITED PROGRAM INCLUDES**
19 **PROGRAMS THE DEPARTMENT MAY ALSO RECOGNIZE AS APPROVED BY THE EPA**
20 **OR EPA-AUTHORIZED STATE OR TRIBAL PROGRAMS AS PROVIDED FOR IN THE**
21 **RULES ADOPTED BY THE DEPARTMENT.**

22 (4) "Adequate quality control" means a plan or design that
23 ensures the authenticity, integrity, and accuracy of a sample
24 including, but not limited to, a dust sample, a soil or paint
25 chip sample, or a paint film sample. Adequate quality control
26 also includes a provision in a plan or design described in this
27 subsection for representative sampling.

1 (5) "APPLICATION OF DUST SUPPRESSING LIQUIDS OR FOAMS" MEANS
 2 THE APPLICATION OF WATER OR A WATER-BASED OR OTHER NONTOXIC
 3 SOLUTION TO THE SURFACE OF AN AREA TO BE DISTURBED DURING
 4 RENOVATION FOR THE PURPOSES OF CONTROLLING THE GENERATION OF
 5 DUST.

6 Sec. 5454. (1) "CERTIFICATE" MEANS A DOCUMENT ISSUED OR
 7 RECOGNIZED BY THE DEPARTMENT ATTESTING TO THE FACT THAT A PERSON
 8 OR FIRM MEETS THE STANDARDS OF THE DEPARTMENT FOR CERTIFICATION
 9 AS FURTHER DEFINED IN THE RULES OR ATTESTING TO THE FACT THAT AN
 10 INDIVIDUAL HAS SUCCESSFULLY COMPLETED AN ACCREDITED TRAINING
 11 PROGRAM.

12 (2) ~~(1)~~—"Certified abatement worker" means an individual who
 13 has been trained to perform abatements by an accredited training
 14 program and who is certified by the department under this part to
 15 perform abatement.

16 ~~(2) "Certified clearance technician" means an individual who~~
 17 ~~has completed an approved training course and been certified by~~
 18 ~~the department under this part to conduct clearance testing~~
 19 ~~following interim controls.~~

20 (3) "CERTIFIED DUST SAMPLING TECHNICIAN" MEANS AN INDIVIDUAL
 21 WHO HAS SUCCESSFULLY COMPLETED AN ACCREDITED TRAINING COURSE AND
 22 BEEN CERTIFIED BY THE DEPARTMENT UNDER THIS PART TO CONDUCT DUST
 23 WIPE CLEARANCE TESTING FOLLOWING RENOVATION ONLY.

24 (4) ~~(3)~~—"Certified firm" means a person that performs a
 25 lead-based paint activity **OR RENOVATION** for which the department
 26 has issued a certificate ~~of approval~~ under this part.

27 (5) ~~(4)~~—"Certified inspector" means an individual who has

1 been trained by an accredited training program and ~~certified by~~
2 ~~the department under this part~~ **TO WHOM THE DEPARTMENT HAS ISSUED**
3 **A CERTIFICATE** to conduct **LEAD** inspections ~~and~~ **OR** take samples for
4 the presence of lead in paint, dust, and soil for the purposes of
5 ~~abatement-clearance testing,~~ **FOLLOWING LEAD HAZARD CONTROL**
6 **ACTIVITIES OR RENOVATION ACTIVITIES.**

7 (6) ~~(5)~~-"Certified project designer" means an individual who
8 has been trained by an accredited training program ~~and certified~~
9 ~~by the department under this part~~ **AND TO WHOM THE DEPARTMENT HAS**
10 **ISSUED A CERTIFICATE** to prepare abatement project designs,
11 occupant protection plans, and abatement reports.

12 (7) **"CERTIFIED RENOVATOR" MEANS AN INDIVIDUAL WHO HAS**
13 **SUCCESSFULLY COMPLETED A RENOVATOR COURSE PROVIDED BY AN**
14 **ACCREDITED TRAINING PROGRAM AND TO WHOM THE DEPARTMENT HAS ISSUED**
15 **A CERTIFICATE AND WHO IS CERTIFIED BY THE DEPARTMENT UNDER THIS**
16 **PART, AND UNDER RULES PROMULGATED BY THE DEPARTMENT, TO PERFORM**
17 **RENOVATIONS OR WHO DIRECTS OR SUBCONTRACTS TO OTHERS UNDER HIS OR**
18 **HER SUPERVISION TO PERFORM RENOVATIONS.**

19 (8) ~~(6)~~-"Certified risk assessor" means an individual who
20 has been trained by an accredited training program ~~and certified~~
21 ~~by the department under this part~~ **AND TO WHOM THE DEPARTMENT HAS**
22 **ISSUED A CERTIFICATE** to conduct **LEAD** inspections and risk
23 assessments and to take samples for the presence of lead **AND LEAD**
24 **HAZARDS** in paint, dust, and soil. ~~for the purposes of abatement~~
25 ~~clearance testing.~~

26 (9) ~~(7)~~-"Certified supervisor" means an individual who has
27 been trained by an accredited training program and ~~certified by~~

1 ~~the department under this part~~ TO WHOM THE DEPARTMENT HAS ISSUED
2 A CERTIFICATE to supervise and conduct ~~abatement~~ LEAD HAZARD
3 CONTROL ACTIVITIES and to prepare occupant protection plans and
4 ~~abatement~~ LEAD HAZARD CONTROL ACTIVITY reports OR OTHER RELATED
5 ACTIVITIES AS DESCRIBED IN RULES PROMULGATED UNDER SECTION 5473A.

6 (10) ~~(8)~~ "Child-occupied facility" means a building or
7 portion of a building constructed before 1978 that is visited
8 regularly by ~~a child who is 6 years of age or less, on at least 2~~
9 ~~different days within a given week, if each day's visit is at~~
10 ~~least 3 hours and the combined weekly visit is at least 6 hours~~
11 ~~in length, and the combined annual visits are at least 60 hours~~
12 ~~in length. Child occupied facility includes, but is not limited~~
13 ~~to, a day care center, a preschool, and a kindergarten classroom~~
14 THE SAME CHILD, UNDER 6 YEARS OF AGE, ON AT LEAST 2 DIFFERENT
15 DAYS WITHIN ANY SUNDAY THROUGH SATURDAY PERIOD, PROVIDED THAT
16 EACH DAY'S VISIT LASTS AT LEAST 3 HOURS, THE COMBINED WEEKLY
17 VISITS LAST AT LEAST 6 HOURS, AND THE COMBINED ANNUAL VISITS LAST
18 AT LEAST 60 HOURS. CHILD-OCCUPIED FACILITY INCLUDES, BUT IS NOT
19 LIMITED TO, DAY CARE CENTERS, PRESCHOOLS AND KINDERGARTEN
20 CLASSROOMS, AND CHILD-OCCUPIED FACILITIES THAT MAY BE LOCATED IN
21 RESIDENTIAL DWELLINGS OR IN PUBLIC OR COMMERCIAL BUILDINGS. WITH
22 RESPECT TO COMMON AREAS IN PUBLIC OR COMMERCIAL BUILDINGS THAT
23 CONTAIN CHILD-OCCUPIED FACILITIES, THE CHILD-OCCUPIED FACILITY
24 ENCOMPASSES ONLY THOSE COMMON AREAS THAT ARE ROUTINELY USED BY
25 CHILDREN UNDER AGE 6, SUCH AS RESTROOMS AND CAFETERIAS. COMMON
26 AREAS THAT CHILDREN UNDER AGE 6 ONLY PASS THROUGH, SUCH AS
27 HALLWAYS, STAIRWAYS, AND GARAGES, ARE NOT CONSIDERED A CHILD-

1 OCCUPIED FACILITY. WITH RESPECT TO EXTERIORS OF PUBLIC OR
 2 COMMERCIAL BUILDINGS THAT CONTAIN CHILD-OCCUPIED FACILITIES, THE
 3 CHILD-OCCUPIED FACILITY ENCOMPASSES ONLY THE EXTERIOR SIDES OF
 4 THE BUILDING THAT ARE IMMEDIATELY ADJACENT TO THE CHILD-OCCUPIED
 5 FACILITY OR THE COMMON AREAS ROUTINELY USED BY CHILDREN UNDER 6
 6 YEARS OF AGE.

7 Sec. 5455. (1) "CLEANING VERIFICATION CARD" MEANS A CARD
 8 DEVELOPED, OR OTHERWISE APPROVED, BY THE EPA FOR THE PURPOSE OF
 9 DETERMINING, THROUGH COMPARISON OF WET AND DRY DISPOSABLE
 10 CLEANING CLOTHS WITH THE CARD, WHETHER POSTRENOVATION CLEANING
 11 HAS BEEN PROPERLY COMPLETED.

12 (2) ~~(1)~~"Clearance levels" means the values that indicate
 13 the maximum amount of lead permitted in dust on a surface **AND**
 14 **LEAD IN SOIL** following completion of ~~an abatement~~**A LEAD HAZARD**
 15 **CONTROL ACTIVITY** as listed in rules promulgated by the
 16 department.

17 (3) ~~(2)~~"Clearance professional" means 1 or more of the
 18 following individuals when performing clearance testing:

19 (a) A certified inspector.

20 (b) A certified risk assessor.

21 (c) A certified ~~clearance~~**DUST SAMPLING** technician.

22 (4) ~~(3)~~"Common area" means a portion of a building that is
 23 generally accessible to all occupants of the building. Common
 24 area includes, but is not limited to, a hallway, a stairway, a
 25 laundry and recreational room, a playground, a community center,
 26 a garage, and a boundary fence.

27 (5) "COMPENSATION" MEANS THAT TERM AS DEFINED IN SECTION 6

1 OF THE INCOME TAX ACT OF 1967, 1967 PA 281, MCL 206.6.
 2 COMPENSATION INCLUDES BARTERING.

3 (6) ~~(4)~~—"Component" or "building component" means a specific
 4 design or structural element or fixture of a building,
 5 residential dwelling, or child-occupied facility that is
 6 distinguished by its form, function, and location. ~~Component or~~
 7 ~~building component, includes but is not limited to, a specific~~
 8 ~~interior or exterior design or structural element or fixture FROM~~
 9 EACH OTHER BY FORM, FUNCTION, AND LOCATION AND INCLUDE, BUT ARE
 10 NOT LIMITED TO, INTERIOR COMPONENTS SUCH AS CEILINGS; CROWN
 11 MOLDING; WALLS; CHAIR RAILS; DOORS; DOOR TRIM; FLOORS;
 12 FIREPLACES; RADIATORS AND OTHER HEATING UNITS; SHELVES; SHELF
 13 SUPPORTS; STAIR TREADS; STAIR RISERS; STAIR STRINGERS; NEWEL
 14 POSTS; RAILING CAPS; BALUSTRADES; WINDOWS AND TRIM, INCLUDING
 15 SASHES, WINDOW HEADS, JAMBS, SILLS, OR STOOLS AND TROUGHS; BUILT-
 16 IN CABINETS, COLUMNS, BEAMS, BATHROOM VANITIES, COUNTERTOPS, AND
 17 AIR CONDITIONERS; AND EXTERIOR COMPONENTS SUCH AS PAINTED
 18 ROOFING, CHIMNEYS, FLASHING, GUTTERS AND DOWNSPOUTS, CEILINGS,
 19 SOFFITS, FASCIAS, RAKE BOARDS, CORNERBOARDS, BULKHEADS, DOORS AND
 20 DOOR TRIM, FENCES, FLOORS, JOISTS, LATTICE WORK, RAILINGS AND
 21 RAILING CAPS, SIDING, HANDRAILS, STAIR RISERS AND TREADS, STAIR
 22 STRINGERS, COLUMNS, BALUSTRADES, WINDOWSILLS, OR STOOLS AND
 23 TROUGHS, CASINGS, SASHES AND WELLS, AND AIR CONDITIONERS.

24 (7) ~~(5)~~—"Containment" means a process to protect workers and
 25 the environment by controlling exposure to a dust lead hazard and
 26 debris created during an abatement THE PHYSICAL MEASURES TAKEN TO
 27 ENSURE THAT DUST AND DEBRIS CREATED, DISTURBED, OR RELEASED

1 DURING RENOVATION OR LEAD HAZARD CONTROL ACTIVITIES ARE NOT
2 DISTRIBUTED, SPREAD, BLOWN, OR TRACKED OUTSIDE THE WORK AREA.

3 (8) ~~(6)~~—"Course agenda" means an outline of the key topics
4 to be covered during an accredited training program, including
5 the time allotted to teach each topic.

6 (9) ~~(7)~~—"Course test" means an evaluation of the overall
7 effectiveness of the accredited training program by testing a
8 trainee's knowledge and retention of the topics covered during
9 the accredited training program.

10 (10) ~~(8)~~—"Course test blueprint" means written documentation
11 identifying the proportion of course test questions devoted to
12 each major topic in the accredited training program curriculum.

13 Sec. 5456. (1) "Department" means the department of
14 community health.

15 (2) "Deteriorated paint" means paint or other surface
16 coating that is cracking, flaking, chipping, peeling, or
17 otherwise damaged or separating from the substrate of a building
18 component.

19 (3) "Discipline" means 1 of the specific types or categories
20 of lead-based paint activities **OR RENOVATION** identified in this
21 part for which an individual may receive training from an
22 accredited training program and ~~become certified by~~ **OBTAIN A**
23 **CERTIFICATE FROM** the department.

24 (4) "Distinct painting history" means the application
25 history, as indicated by its visual appearance or a record of
26 application, over time of paint or other surface coatings to a
27 component or room.

1 (5) "Documented methodology" means a method or protocol
2 **APPROVED BY THE DEPARTMENT AND** used to do either or both of the
3 following:

4 (a) ~~Sample, and test for, the presence of~~ **AND IDENTIFY** lead
5 in paint, dust, and soil, **OR ANY COMBINATION OF SAMPLING,**
6 **TESTING, OR IDENTIFICATION OF THOSE SUBSTANCES.**

7 (b) Perform related work practices as described in rules
8 promulgated under this part.

9 (6) **"DRY DISPOSABLE CLEANING CLOTH" MEANS A COMMERCIALY**
10 **AVAILABLE DRY, ELECTROSTATICALLY CHARGED, WHITE DISPOSABLE CLOTH**
11 **DESIGNED TO BE USED FOR CLEANING HARD SURFACES SUCH AS UNCARPETED**
12 **FLOORS OR COUNTERTOPS.**

13 (7) ~~(6)~~ "Dust lead hazard" means surface dust in a
14 residential dwelling or child-occupied ~~facility~~ **FACILITIES** that
15 contains a concentration of lead at or in excess of levels
16 identified by the EPA pursuant to section 403 of title IV of the
17 toxic substances control act, Public Law 94-469, 15 ~~U.S.C.~~ **USC**
18 2683, or as otherwise defined by rule **UNDER SECTION 5473A.**

19 (8) **"EBL ENVIRONMENTAL INVESTIGATION" MEANS BOTH OF THE**
20 **FOLLOWING:**

21 (A) **A STUDY OF THE LIVING ENVIRONMENT OF 1 OR MORE MINOR**
22 **CHILDREN WITH AN ELEVATED BLOOD LEAD LEVEL (EBL), PERFORMED BY AN**
23 **EBL INVESTIGATOR TO IDENTIFY CAUSATIVE LEAD EXPOSURES.**

24 (B) **THE PROVISION OF A REPORT BY THE EBL INVESTIGATOR**
25 **EXPLAINING THE RESULTS OF THE STUDY AND OPTIONS FOR REMEDIATION**
26 **OF EXPOSURES.**

27 (9) **"EBL INVESTIGATOR" MEANS A CERTIFIED RISK ASSESSOR WHO**

1 HAS BEEN ENDORSED BY THE DEPARTMENT TO CONDUCT EBL ENVIRONMENTAL
2 INVESTIGATIONS.

3 (10) ~~(7)~~—"Elevated blood level" or "EBL" means ~~for purposes~~
4 ~~of lead abatement an excessive absorption of lead that is a~~
5 ~~confirmed concentration of lead in whole blood of 20 ug/dl,~~
6 ~~micrograms of lead per deciliter of whole blood, for a single~~
7 ~~venous test or of 15-19 ug/dl in 2 consecutive tests taken 3 to 4~~
8 ~~months apart. For purposes of case management of children 6 years~~
9 ~~of age or less, elevated blood level means an excessive~~
10 ~~absorption of lead that is a confirmed concentration of lead in~~
11 ~~whole blood of 10 ug/dl~~ **AN EXCESSIVE ABSORPTION OF LEAD THAT IS A**
12 **CONFIRMED CONCENTRATION OF LEAD IN WHOLE BLOOD OF 10 MICROGRAMS**
13 **OR GREATER OF LEAD PER DECILITER OF WHOLE BLOOD.**

14 (11) **"EMERGENCY RENOVATION" MEANS RENOVATION ACTIVITIES THAT**
15 **WERE NOT PLANNED BUT RESULT FROM A SUDDEN UNEXPECTED EVENT, SUCH**
16 **AS A NONROUTINE FAILURE OF EQUIPMENT, THAT, IF NOT IMMEDIATELY**
17 **ATTENDED TO, PRESENTS A SAFETY OR PUBLIC HEALTH HAZARD OR**
18 **THREATENS EQUIPMENT OR PROPERTY, OR BOTH, WITH SIGNIFICANT**
19 **DAMAGE.**

20 (12) ~~(8)~~—"Encapsulant" means a substance that forms a
21 barrier between lead-based paint and the environment using a
22 liquid-applied coating, with or without reinforcement materials,
23 **THAT MEETS THE CURRENT AMERICAN SOCIETY FOR TESTING MATERIALS**
24 **(ASTM) STANDARD,** or an adhesively bonded covering material.

25 (13) ~~(9)~~—"Encapsulation" means the application of an
26 encapsulant.

27 (14) ~~(10)~~—"Enclosure" means the use of rigid, durable

1 construction materials that are mechanically fastened to the
2 substrate in order to act as a barrier between lead-based paint
3 and the environment.

4 (15) ~~(11)~~—"EPA" means the United States environmental
5 protection agency.

6 (16) "EXTERIOR RENOVATION" MEANS RENOVATION ACTIVITIES THAT
7 DISTURB ONLY EXTERIOR SURFACES OF TARGET HOUSING OR CHILD-
8 OCCUPIED FACILITIES.

9 (17) "FIRM" MEANS A COMPANY, PARTNERSHIP, CORPORATION, SOLE
10 PROPRIETORSHIP OR INDIVIDUAL DOING BUSINESS, ASSOCIATION, LIMITED
11 LIABILITY COMPANY, OR OTHER BUSINESS ENTITY; A FEDERAL, STATE,
12 TRIBAL, OR LOCAL GOVERNMENTAL AGENCY; OR A NONPROFIT
13 ORGANIZATION.

14 Sec. 5457. (1) "Guest instructor" means an individual
15 designated by the manager or principal instructor of an
16 accredited training program to provide instruction specific to
17 the lecture, hands-on activities, or work practice components of
18 a course in the accredited training program.

19 (2) "Hands-on skills assessment" means an evaluation that
20 tests a trainee's ability to satisfactorily perform the work
21 practices, work procedures, or any other skill taught in an
22 accredited training program.

23 (3) "Hazardous waste" means waste as defined in 40 ~~C.F.R.~~
24 **CFR** 261.3.

25 (4) "HEPA VACUUM" MEANS A VACUUM CLEANER WHICH HAS BEEN
26 DESIGNED WITH A HIGH-EFFICIENCY PARTICULATE AIR FILTER AS THE
27 LAST FILTRATION STAGE, WHICH FILTER IS CAPABLE OF CAPTURING

1 PARTICLES OF 0.3 MICRONS WITH 99.97% EFFICIENCY AND MUST BE
 2 DESIGNED SO THAT ALL THE AIR DRAWN INTO THE MACHINE IS EXPELLED
 3 THROUGH THE HIGH-EFFICIENCY PARTICULATE AIR FILTER WITH NONE OF
 4 THE AIR LEAKING PAST IT.

5 (5) ~~(4)~~-"Inspection" means a surface-by-surface
 6 investigation in target housing or ~~a child-occupied facility~~
 7 **FACILITIES** to determine the presence of lead-based paint and the
 8 provision of a report explaining the results of the
 9 investigation.

10 (6) ~~(5)~~-"Interim controls" means a set of measures designed
 11 to temporarily reduce human exposure or likely exposure to ~~lead-~~
 12 ~~based paint~~-**LEAD** hazards including, but not limited to,
 13 specialized cleaning, repairs, maintenance, painting, temporary
 14 containment, ongoing monitoring of ~~lead-based paint~~-**LEAD** hazards
 15 or potential hazards, and the establishment and operation of
 16 management and resident education programs. **INTERIM CONTROLS IS**
 17 **ASSOCIATED PRIMARILY WITH FEDERALLY FUNDED HOUSING PROGRAMS.**

18 Sec. 5458. (1) "Lead-based paint" means paint or other
 19 surface coatings that contain lead equal to or in excess of 1.0
 20 milligrams per square centimeter or more than 0.5% by weight.

21 (2) "Lead-based paint activity" means ~~inspection, risk~~
 22 ~~assessment, and abatement~~-**LEAD ABATEMENT OR ANY LEAD-BASED PAINT**
 23 **INVESTIGATION** in target housing and child-occupied facilities or
 24 in any part thereof **AS FURTHER DESCRIBED IN RULES PROMULGATED**
 25 **UNDER SECTION 5473A.**

26 (3) ~~"Lead-based paint"~~-**"LEAD** hazard" means any of the
 27 following conditions:

1 (a) Any lead-based paint on a ~~friction surface that is~~
2 ~~subject to abrasion~~ **AN INTERIOR OR EXTERIOR SURFACE THAT IS**
3 **SUBJECT TO ABRASION OR FRICTION, INCLUDING, BUT NOT LIMITED TO,**
4 **CERTAIN WINDOW, FLOOR, AND STAIR SURFACES** and where the lead dust
5 levels on the nearest horizontal surface are equal to or greater
6 than the dust lead hazard levels identified in rules promulgated
7 under this part.

8 (b) Any damaged or otherwise deteriorated lead-based paint
9 on an impact surface that is caused by impact from a related
10 building component.

11 (c) Any chewable ~~lead-based painted surface~~ **CONTAINING LEAD-**
12 **BASED PAINT** on which there is evidence of teeth marks.

13 (d) Any other ~~deteriorated~~ **DETERIORATED** lead-based paint in
14 or on any residential building or child-occupied facility.

15 (e) Surface dust in a residential dwelling or child-occupied
16 ~~facility~~ **FACILITIES** that ~~contains~~ **CONTAIN** lead in a mass-per-area
17 concentration equal to or exceeding the levels established by
18 rules promulgated under this part.

19 (f) Bare soil on residential real property or property of a
20 child-occupied ~~facility~~ **FACILITIES** that ~~contains~~ **CONTAIN** lead
21 equal to or exceeding levels established by rules promulgated
22 under this part.

23 (4) "Lead-based paint investigation" means an activity
24 designed to determine the presence of lead-based paint or ~~lead-~~
25 ~~based paint~~ **LEAD** hazards in target housing ~~and~~ **OR** child-occupied
26 facilities.

27 (5) **"LEAD HAZARD CONTROL ACTIVITY" INCLUDES, BUT IS NOT**

1 LIMITED TO, ABATEMENT, INTERIM CONTROLS, AND OTHER MEASURES OR
2 SET OF MEASURES DESIGNED, INTENDED, OR PERFORMED SPECIFICALLY TO
3 REDUCE OR ELIMINATE LEAD-BASED PAINT OR LEAD HAZARDS.

4 (6) ~~(5)~~—"Living area" means an area of a residential
5 dwelling used by 1 or more children UNDER age 6 ~~and under~~
6 including, but not limited to, a living room, kitchen area, den,
7 playroom, and a ~~children's~~ CHILD'S bedroom.

8 Sec. 5459. (1) "MINOR REPAIR AND MAINTENANCE ACTIVITIES"
9 MEANS ACTIVITIES, INCLUDING MINOR HEATING, VENTILATION OR AIR
10 CONDITIONING WORK, ELECTRICAL WORK, AND PLUMBING, THAT DISRUPT 6
11 SQUARE FEET OR LESS OF PAINTED SURFACE PER ROOM FOR INTERIOR
12 ACTIVITIES OR 20 SQUARE FEET OR LESS OF PAINTED SURFACE FOR
13 EXTERIOR ACTIVITIES WHERE NONE OF THE WORK PRACTICES PROHIBITED
14 OR RESTRICTED BY 40 CFR 745.85(A)(3) ARE USED AND WHERE THE WORK
15 DOES NOT INVOLVE WINDOW REPLACEMENT OR DEMOLITION OF PAINTED
16 SURFACE AREAS. WHEN REMOVING PAINTED COMPONENTS, OR PORTIONS OF
17 PAINTED COMPONENTS, THE ENTIRE SURFACE AREA REMOVED IS THE AMOUNT
18 OF PAINTED SURFACE DISTURBED. JOBS, OTHER THAN EMERGENCY
19 RENOVATIONS, PERFORMED IN THE SAME ROOM WITHIN THE SAME 30 DAYS,
20 MUST BE CONSIDERED THE SAME JOB FOR THE PURPOSE OF DETERMINING
21 WHETHER THE JOB IS A MINOR REPAIR AND MAINTENANCE ACTIVITY.

22 (2) ~~(1)~~—"Multifamily dwelling" means a structure that
23 contains more than 1 separate residential dwelling unit and that
24 is used or occupied, or intended to be used or occupied, in whole
25 or in part, as the home or residence of 1 or more persons.

26 (3) ~~(2)~~—"Paint in poor condition" means 1 or more of the
27 following:

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 (4) "PAINTED SURFACE" MEANS ANY SURFACE COATED WITH PAINT,
9 SHELLAC, VARNISH, STAIN, PAINT COVERED BY WALLPAPER, OR ANY OTHER
10 COVERING. WALLPAPER IS ASSUMED TO COVER PAINT UNLESS BUILDING
11 RECORDS OR PHYSICAL EVIDENCE INDICATES NO PAINT IS PRESENT.

12 (5) "PAMPHLET" MEANS THE EPA PAMPHLET TITLED "RENOVATE
13 RIGHT: IMPORTANT LEAD HAZARD INFORMATION FOR FAMILIES, CHILD CARE
14 PROVIDERS AND SCHOOLS" DEVELOPED UNDER SECTION 406(A) OF THE
15 TOXIC SUBSTANCE CONTROL ACT FOR USE IN COMPLYING WITH SECTION
16 406(B) OF THE TOXIC SUBSTANCE CONTROL ACT, OR ANY STATE OR TRIBAL
17 PAMPHLET APPROVED BY THE EPA PURSUANT TO 40 CFR 745.326, THAT IS
18 DEVELOPED FOR THE SAME PURPOSE. PAMPHLET INCLUDES REPRODUCTIONS
19 OF THE PAMPHLET WHEN COPIED IN FULL AND WITHOUT REVISION OR
20 DELETION OF MATERIAL FROM THE PAMPHLET, EXCEPT FOR THE ADDITION
21 OR REVISION OF STATE OR LOCAL SOURCES OF INFORMATION.

22 (6) ~~(3)~~—"Permanently covered soil" means soil that has been
23 separated from human contact by the placement of a barrier
24 consisting of solid, relatively impermeable materials including,
25 but not limited to, pavement or concrete but not including grass,
26 mulch, or other landscaping materials.

27 (7) ~~(4)~~—"Person" means that term as defined in section 1106

1 OF THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL
2 700.1106, but including the state and a political subdivision of
3 the state.

4 (8) ~~(5)~~—"Principal instructor" means the individual who has
5 the primary responsibility for organizing and teaching a
6 particular course in an accredited training program.

7 (9) ~~(6)~~—"Recognized laboratory" means an environmental
8 laboratory recognized by the EPA pursuant to section 405 of title
9 IV of the toxic substances control act, ~~Public Law 94-469,~~ 15
10 U.S.C.—USC 2685, as being capable of performing an analysis for
11 lead compounds in paint, soil, and dust.

12 (10) "RECOGNIZED TEST KIT" MEANS A COMMERCIALY AVAILABLE
13 KIT RECOGNIZED BY THE EPA AT 40 CFR 745.88, OR AS RECOGNIZED IN
14 RULES PROMULGATED UNDER SECTION 5473A.

15 (11) ~~(7)~~—"Reduction" means a measure designed to reduce or
16 eliminate human exposure to a ~~lead-based paint~~ LEAD hazard
17 through methods including, but not limited to, interim controls
18 and abatement.

19 (12) "RENOVATION" OR "RENOVATION ACTIVITY" MEANS THE
20 MODIFICATION OF ANY EXISTING STRUCTURE, OR PORTION OF AN EXISTING
21 STRUCTURE, THAT RESULTS IN THE DISTURBANCE OF PAINTED SURFACES,
22 UNLESS THAT ACTIVITY IS PERFORMED AS PART OF AN ABATEMENT, BUT
23 DOES NOT INCLUDE MINOR REPAIR AND MAINTENANCE ACTIVITIES.
24 RENOVATION INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:

25 (A) REMOVAL, MODIFICATION, OR REPAIR OF PAINTED SURFACES OR
26 PAINTED COMPONENTS, MODIFICATION OF PAINTED DOORS, SURFACE
27 RESTORATION, WINDOW REPAIR, SURFACE PREPARATION ACTIVITY AND

1 INCLUDES SANDING, SCRAPING, OR OTHER SIMILAR ACTIVITIES HAVING
2 THE POTENTIAL OF GENERATING PAINT DUST.

3 (B) REMOVAL OF BUILDING COMPONENTS, INCLUDING WALLS,
4 CEILINGS, PLUMBING, AND WINDOWS.

5 (C) WEATHERIZATION PROJECTS, INCLUDING CUTTING HOLES IN
6 PAINTED SURFACES TO INSTALL INSULATION OR TO GAIN ACCESS TO
7 ATTICS AND PLANING THRESHOLDS TO INSTALL WEATHER-STRIPPING.

8 (D) INTERIM CONTROLS THAT DISTURB PAINTED SURFACES.

9 (E) CONVERSION OF A BUILDING, OR PART OF A BUILDING, INTO
10 TARGET HOUSING OR A CHILD-OCCUPIED FACILITY.

11 (13) ~~(8)~~ "Residential dwelling" means either of the
12 following:

13 (a) A detached ~~single family dwelling~~ unit **OR OTHER**
14 **RESIDENTIAL PORTION OF A MIXED-USE BUILDING**, including, but not
15 limited to, attached structures such as porches and stoops and
16 accessory structures such as garages, fences, and nonagricultural
17 or noncommercial outbuildings.

18 (b) A building structure that contains more than 1 separate
19 ~~residential dwelling~~ unit that ~~is~~ **MAY BE** used or occupied, in
20 whole or in part, as the home or residence of 1 or more persons.

21 (14) ~~(9)~~ "Risk assessment" means both of the following:

22 (a) An on-site investigation in target housing or a ~~child-~~
23 occupied ~~facility~~ **FACILITIES** to determine the existence, nature,
24 severity, and location of a ~~lead-based paint~~ **LEAD** hazard.

25 (b) The provision of a report by the person conducting the
26 risk assessment explaining the results of the investigation and
27 options for reducing the ~~lead-based paint~~ **LEAD** hazard.

1 (15) ~~(10)~~ "Soil lead hazard" means bare soil on **THE REAL**
 2 **PROPERTY OF** a residential dwelling or on the **REAL** property of a
 3 child-occupied ~~facility~~ **FACILITIES** that ~~contains~~ **CONTAIN** lead at
 4 or in excess of levels identified by the EPA pursuant to section
 5 403 of title IV of the toxic substances control act, ~~Public Law~~
 6 ~~94-469~~, 15 U.S.C. ~~USC~~ 2683, or as otherwise defined by rule
 7 **PROMULGATED UNDER SECTION 5473A.**

8 (16) **"SOURCE CAPTURE DUST COLLECTION" MEANS THE USE OF A**
 9 **HEPA VACUUM WITH APPROPRIATE SHROUDS OR OTHER ATTACHMENTS TO**
 10 **CAPTURE AND CONTAIN DUST AND DEBRIS GENERATED DURING RENOVATION**
 11 **ACTIVITIES AT THE INSTANT AND POINT OF CREATION.**

12 Sec. 5460. (1) "Target housing" means housing constructed
 13 before 1978, except any of the following:

14 (a) Housing for the elderly or persons with disabilities,
 15 unless any 1 or more children ~~age~~ **UNDER** 6 years ~~or less~~ **OF AGE**
 16 resides or is expected to reside in that housing.

17 (b) A 0-bedroom dwelling.

18 (c) An unoccupied dwelling unit pending demolition, provided
 19 the dwelling unit remains unoccupied until demolition.

20 (2) "Third party examination" means the examination for
 21 certification **APPROVED BY THE DEPARTMENT** under this part in the
 22 disciplines of ~~clearance technician~~, inspector, risk assessor,
 23 **ABATEMENT** worker, and supervisor offered and administered by a
 24 party other than an accredited training program.

25 (3) "Training curriculum" means an established set of course
 26 topics for instruction in an accredited training program for a
 27 particular discipline designed to provide specialized knowledge

1 and skills.

2 (4) "Training hour" means not less than 50 minutes of actual
3 learning, including, but not limited to, time devoted to lecture,
4 learning activities, small group activities, demonstrations,
5 evaluations, or hands-on experience. ~~or a combination of these~~
6 ~~activities.~~

7 (5) "Training manager" means the individual responsible for
8 administering an accredited training program and monitoring the
9 performance of principal instructors and guest instructors.

10 (6) "Visual inspection" ~~for clearance testing~~ means the
11 visual examination of a residential dwelling or ~~a child-occupied~~
12 ~~facility~~ **FACILITIES** following an ~~abatement designed to determine~~
13 ~~whether the abatement has been successfully completed~~ **LEAD HAZARD**
14 **CONTROL ACTIVITY OR RENOVATION ACTIVITY TO CONFIRM THAT THE WORK**
15 **AREA IS FREE OF VISIBLE DUST OR DEBRIS PRIOR TO CONDUCTING A**
16 **CLEARANCE TEST OR CLEANING VERIFICATION.**

17 (7) "Visual inspection for risk assessment" means the visual
18 examination of a residential dwelling or ~~a child-occupied~~
19 ~~facility~~ **FACILITIES** to determine the existence of deteriorated
20 paint or other potential sources of ~~lead-based paint~~ **LEAD**
21 hazards.

22 (8) **"WET DISPOSABLE CLEANING CLOTH" MEANS A COMMERCIALY**
23 **AVAILABLE PREMOISTENED WHITE DISPOSABLE CLOTH DESIGNED TO BE USED**
24 **FOR CLEANING HARD SURFACES SUCH AS UNCARPETED FLOORS OR**
25 **COUNTERTOPS.**

26 (9) **"WET MOPPING SYSTEM" MEANS A DEVICE WITH A LONG HANDLE,**
27 **A MOP HEAD DESIGNED TO BE USED WITH DISPOSABLE ABSORBENT CLEANING**

1 PADS, A RESERVOIR FOR CLEANING SOLUTION, AND A BUILT-IN MECHANISM
2 FOR DISTRIBUTING OR SPRAYING THE CLEANING SOLUTION ONTO A FLOOR
3 OR A METHOD OF EQUIVALENT EFFICACY.

4 (10) "WORK AREA" MEANS THE AREA THAT THE CERTIFIED RENOVATOR
5 ESTABLISHES TO CONTAIN THE DUST AND DEBRIS GENERATED BY A
6 RENOVATION.

7 SEC. 5460B. (1) THIS PART CONTAINS PROCEDURES AND
8 REQUIREMENTS FOR THE CERTIFICATION OF RENOVATION FIRMS AND
9 PERSONS PERFORMING RENOVATION FOR COMPENSATION IN TARGET HOUSING
10 AND CHILD-OCCUPIED FACILITIES, ACCREDITED TRAINING PROGRAMS, AND
11 WORK PRACTICE STANDARDS FOR PERFORMING RENOVATION AS DEFINED IN
12 SECTION 5459. ALL RENOVATION REGULATED BY THIS PART SHALL BE
13 PERFORMED BY CERTIFIED RENOVATION FIRMS EMPLOYING NOT LESS THAN 1
14 CERTIFIED RENOVATOR AND THAT ALL TRAINING REQUIRED FOR
15 CERTIFICATION BE PROVIDED BY ACCREDITED TRAINING PROVIDERS.

16 (2) THIS PART DOES NOT APPLY TO RENOVATION ACTIVITIES
17 CONDUCTED SOLELY BY THE OWNER OF HIS OR HER OWN OCCUPIED DWELLING
18 UNIT.

19 Sec. 5461. (1) A person shall not engage or offer to engage
20 in a lead-based paint activity unless certified in the
21 appropriate discipline under this part. A person conducting a
22 lead-based paint activity shall comply with the standards for
23 performing lead-based paint activities contained in this part and
24 the rules promulgated under this part.

25 (2) The department shall certify a person applying for
26 certification under this part if that person demonstrates to the
27 department that he or she is licensed, certified, or registered

1 in another state and the standards for obtaining that license,
2 certification, or registration are substantially similar to those
3 imposed under this part.

4 (3) A PERSON PERFORMING ANY LEAD-BASED PAINT ACTIVITY SHALL
5 MAKE AVAILABLE TO THE DEPARTMENT ALL RECORDS, DOCUMENTS,
6 CONTRACTS, OR OTHER MATERIAL CONSIDERED NECESSARY AND REQUESTED
7 BY THE DEPARTMENT TO DEMONSTRATE COMPLIANCE WITH THIS PART.

8 Sec. 5461a. (1) A person shall not provide or offer to
9 provide a training program for lead-based paint activities unless
10 the training program is accredited under the appropriate
11 discipline under this part. A person providing an accredited
12 training program shall comply with the standards for
13 accreditation and training certification prescribed in this part
14 and the rules promulgated under this part.

15 ~~—— (2) The department shall accredit a training program if the~~
16 ~~training program is registered by the department under the~~
17 ~~department's voluntary registration program by August 30, 1998 if~~
18 ~~the training program submits an application under section 5462.~~

19 (2) A PERSON PERFORMING ANY LEAD-BASED PAINT ACTIVITY SHALL
20 MAKE AVAILABLE TO THE DEPARTMENT ALL RECORDS, DOCUMENTS,
21 CONTRACTS, OR OTHER MATERIAL CONSIDERED NECESSARY AND REQUESTED
22 BY THE DEPARTMENT TO DEMONSTRATE COMPLIANCE WITH THIS PART.

23 SEC. 5461B. (1) A PERSON OR FIRM SHALL NOT PERFORM, OFFER,
24 OR CLAIM TO PERFORM RENOVATIONS FOR COMPENSATION IN TARGET
25 HOUSING OR CHILD-OCCUPIED FACILITIES WITHOUT CERTIFICATION AS
26 SPECIFIED IN SECTION 5460B, UNLESS THE RENOVATION QUALIFIES FOR 1
27 OR MORE EXCEPTIONS IDENTIFIED IN SECTION 5461C.

1 (2) A TRAINING PROGRAM SHALL NOT PROVIDE, OFFER, OR CLAIM TO
2 PROVIDE TRAINING OR REFRESHER TRAINING FOR THE CERTIFICATION
3 REQUIRED UNDER THIS PART WITHOUT ACCREDITATION FROM THE
4 DEPARTMENT.

5 (3) ALL RENOVATION ACTIVITIES IN TARGET HOUSING OR CHILD-
6 OCCUPIED FACILITIES SHALL BE DIRECTED BY RENOVATORS CERTIFIED IN
7 ACCORDANCE WITH THIS PART AND PERFORMED BY CERTIFIED RENOVATORS
8 OR INDIVIDUALS TRAINED IN ACCORDANCE WITH THIS PART, UNLESS THE
9 RENOVATION QUALIFIES FOR 1 OF THE EXCEPTIONS LISTED IN SECTION
10 5461C.

11 (4) ALL RENOVATIONS IN TARGET HOUSING OR CHILD-OCCUPIED
12 FACILITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE WORK
13 PRACTICE STANDARDS AND ASSOCIATED RECORD-KEEPING REQUIREMENTS
14 FOUND IN THE RULES PROMULGATED UNDER THIS PART, UNLESS THE
15 RENOVATION QUALIFIES FOR 1 OF THE EXCEPTIONS LISTED IN SECTION
16 5461C OR THE REQUIREMENTS OF THIS PART ARE NOT APPLICABLE UNDER
17 SECTION 5460B(2).

18 SEC. 5461C. (1) THE FOLLOWING ARE EXCEPTIONS FROM THE
19 RENOVATION CERTIFICATION REQUIREMENTS OF SECTION 5461B:

20 (A) RENOVATIONS IN TARGET HOUSING OR CHILD-OCCUPIED
21 FACILITIES IN WHICH A WRITTEN DETERMINATION HAS BEEN MADE BY AN
22 INSPECTOR OR RISK ASSESSOR, CERTIFIED PURSUANT TO THIS PART, 40
23 CFR 745.226, OR A STATE OR TRIBAL CERTIFICATION PROGRAM
24 AUTHORIZED PURSUANT TO 40 CFR 745.324, THAT THE COMPONENTS
25 AFFECTED BY THE RENOVATION ARE FREE OF PAINT OR OTHER SURFACE
26 COATINGS THAT CONTAIN LEAD EQUAL TO OR IN EXCESS OF 1.0 MILLIGRAM
27 PER SQUARE CENTIMETER OR 0.5% BY WEIGHT, WHERE THE FIRM

1 PERFORMING THE RENOVATION HAS OBTAINED A COPY OF THE
2 DETERMINATION.

3 (B) RENOVATIONS IN TARGET HOUSING OR CHILD-OCCUPIED
4 FACILITIES IN WHICH A CERTIFIED RENOVATOR, USING A RECOGNIZED
5 TEST KIT AND FOLLOWING THE KIT MANUFACTURER'S INSTRUCTIONS, HAS
6 TESTED EACH COMPONENT AFFECTED BY THE RENOVATION AND DETERMINED
7 THAT THE COMPONENTS ARE FREE OF PAINT OR OTHER SURFACE COATINGS
8 THAT CONTAIN LEAD EQUAL TO OR IN EXCESS OF 1.0 MILLIGRAM PER
9 SQUARE CENTIMETER OR 0.5% BY WEIGHT. IF THE COMPONENTS MAKE UP AN
10 INTEGRATED WHOLE, SUCH AS THE INDIVIDUAL STAIR TREADS AND RISERS
11 OF A SINGLE STAIRCASE, THE RENOVATOR IS REQUIRED TO TEST ONLY 1
12 OF THE INDIVIDUAL COMPONENTS, UNLESS THE INDIVIDUAL COMPONENTS
13 APPEAR TO HAVE BEEN REPAINTED OR REFINISHED SEPARATELY.

14 (2) THE INFORMATION DISTRIBUTION REQUIREMENTS IN R 325.99409
15 OF THE MICHIGAN ADMINISTRATIVE CODE DO NOT APPLY TO EMERGENCY
16 RENOVATIONS, WHICH ARE RENOVATION ACTIVITIES THAT WERE NOT
17 PLANNED BUT RESULT FROM A SUDDEN, UNEXPECTED EVENT, SUCH AS
18 NONROUTINE FAILURES OF EQUIPMENT, THAT, IF NOT IMMEDIATELY
19 ATTENDED TO, PRESENTS A SAFETY OR PUBLIC HEALTH HAZARD, OR
20 THREATENS EQUIPMENT OR PROPERTY, OR BOTH, WITH SIGNIFICANT
21 DAMAGE. EMERGENCY RENOVATIONS OTHER THAN INTERIM CONTROLS ARE
22 ALSO EXEMPT FROM THE WARNING SIGN, CONTAINMENT, WASTE HANDLING,
23 TRAINING, AND CERTIFICATION REQUIREMENTS IN THE LEAD HAZARD
24 CONTROL RULES TO THE EXTENT NECESSARY TO RESPOND TO THE
25 EMERGENCY. EMERGENCY RENOVATIONS ARE NOT EXEMPT FROM THE CLEANING
26 REQUIREMENTS OF THE WORK PRACTICE STANDARDS FOUND IN THE LEAD
27 HAZARD CONTROL RULES, WHICH MUST BE DIRECTED BY CERTIFIED

1 RENOVATORS AND PERFORMED BY CERTIFIED RENOVATORS OR INDIVIDUALS
 2 TRAINED IN ACCORDANCE WITH SECTION 5461B; THE CLEANING
 3 VERIFICATION REQUIREMENTS OF THE WORK PRACTICE STANDARDS OF THE
 4 LEAD HAZARD CONTROL RULES, WHICH MUST BE PERFORMED BY CERTIFIED
 5 RENOVATORS; AND THE RECORD-KEEPING REQUIREMENTS FOUND IN THE LEAD
 6 HAZARD CONTROL RULES.

7 Sec. 5462. (1) A person may seek accreditation for a
 8 training program to offer courses in lead-based paint **OR**
 9 **RENOVATION** activities 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/laborer~~ **WORKER**.
- 15 (f) ~~Clearance technician~~ **CERTIFIED RENOVATOR**.
- 16 **(G) DUST SAMPLING TECHNICIAN.**

17 (2) A person may also seek accreditation for a training
 18 program to offer refresher courses for each of the disciplines
 19 described in subsection (1).

20 (3) A person shall not provide, offer, or claim to provide
 21 ~~EPA-accredited~~ **ACCREDITED** courses in lead-based paint **OR**
 22 **RENOVATION** activities without applying for and receiving
 23 accreditation from the department under this part.

24 (4) A person seeking accreditation for a training program
 25 shall submit a written application to the department containing
 26 all of the following:

- 27 (a) If the applicant is a sole proprietorship or

1 corporation, its "doing business as" or corporate identification
2 number.

3 (b) The fee required by section 5471.

4 (c) The name of each principal position, partner,
5 shareholder, member, or owner.

6 (d) The training program's proposed name, address, and
7 telephone number.

8 (e) A list of courses and disciplines for which it is
9 seeking accreditation. **FOR THE PURPOSES OF THIS SECTION, COURSES**
10 **TAUGHT IN DIFFERENT LANGUAGES ARE CONSIDERED DIFFERENT COURSES**
11 **AND EACH MUST INDEPENDENTLY MEET THE ACCREDITATION REQUIREMENTS.**

12 (f) A statement signed by the training program manager
13 certifying that the training program meets the requirements
14 established by this part and the rules promulgated under this
15 part.

16 (g) A copy of the student and instructor manuals or other
17 materials to be used for each course.

18 (h) A copy of the course agenda for each course.

19 (i) A description of the facilities and equipment to be used
20 for lecture and hands-on training.

21 (j) A copy of the course test blueprint for each course.

22 (k) A description of the activities and procedures that will
23 be used for conducting the hands-on skills assessment for each
24 course.

25 (l) A copy of the quality control plan as defined in rules
26 promulgated by the department.

27 **(M) WHEN APPLYING FOR ACCREDITATION OF A COURSE IN A**

1 LANGUAGE OTHER THAN ENGLISH, A SIGNED STATEMENT FROM A QUALIFIED
2 INDEPENDENT TRANSLATOR THAT HE OR SHE HAS COMPARED THE COURSE TO
3 THE ENGLISH LANGUAGE VERSION AND FOUND THE TRANSLATION TO BE
4 ACCURATE OR HAS USED EPA MODEL FOREIGN LANGUAGE TRAINING
5 MATERIALS.

6 (5) The department shall approve an application for
7 accreditation of a training program within 180 days after
8 receiving a complete application from the training program if the
9 department determines that the applicant meets the requirements
10 of this part and the rules promulgated under this part. In the
11 case of approval, the department shall send a certificate of
12 accreditation to the applicant. Before disapproving an
13 application, the department may advise the applicant as to
14 specific inadequacies in the application for accreditation or
15 specific instances where the training program does not meet the
16 requirements of this part or the rules promulgated under this
17 part, or both. The department may request additional information
18 or materials from the training program under this section. If the
19 department disapproves a training program's application for
20 accreditation, the applicant may reapply for accreditation at any
21 time.

22 (6) A training program shall meet all of the following
23 requirements in order to become accredited to offer courses in
24 lead-based paint **OR RENOVATION** activities:

25 (a) Employ a training manager who has training, education,
26 and experience as described in rules promulgated by the
27 department.

1 (b) Provide that the training manager described in
2 subdivision (a) designate a qualified principal instructor for
3 each course who has training, education, and experience as
4 described in rules promulgated by the department.

5 (c) Provide that the principal instructor described in
6 subdivision (b) be responsible for the organization of the course
7 and oversight of the teaching of all course material. A training
8 manager may designate guest instructors as needed to provide
9 instruction specific to the lecture, hands-on activities, or work
10 practice components of a course.

11 (7) The following documents are recognized by the department
12 as evidence that a training manager or a principal instructor has
13 the education, work experience, training requirements, or
14 demonstrated experience specifically listed in rules promulgated
15 by the department, which documentation is not required to be
16 submitted with the accreditation application but, if not
17 submitted, must be retained by the training program as required
18 by the record-keeping requirements contained in this part:

19 (a) An official academic transcript or diploma as evidence
20 of meeting the education requirements.

21 (b) A resume, letter of reference, or documentation of work
22 experience, as evidence of meeting the work experience
23 requirements.

24 (c) A certificate from a train-the-trainer course or a lead-
25 specific training course, or both, as evidence of meeting the
26 training requirements.

27 (8) A training program accredited under this part shall

1 ensure the availability of, and provide adequate facilities for,
2 the delivery of the lecture, course test, hands-on training, and
3 assessment activities including, but not limited to, providing
4 training equipment that reflects current work practices and
5 maintaining or updating the equipment and facilities of the
6 training program, as needed.

7 Sec. 5463. (1) A training program accredited under section
8 5462 shall provide training courses that meet the following
9 training hour requirements in order to become accredited in the
10 following disciplines:

11 (a) An inspector course shall last a minimum of 24 training
12 hours, with a minimum of 8 hours devoted to hands-on training
13 activities. The department shall promulgate rules to determine
14 the minimum curriculum requirements for the inspector course.

15 (b) A risk assessor course shall last a minimum of 16
16 training hours, with a minimum of 4 hours devoted to hands-on
17 training activities. The department shall promulgate rules to
18 determine the minimum curriculum requirements for the risk
19 assessor course.

20 (c) A supervisor course shall last a minimum of 32 training
21 hours, with a minimum of 8 hours devoted to hands-on activities.
22 The department shall promulgate rules to determine the minimum
23 curriculum requirements for the supervisor course.

24 (d) A project designer course shall last a minimum of 8
25 training hours. The department shall promulgate rules to
26 determine the minimum curriculum requirements for the project
27 designer course.

1 (e) An abatement worker course shall last a minimum of ~~16~~**24**
2 training hours, with a minimum of 8 hours devoted to hands-on
3 training activities. The department shall promulgate rules to
4 determine the minimum curriculum requirements for the abatement
5 worker course.

6 (f) A ~~clearance technician~~**RENOVATOR** course shall last a
7 minimum of 8 training hours, with a minimum of 2 hours devoted to
8 hands-on training activities. The department shall promulgate
9 rules to determine the minimum curriculum requirements for the
10 ~~clearance technician~~**RENOVATOR** course. Until rules are
11 promulgated, a ~~clearance technician~~**RENOVATOR** course shall use
12 the curriculum for the ~~lead sampling technician~~**RENOVATOR** course
13 ~~approved~~**DEVELOPED** by the EPA under subpart ~~Q~~**E** of part 745 of
14 title 40 of the code of federal regulations.

15 **(G) A DUST SAMPLING TECHNICIAN COURSE SHALL LAST A MINIMUM**
16 **OF 8 TRAINING HOURS, WITH A MINIMUM OF 2 HOURS DEVOTED TO HANDS-**
17 **ON TRAINING ACTIVITIES. THE DEPARTMENT SHALL PROMULGATE RULES TO**
18 **DETERMINE THE MINIMUM CURRICULUM REQUIREMENTS FOR THE DUST**
19 **SAMPLING TECHNICIAN COURSE. UNTIL RULES ARE PROMULGATED, A DUST**
20 **SAMPLING TECHNICIAN COURSE SHALL USE THE CURRICULUM FOR THE DUST**
21 **SAMPLING TECHNICIAN COURSE DEVELOPED BY THE EPA UNDER SUBPART E**
22 **OF PART 745 OF TITLE 40 OF THE CODE OF FEDERAL REGULATIONS.**

23 (2) The department may promulgate rules to modify 1 or more
24 of the requirements imposed under subsection (1) if changes are
25 needed to comply with federal mandates or for another reason
26 considered appropriate by the department.

27 (3) For each course offered, the training program shall

1 conduct a course test at the completion of the course and, if
2 applicable, a hands-on skills assessment. Each individual
3 enrolled in the training program must successfully complete the
4 hands-on skills assessment, if conducted for that course, and
5 receive a passing score on the course test in order to pass a
6 course.

7 (4) The training manager shall maintain the validity and
8 integrity of a hands-on skills assessment to ensure that it
9 accurately evaluates the trainees' performance of the work
10 practices and procedures associated with the course topics
11 contained in rules promulgated under this section and the course
12 test to ensure that it accurately evaluates the trainees'
13 knowledge and retention of the course topics.

14 (5) A training program's course test shall be developed in
15 accordance with the test blueprint submitted with the training
16 program accreditation application.

17 (6) A training program shall issue course completion
18 certificates to each individual who passes the training course.
19 The course completion certificates shall include:

20 (a) The name and address of the individual, along with a
21 unique identification number.

22 (b) The name of the particular course that the individual
23 passed.

24 (c) Dates of course completion and test passage.

25 (d) Expiration date of course certificate.

26 (e) The name, address, and telephone number of the training
27 program.

1 (7) The training manager shall develop and implement a
2 quality control plan designed to maintain and improve the quality
3 of the training program. The quality control plan shall contain
4 at least both of the following elements:

5 (a) Procedures for periodic revision of training materials
6 and the course test to reflect innovations in the field.

7 (b) Procedures for the training manager's annual review of
8 each principal instructor's competence.

9 (8) The training program shall offer courses that teach the
10 work practice standards for conducting lead-based paint **OR**
11 **RENOVATION** activities and other standards developed by the EPA
12 pursuant to title IV of the toxic substances control act and
13 considered appropriate or necessary by the department. The work
14 practice standards shall be taught in the appropriate courses to
15 provide trainees with the knowledge needed to perform the lead-
16 based paint **OR RENOVATION** activities.

17 (9) The training manager shall ensure that the training
18 program complies at all times with all of the requirements of
19 this section and the rules promulgated under this section.

20 (10) The training manager shall allow the department to
21 audit the training program to verify the contents of the
22 application for accreditation.

23 Sec. 5466. (1) The department may, after notice and an
24 opportunity for hearing pursuant to the administrative procedures
25 act of 1969, 1969 PA 306, MCL 24.201 to 24.328, suspend, revoke,
26 or modify a training program accreditation or a refresher course
27 training program accreditation if the department determines that

1 a training program, training manager, or other person with
2 supervisory authority over the training program has done 1 or
3 more of the following:

4 (a) Misrepresented the contents of a training course to the
5 department or the trainees enrolled in the training program, or
6 both.

7 (b) Failed to submit required information or notifications
8 in a timely manner.

9 (c) Failed to maintain required records.

10 (d) Falsified accreditation records, student certificates,
11 instructor qualifications, or other accreditation-related
12 information or documentation.

13 (e) Failed to comply with the training standards and
14 requirements of this part and the rules promulgated under this
15 part.

16 (f) Failed to comply with a federal, state, or local
17 statute, rule, or regulation involving lead-based paint **OR**
18 **RENOVATION** activities.

19 (g) Made false or misleading statements to the department in
20 its application for accreditation or reaccreditation that the
21 department relied upon in approving the application.

22 (2) In addition to an administrative or judicial finding of
23 a violation, the execution of a consent agreement in settlement
24 of an enforcement action ~~is~~ **MAY BE** considered, for purposes of
25 this section, evidence of a failure to comply with the standards
26 and requirements of this part and the rules promulgated under
27 this part or other relevant statutes or regulations involving

1 lead-based paint activities.

2 Sec. 5467. (1) An accredited training program shall
3 maintain, and make available to the department, upon request, all
4 of the following records:

5 (a) Each document that demonstrates the qualifications of a
6 training manager or a principal instructor.

7 (b) Current curriculum and course materials and documents
8 reflecting changes made to these materials.

9 (c) The course test blueprint.

10 (d) Information regarding how the hands-on skills assessment
11 is conducted including, but not limited to, all of the following:

12 (i) The person conducting the hands-on skills assessment.

13 (ii) The method of grading the hands-on skills.

14 (iii) A description of the facilities used.

15 (iv) The pass/fail rate.

16 (e) The quality control plan.

17 (f) The results of the students' hands-on skills assessments
18 and course tests and a record of each student's participation,
19 including name, social security number, and score, within 10
20 calendar days of the last day of the course taken.

21 (g) Any other material that was submitted to the department
22 as part of the program's application for accreditation.

23 (2) A training program shall retain the records described in
24 subsection (1) for at least 3-1/2 years at the address specified
25 on the training program accreditation application.

26 (3) The training program shall notify the department in
27 writing within 30 days ~~of~~ **AFTER** changing the address specified on

1 its training program accreditation application or transferring
2 the records from that address.

3 Sec. 5468. (1) An individual seeking certification by the
4 department to engage in lead-based paint **OR RENOVATION** activities
5 shall pay the appropriate fees required under section 5471 and
6 submit ~~an~~**TO THE DEPARTMENT A COMPLETED** application, ~~to the~~
7 ~~department~~**CONTAINING INFORMATION CONSIDERED NECESSARY BY THE**
8 **DEPARTMENT AND** demonstrating ~~either of the following:~~

9 ~~—— (a) Compliance~~**COMPLIANCE** with the requirements of this part
10 and the rules promulgated under this part for the particular
11 discipline for which certification is sought ~~—AND EITHER OF THE~~
12 **FOLLOWING:**

13 **(A) ~~(b) A FOR LEAD-BASED PAINT ACTIVITIES, A~~** copy of a valid
14 ~~lead-based paint activities certification~~**COURSE COMPLETION**
15 **CERTIFICATE** or its equivalent, as determined by the department,
16 from a training program that has been authorized by the EPA **OR AN**
17 **EPA-AUTHORIZED STATE OR TRIBAL PROGRAM** pursuant to 40 ~~C.F.R.~~**CFR**
18 part 745 along with proof of the applicant's third party
19 examination results.

20 **(B) FOR RENOVATION ACTIVITIES, A COPY OF A VALID COURSE**
21 **COMPLETION CERTIFICATE OR ITS EQUIVALENT, AS DETERMINED BY THE**
22 **DEPARTMENT, FROM A TRAINING PROGRAM THAT HAS BEEN AUTHORIZED BY**
23 **THIS PART OR THE EPA OR AN EPA-AUTHORIZED STATE OR TRIBAL PROGRAM**
24 **PURSUANT TO 40 CFR PART 745, ALONG WITH PROOF OF THE APPLICANT'S**
25 **TRAINING PROGRAM EXAMINATION RESULTS.**

26 (2) Following the submission of an application demonstrating
27 that the requirements of this part and the rules promulgated

1 under this part have been met, the department shall certify an
2 applicant in 1 or more of the following disciplines:

- 3 (a) Inspector.
- 4 (b) Risk assessor.
- 5 (c) Supervisor.
- 6 (d) Project designer.
- 7 (e) Abatement worker.
- 8 (f) ~~Clearance technician~~ **CERTIFIED RENOVATOR.**
- 9 **(G) DUST SAMPLING TECHNICIAN.**

10 (3) Upon receiving the department certification in 1 or more
11 of the disciplines described in subsection (2), an individual
12 conducting lead-based paint **OR RENOVATION** activities shall comply
13 with the work practice standards for performing that discipline
14 as established under this part and the rules promulgated under
15 this part.

16 (4) An individual shall not ~~conduct~~ **DO ANY OF THE FOLLOWING:**

17 **(A) CONDUCT** a lead-based paint activity unless that
18 individual is certified by the department under this section in
19 the appropriate discipline, **SUBJECT TO THE OWNER-EXCEPTION**
20 **CONTAINED IN SECTION 5460B(2).**

21 **(B) DIRECT OR SUPERVISE A RENOVATION ACTIVITY IN TARGET**
22 **HOUSING OR CHILD-OCCUPIED FACILITIES UNLESS THAT INDIVIDUAL IS**
23 **CERTIFIED BY THE DEPARTMENT AS A CERTIFIED RENOVATOR, SUBJECT TO**
24 **THE OWNER-EXCEPTION CONTAINED IN SECTION 5460B(2).**

25 **(C) COLLECT DUST SAMPLES IN TARGET HOUSING OR CHILD-OCCUPIED**
26 **FACILITIES UNLESS THAT INDIVIDUAL IS CERTIFIED BY THE DEPARTMENT.**

27 (5) An individual shall do all of the following in order to

1 become certified by the department as an inspector, risk
2 assessor, abatement worker, or supervisor:

3 (a) Successfully complete a course in the appropriate
4 discipline and receive a course completion certificate from an
5 accredited training program.

6 (b) Pass the third party exam in the appropriate discipline.

7 (c) Meet the experience or education requirements, or both,
8 as described in rules promulgated by the department.

9 (6) After an individual passes the appropriate certification
10 exam and submits an application demonstrating that he or she
11 meets the appropriate training, education, and experience
12 requirements, ~~and~~ passes the appropriate certification exam, **AND**
13 **PAYS THE APPROPRIATE FEE**, the department shall issue a
14 certificate to the individual in the specific discipline for
15 which certification is sought. To maintain certification, an
16 individual must be recertified pursuant to this part.

17 (7) An individual shall pass the third party exam within 6
18 months after receiving a course completion certificate in order
19 to be eligible for certification. An individual is not eligible
20 to take the third party exam more than 3 times within the 6
21 months after receiving a course completion certificate. An
22 individual who does not pass the third party exam after 3
23 attempts shall repeat the appropriate course from an accredited
24 training program in order to be eligible to retake the exam.

25 (8) An individual shall do both of the following in order to
26 become certified by the department as a project designer,

27 **RENOVATOR, OR DUST SAMPLING TECHNICIAN:**

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) Meet the experience or education requirements, or both,
5 as described in rules promulgated by the department.

6 (9) After an individual has successfully completed the
7 appropriate training courses, applied to the department, ~~and met~~
8 the requirements of this part and the rules promulgated under
9 this part, **AND PAID THE APPROPRIATE FEES**, the department shall
10 issue a certificate to the individual in the discipline of
11 project designer, **RENOVATOR, OR DUST SAMPLING TECHNICIAN**. To
12 maintain certification, the individual must be periodically
13 recertified pursuant to this part.

14 ~~—— (10) An individual who received training in a lead based~~
15 ~~paint activity between October 1, 1990 and March 1, 1999 and an~~
16 ~~individual who has received lead based paint activities training~~
17 ~~at an EPA authorized accredited training program are eligible for~~
18 ~~certification by the department under rules promulgated by the~~
19 ~~department.~~

20 (10) ~~(11)~~—In order to maintain certification in a particular
21 discipline, a certified individual shall apply to and be
22 recertified in that discipline by the department every 3 years.

23 ~~—— (12) An individual shall do both of the following in order~~
24 ~~to become a certified clearance technician:~~

25 ~~—— (a) Successfully complete an approved course for the~~
26 ~~discipline of clearance technician and receive a course~~
27 ~~completion certificate.~~

1 ~~—— (b) Pass the third party exam for the discipline of~~
 2 ~~clearance technician.~~

3 (11) AN INDIVIDUAL SHALL DO ALL OF THE FOLLOWING IN ORDER TO
 4 BECOME ENDORSED BY THE DEPARTMENT AS AN EBL INVESTIGATOR:

5 (A) SUCCESSFULLY COMPLETE A RISK ASSESSMENT COURSE AND
 6 RECEIVE A COURSE COMPLETION CERTIFICATE FROM AN ACCREDITED
 7 TRAINING PROGRAM.

8 (B) PASS THE THIRD PARTY RISK ASSESSOR EXAM.

9 (C) PASS THE THIRD PARTY EBL ENDORSEMENT EXAM FOR INITIAL
 10 ENDORSEMENT AND EVERY 3 YEARS THEREAFTER TO MAINTAIN THE
 11 ENDORSEMENT.

12 Sec. 5469. (1) ~~Beginning August 30, 1999, a~~ **A** person shall
 13 not perform or offer to perform lead-based paint activities **OR**
 14 **RENOVATION** without obtaining certification by the department
 15 under this part.

16 (2) A person seeking certification **TO PERFORM LEAD-BASED**
 17 **PAINT ACTIVITIES** under subsection (1) shall submit to the
 18 department a letter attesting that the person shall only employ
 19 appropriately certified employees to conduct lead-based paint
 20 activities and that the person and its employees shall follow the
 21 work practice standards for conducting lead-based paint
 22 activities as established in rules promulgated by the department.

23 (3) A person seeking certification under subsection (1)
 24 shall do all of the following:

25 (a) Complete the application and pay the appropriate fee
 26 accompanied by a corporate identification number, certificate of
 27 sole proprietorship, or other business entity documentation

1 acceptable to the department.

2 (b) Indicate whether the applicant has liability insurance.

3 (c) Submit proof of Michigan workers' disability
4 compensation insurance.

5 (d) ~~Submit~~ **TO PERFORM LEAD-BASED PAINT ACTIVITIES, SUBMIT**
6 proof that each employee or agent involved in lead-based paint
7 activities has received training and certification as required by
8 this part.

9 **(E) TO PERFORM RENOVATION ACTIVITIES, SUBMIT PROOF THAT EACH**
10 **EMPLOYEE OR AGENT INVOLVED IN RENOVATION ACTIVITIES HAS RECEIVED**
11 **TRAINING CERTIFICATION AS REQUIRED BY THIS PART.**

12 **(F)** ~~(e)~~—If applicable, submit the name of each principal
13 partner, shareholder, member, or owner.

14 (4) Not more than 90 days from the date of receipt of the
15 person's completed application, the department shall approve or
16 disapprove the person's request for certification. Within that
17 time period, the department shall respond with either a
18 certificate of approval or a letter describing the reasons for a
19 disapproval.

20 (5) A person certified by the department under this section
21 shall maintain, **FOR NOT LESS THAN 3 YEARS**, all records pursuant
22 to the requirements imposed in rules promulgated by the
23 department.

24 **SEC. 5469A. (1) A PERSON CERTIFIED BY THE DEPARTMENT UNDER**
25 **THIS PART SHALL MAINTAIN FOR NOT LESS THAN 3 YEARS ALL RECORDS**
26 **REQUIRED BY THIS PART OR RULES PROMULGATED UNDER THIS PART, OR**
27 **BOTH.**

1 (2) A PERSON OR INDIVIDUAL WHO PREPARES A REPORT OR PLAN
2 REQUIRED BY THIS PART OR RULES PROMULGATED UNDER THIS PART, OR
3 BOTH, SHALL MAINTAIN THE REPORT OR PLAN FOR NOT LESS THAN 3 YEARS
4 AND SHALL SUBMIT COPIES OF THE REPORT OR PLAN TO BOTH OF THE
5 FOLLOWING PERSONS NOT LATER THAN 20 BUSINESS DAYS AFTER
6 COMPLETION OF THE ACTIVITY FOR WHICH THE REPORT OR PLAN WAS
7 PREPARED:

8 (A) THE BUILDING OWNER.

9 (B) THE PERSON WHO CONTRACTED FOR THE PERSON'S OR
10 INDIVIDUAL'S SERVICES, IF DIFFERENT FROM THE OWNER.

11 (3) THE OPERATOR OF A TRAINING PROGRAM SHALL MAINTAIN THE
12 RECORDS REQUIRED BY THIS PART OR THE RULES PROMULGATED UNDER THIS
13 PART, OR BOTH, FOR NOT LESS THAN 3-1/2 YEARS AT THE ADDRESS
14 SPECIFIED ON THE TRAINING PROGRAM ACCREDITATION APPLICATION.

15 (4) UPON WRITTEN REQUEST MADE BY THE DEPARTMENT, A PERSON
16 REQUIRED TO MAINTAIN RECORDS UNDER THIS PART OR RULES PROMULGATED
17 UNDER THIS PART SHALL PROVIDE COMPLETE WRITTEN OR ELECTRONIC
18 COPIES OF RECORDS NOT LATER THAN 15 BUSINESS DAYS AFTER THAT
19 REQUEST.

20 SEC. 5469B. (1) IF A PERSON PERFORMS ACTIVITIES FOR WHICH A
21 CERTIFICATION UNDER THIS PART IS REQUIRED WITHOUT BEING CERTIFIED
22 OR FALLING WITHIN 1 OR MORE OF THE EXCEPTIONS TO CERTIFICATION,
23 THE DEPARTMENT MAY APPLY FOR AN INSPECTION OR INVESTIGATION
24 WARRANT OR SEEK INJUNCTIVE RELIEF IN THE MANNER AUTHORIZED UNDER
25 PART 22.

26 (2) A PERSON WHOSE CERTIFICATION IS SUSPENDED, REVOKED, OR
27 LAPSED, AS DETERMINED BY THE RECORDS OF THE DEPARTMENT, THAT DOES

1 NOT FALL WITHIN 1 OR MORE OF THE EXCEPTIONS TO CERTIFICATION IS
2 CONSIDERED PRACTICING IN VIOLATION OF THIS PART.

3 Sec. 5470. (1) ~~Beginning on March 1, 1999, all~~ **ALL** lead-
4 based paint **AND RENOVATION** activities **NOT EXEMPT UNDER SECTION**
5 **5461C** shall be performed by an individual certified in the
6 appropriate discipline under this part and pursuant to the work
7 practice standards prescribed in rules promulgated by the
8 department.

9 (2) **ALL RENOVATIONS ON TARGET HOUSING OR CHILD-OCCUPIED**
10 **FACILITIES SHALL BE DIRECTED AND SUPERVISED BY AN INDIVIDUAL**
11 **CERTIFIED IN THE DISCIPLINE OF RENOVATOR UNDER THIS PART AND**
12 **PURSUANT TO THE WORK PRACTICE STANDARDS PRESCRIBED IN RULES**
13 **PROMULGATED BY THE DEPARTMENT.**

14 (3) **RENOVATIONS MAY BE PERFORMED BY INDIVIDUALS WHO ARE**
15 **DIRECTED AND SUPERVISED BY A CERTIFIED RENOVATOR, AS PRESCRIBED**
16 **IN RULES PROMULGATED UNDER THIS PART.**

17 Sec. 5471. (1) Subject to subsection (7), fees for a person
18 accredited or seeking accreditation for a training program
19 offering courses or refresher courses in lead-based paint
20 abatement **OR RENOVATION** are as follows:

- 21 (a) Initial application processing fee..... \$ 100.00.
- 22 (b) Initial accreditation fee..... ~~\$475.00~~ **\$ 500.00**
- 23 per discipline.
- 24 (c) Reaccreditation fee, annual..... ~~\$265.00~~ **\$ 300.00**
- 25 per discipline.

26 (2) Fees for an individual certified or seeking

1 certification to engage in lead-based paint abatement **OR**
 2 **RENOVATION** are as follows:

- 3 (a) Initial application processing fee..... \$ 25.00.
- 4 (b) ~~Certification fee, per year~~ **PER YEAR CERTIFICATION FEE:**
- 5 (i) Inspector..... \$ 150.00.
- 6 (ii) Risk assessor..... \$ 150.00.
- 7 (iii) Supervisor..... ~~\$ 50.00~~ **\$ 75.00.**
- 8 (iv) Project designer..... \$ 150.00.
- 9 (v) Abatement worker/laborer ~~WORKER~~..... \$ 25.00.
- 10 ~~(vi) Clearance technician..... \$ 50.00.~~
- 11 **(C) THREE-YEAR CERTIFICATION FEES:**
- 12 (i) **RENOVATOR**..... \$ 25.00.
- 13 (ii) **DUST SAMPLING TECHNICIAN**..... \$ 50.00.

14 (3) Fees for a ~~person~~ **FIRM** certified or seeking
 15 certification to engage in lead-based paint abatement **OR**
 16 **RENOVATION** are as follows:

- 17 (a) Initial application **LEAD ABATEMENT FIRM**
 18 processing fee..... \$ 100.00.
- 19 **(B) INITIAL RENOVATION FIRM APPLICATION**
 20 **PROCESSING FEE**..... \$ 25.00.
- 21 ~~(b) Certification~~ **(C) LEAD ABATEMENT FIRM**
 22 **CERTIFICATION** fee, per year..... \$ 220.00.
- 23 **(D) RENOVATION FIRM FEE, PER YEAR**..... \$ 60.00.

24 (4) If the department increases fees under subsection (5),
 25 the increase shall be effective for that fiscal year. The
 26 increased fees shall be used by the department as the basis for
 27 calculating fee increases in subsequent fiscal years.

1 (5) By August 1 of each year, the department shall provide
2 to the director of the department of management and budget and to
3 the chairpersons of the appropriations committees of the senate
4 and house of representatives a complete schedule of fees to be
5 collected under this section.

6 (6) The fees imposed under this part shall not exceed the
7 actual cost of administering this part.

8 (7) The department may waive the fees for an accredited
9 training program for a person who has demonstrated that no part
10 of its net earnings benefit any private shareholder or
11 individual.

12 (8) **THE RENOVATOR FIRM CERTIFICATION FEE SHALL BE WAIVED FOR**
13 **FIRMS SEEKING CERTIFICATION TO CONDUCT RENOVATION ACTIVITIES IF**
14 **THAT FIRM IS CURRENTLY A CERTIFIED LEAD ABATEMENT FIRM.**

15 Sec. 5472. (1) Before beginning a ~~lead-based paint abatement~~
16 **LEAD ABATEMENT ACTIVITY**, a person conducting ~~lead-based paint~~
17 ~~abatement~~**LEAD ABATEMENT ACTIVITY** shall notify the department, on
18 forms provided by the department or through electronic methods
19 approved by the department, regarding information the department
20 considers necessary in order to conduct an unannounced site
21 inspection. The person shall send notification not less than 3
22 business days before commencing the lead-based paint abatement.

23 (2) **A PERSON OR INDIVIDUAL WHO CONDUCTS A LEAD-BASED PAINT**
24 **INVESTIGATION SHALL NOTIFY THE DEPARTMENT, ON FORMS PROVIDED BY**
25 **THE DEPARTMENT, REGARDING INFORMATION THE DEPARTMENT CONSIDERS**
26 **NECESSARY BY THE FIFTEENTH DAY OF THE MONTH FOLLOWING THE LEAD-**
27 **BASED PAINT INVESTIGATION.**

1 (3) BEFORE BEGINNING AN EBL ENVIRONMENTAL INVESTIGATION, A
2 PERSON CONDUCTING AN EBL INVESTIGATION SHALL NOTIFY THE
3 DEPARTMENT, ON FORMS PROVIDED BY THE DEPARTMENT OR THROUGH
4 ELECTRONIC MEANS APPROVED BY THE DEPARTMENT, REGARDING
5 INFORMATION THE DEPARTMENT CONSIDERS NECESSARY IN ORDER TO
6 CONDUCT AN UNANNOUNCED SITE INSPECTION. THE PERSON SHALL SEND
7 NOTIFICATION NOT LESS THAN 2 BUSINESS DAYS BEFORE COMMENCING THE
8 EBL INVESTIGATION.

9 Sec. 5473. (1) The legislature shall annually appropriate to
10 the department an amount sufficient to administer and enforce
11 this part. These funds shall be offset by funds received from
12 federal agencies in the form of grants or other funding
13 provisions. All funds generated by this part shall be deposited
14 into the general fund to be used exclusively by the department to
15 carry out the duties and responsibilities of this part. With fees
16 collected pursuant to this part and funds appropriated by the
17 legislature, the department shall conduct compliance activities
18 that assure the quality of training and protection of worker's
19 and public health and safety. Such activities include, but are
20 not limited to, unannounced inspections of lead ~~abatement~~—HAZARD
21 CONTROL ACTIVITIES OR RENOVATION project sites.

22 (2) A PERSON OR FIRM CONDUCTING A LEAD-BASED PAINT ACTIVITY,
23 EBL INVESTIGATION, OR RENOVATION ACTIVITY SHALL MAKE AVAILABLE TO
24 THE DEPARTMENT, UPON REQUEST, ALL INFORMATION CONSIDERED
25 NECESSARY BY THE DEPARTMENT TO DETERMINE COMPLIANCE WITH THIS
26 PART AS SPECIFIED IN THE RULE.

27 Sec. 5473a. (1) The department shall administer this part

1 and promulgate rules as may be necessary, **AND AS FURTHER**
2 **SPECIFIED UNDER THIS PART**, for the administration and enforcement
3 of this part pursuant to the administrative procedures act of
4 1969, 1969 PA 306, MCL 24.201 to 24.328. **ANY RULES SHALL MEET AND**
5 **MAY EXCEED THE EPA STANDARDS. THE DEPARTMENT MAY PROMULGATE RULES**
6 **AS NECESSARY TO INCORPORATE BY REFERENCE ANY UPDATED EPA OR OTHER**
7 **STANDARDS UTILIZED UNDER THIS PART.**

8 (2) The department shall authorize, coordinate, and conduct
9 programs to educate persons including, but not limited to,
10 homeowners and remodelers of lead hazards associated with **THE**
11 **RENOVATION OR** remodeling **IN** target housing **AND CHILD-OCCUPIED**
12 **FACILITIES** and methods of lead-hazard reduction activities.

13 (3) The department shall establish a program that provides
14 an opportunity for property owners, managers, and maintenance
15 staff to learn about lead-safe practices and the avoidance of
16 creating ~~lead-based paint~~ **LEAD** hazards during minor painting,
17 repair, or renovation.

18 ~~———— (4) Not later than January 1, 2000, the department shall~~
19 ~~recommend appropriate maintenance practices for owners of~~
20 ~~residential property, day care facilities, and secured lenders~~
21 ~~that are designed to prevent lead poisoning among children 6~~
22 ~~years of age or less and pregnant women. In making its~~
23 ~~recommendations, the department shall consult with affected~~
24 ~~stakeholders and shall consider the effects of those maintenance~~
25 ~~practices on the availability and affordability of housing and~~
26 ~~credit.~~

27 (4) ~~(5)~~—The following information required to be submitted

1 to the department by certified individuals and persons under this
2 part and rules promulgated under this part is exempt from
3 disclosure as a public record under the freedom of information
4 act, 1976 PA 442, MCL 15.231 to 15.246:

5 (a) The name, street address, and telephone number of the
6 ~~owner, agent, or~~ tenant of a residential dwelling where lead-
7 based paint investigations have been conducted.

8 (b) Information that could be used to identify 1 or more
9 children with elevated blood lead levels that have been reported
10 to the department.

11 (c) Information contained in an EBL investigation report
12 that could be used to identify 1 or more children with elevated
13 blood lead levels.

14 **(5) A PERSON OR FIRM CONDUCTING A LEAD-BASED PAINT ACTIVITY,**
15 **EBL INVESTIGATION, OR RENOVATION ACTIVITY SHALL MAKE AVAILABLE TO**
16 **THE DEPARTMENT, UPON REQUEST, ALL INFORMATION CONSIDERED**
17 **NECESSARY BY THE DEPARTMENT TO DETERMINE COMPLIANCE WITH THIS**
18 **PART AS SPECIFIED BY RULE.**

19 Sec. 5474. (1) The department shall ~~establish~~ **MAINTAIN** a
20 lead poisoning prevention program that has the following
21 components:

22 (a) A coordinated and comprehensive plan to prevent
23 childhood lead poisoning and to minimize exposure of the general
24 public to lead-based paint hazards.

25 (b) A comprehensive educational and community outreach
26 program regarding lead poisoning prevention that shall, at a
27 minimum, include the development of appropriate educational

1 materials targeted to health care providers, child care
2 providers, public schools, owners and tenants of residential
3 dwellings, and parents of young children. These educational
4 materials shall be made available, upon request, to local and
5 state community groups, legal services organizations, and
6 tenants' groups.

7 (c) A technical assistance system for health care providers
8 to assist those providers in managing cases of childhood lead
9 poisoning. As part of this system, the department shall require
10 that results of all blood lead level tests conducted in Michigan
11 be reported to the department as provided for in rule and that
12 when the department receives notice of blood lead levels **AT OR**
13 above 10 micrograms per deciliter, it shall initiate contact with
14 the local public health department or the physician, or both, of
15 the child whose blood lead level ~~exceeds~~ **IS AT OR ABOVE** 10
16 micrograms per deciliter.

17 (2) The department shall **ANNUALLY** report to the legislature
18 ~~by January 1, 1999, and annually thereafter,~~ the number of
19 children ~~through~~ **UNDER** age 6 who were screened for lead poisoning
20 during the preceding fiscal year and who were confirmed to have
21 had blood lead levels **AT OR** above 10 micrograms per deciliter.
22 The report shall compare these rates with those of previous
23 fiscal years and the department shall recommend methods for
24 improving compliance with guidelines issued by the federal
25 centers for disease control and prevention, including any
26 necessary legislation or appropriations.

27 (3) ~~Not more than 1 year after the effective date of this~~

1 ~~part, and annually thereafter, the~~ **THE** department shall prepare a
2 **AN ANNUAL** written report regarding the expenditures under the
3 lead poisoning prevention program including the amounts and
4 sources of money from the previous year and a complete accounting
5 of its use. The report shall be given to the appropriate
6 committees of the legislature and be made available to the
7 general public upon request.

8 Sec. 5474b. (1) The department in cooperation with the
9 ~~family independence agency~~ **DEPARTMENT OF HUMAN SERVICES** and the
10 Michigan state housing development authority shall establish and
11 maintain a registry, to be known as the "lead ~~safe~~ **INFORMATION**
12 housing registry", to provide the public with a listing of
13 residential and multifamily dwellings and child-occupied
14 facilities that have been abated of or have had interim controls
15 performed to control ~~lead-based paint~~ **LEAD** hazards as determined
16 through a lead-based paint investigation performed by a certified
17 **INSPECTOR, EBL INVESTIGATOR, CLEARANCE TECHNICIAN, OR** risk
18 assessor. ~~certified under this part.~~

19 (2) The owner of ~~target housing that is offered for rent or~~
20 ~~lease as a residence or the owner of a~~ child-occupied facility
21 shall register that property with the department if that property
22 **HAD A LEAD-BASED PAINT INVESTIGATION OR** has been abated of or has
23 had interim controls performed to control ~~lead-based paint~~ **LEAD**
24 hazards as determined through a lead-based paint investigation
25 performed by a certified **INSPECTOR, EBL INVESTIGATOR, CLEARANCE**
26 **TECHNICIAN, OR** risk assessor ~~certified under this part~~ in a form
27 as prescribed by the department. ~~free of charge.~~ The form shall

1 include, at a minimum, the following:

2 (a) Name of the owner of the building.

3 (b) Address of the building.

4 (c) Date of construction.

5 **(D) PROPERTY DESCRIPTION.**

6 **(E)** ~~(d)~~ Date and description of any lead-based paint
7 activity including the name of the certified abatement worker or
8 the certified risk assessor certified under this part who
9 performed the abatement or conducted the inspection, lead-hazard
10 screen, assessment, or clearance testing of the building and the
11 results of the lead-based paint activity.

12 (3) An owner required to register his or her property under
13 subsection (2) shall provide the department, **UPON REQUEST**, with a
14 copy of each report, document, or other information that is
15 required to be filed with the federal government under federal
16 law and regulations related to lead-based paint.

17 (4) The owner of any other residential or multifamily
18 dwelling that is **NOT OTHERWISE SUBJECT TO BE INCLUDED IN THE**
19 **REGISTRY BUT IS** offered for rent or lease as a residence or the
20 owner of a child-occupied facility may **VOLUNTARILY** register that
21 property with the department and the department shall include
22 that property on the lead ~~safe~~-**INFORMATION** housing registry. A
23 person who ~~wishes~~-**VOLUNTEERS** to register under this subsection
24 shall execute and return the registration form to the department
25 with payment of the registration fee in an amount as prescribed
26 by the department. **PROPERTIES CONSTRUCTED AFTER 1978 NEED ONLY**
27 **SUBMIT PROOF OF YEAR CONSTRUCTED IN LIEU OF ANY LEAD-BASED PAINT**

1 INSPECTION REPORT TO LIST A PROPERTY ON THE LEAD INFORMATION
2 HOUSING REGISTRY.

3 (5) The department shall publish the lead ~~safe~~-INFORMATION
4 housing registry on its website and provide a copy of the
5 registry to a person upon request. The department may charge a
6 reasonable, cost-based fee for providing copies of the lead ~~safe~~
7 INFORMATION housing registry under this subsection.

8 (6) ENFORCEMENT OF THIS SUBSECTION SHALL BE AS PRESCRIBED IN
9 SECTION 5476(2).

10 (7) THE LEGISLATURE RECOGNIZES THE IMMINENT THREATS POSED TO
11 CHILDREN'S HEALTH AND COGNITIVE DEVELOPMENT FROM IMPROPER
12 RENOVATION, PAINT WORK, AND REPAIR PRACTICES, INGESTION OF LEAD
13 PAINT DUST IN RESIDENTIAL NEIGHBORHOODS, THE BROAD DISPERSAL OF
14 LEAD-LADEN SOILS FROM HISTORICAL AIRBORNE DEPOSITION OF LEADED
15 FUEL EMISSIONS, AND IDENTIFIED SPECIFIC DWELLINGS AND FACILITIES
16 THAT PRESENT KNOWN OR POTENTIAL LEAD HAZARDS. THE LEGISLATURE
17 FURTHER RECOGNIZES THE NEED TO EDUCATE THE CITIZENS OF THIS STATE
18 REGARDING THOSE THREATS.

19 (8) THE LEGISLATURE DECLARES THAT ANNUALLY THE FOURTH SUNDAY
20 OF OCTOBER THROUGH THE FOLLOWING SATURDAY SHALL BE KNOWN AS THE
21 "LEAD POISONING PREVENTION WEEK".

22 Sec. 5475. (1) The department shall receive ~~or~~-COMPLAINTS
23 FROM ANY SOURCE, SHALL initiate complaints of alleged violations
24 of this part or rules promulgated under this part, and SHALL take
25 action with respect to alleged violations or complaints as
26 prescribed by this part.

27 (2) The department, in its own discretion, or upon the

1 written **OR VERBAL** complaint of **A VERIFIABLE ANONYMOUS OR KNOWN**
2 **SOURCE**, an aggrieved party, ~~or of a~~ state agency, or **A** political
3 subdivision of this state, may investigate the acts of an
4 accredited training program, an individual or other person
5 certified under this part, or a person allegedly engaged in lead-
6 based paint **OR RENOVATION** activity. The department may deny,
7 suspend, or revoke certification or accreditation issued under
8 this part, **OR ISSUE A CITATION OR ADMINISTRATIVE FINE**, if a
9 certified person, accredited training program, certified
10 individual, or a person allegedly engaged in lead-based paint **OR**
11 **RENOVATION** activity is found to be not in compliance with this
12 part or the rules promulgated under this part. In addition, the
13 department may deny, suspend, or revoke a certification or
14 accreditation issued under this part for 1 or more of the
15 following:

16 (a) Willful or negligent acts that cause a person to be
17 exposed to a lead-containing substance in violation of this part,
18 the rules promulgated under this part, or other state or federal
19 law pertaining to the public health and safety aspects of lead
20 ~~abatement~~ **HAZARD CONTROL OR RENOVATION ACTIVITIES**.

21 (b) Falsification of records, **REPORTS, OR DOCUMENTS** required
22 **OR REQUESTED** under this part.

23 (c) Continued failure to obtain or renew certification or
24 accreditation under this part.

25 (d) Deliberate misrepresentation of facts or information in
26 applying for certification or accreditation under this part.

27 (e) Permitting a person who has not received the proper

1 training and certification under this part or other applicable
 2 state or federal law to come in contact with lead or be
 3 responsible for a lead ~~abatement project~~ **HAZARD CONTROL OR**
 4 **RENOVATION ACTIVITY.**

5 Sec. 5475a. (1) A property manager, housing commission, or
 6 owner of a rental unit who rents or continues to rent a
 7 residential housing unit to a family with a minor child who is
 8 found to have 10 micrograms or more of lead per deciliter of
 9 venous blood is subject to the penalties provided under
 10 subsection (3) if all of the following apply:

11 (a) The property manager, housing commission, or owner of
 12 the rental unit has prior actual knowledge that the rental unit
 13 contains a lead-based paint hazard.

14 (b) At least ~~ninety~~ **90** days have passed since the property
 15 manager, housing commission, or owner of the rental unit had
 16 actual knowledge of the lead paint hazard.

17 (c) ~~The property manager, housing commission, or owner of~~
 18 ~~the rental unit has not acted in good faith to reduce the lead~~
 19 ~~paint hazards through interim controls or abatement or a~~
 20 ~~combination of interim controls and abatement.~~ **THE PROPERTY**
 21 **MANAGER, HOUSING COMMISSION, OR OWNER OF THE RENTAL UNIT HAS NOT**
 22 **ACTED IN GOOD FAITH TO ELIMINATE BY ABATEMENT THE LEAD HAZARDS**
 23 **THROUGH THE USE OF A CERTIFIED FIRM, AS PER SECTION 5454(4), AND**
 24 **TO ACHIEVE THE APPROPRIATE CLEARANCE LEVEL AS PER SECTION 5455(2)**
 25 **AND IN COMPLIANCE WITH R 325.99407 OF THE MICHIGAN ADMINISTRATIVE**
 26 **CODE.**

27 (D) **THE PROPERTY MANAGER, HOUSING COMMISSION, OR OWNER OF**

1 THE RENTAL UNIT HAS NOT ACTED IN GOOD FAITH TO REDUCE BY
2 RENOVATION THE LEAD HAZARDS THROUGH THE USE OF A CERTIFIED FIRM,
3 AS PER SECTION 5454(4), AND TO ACHIEVE THE APPROPRIATE CLEARANCE
4 LEVEL AS PER SECTION 5455(2) AND IN COMPLIANCE WITH R 325.99407
5 OF THE MICHIGAN ADMINISTRATIVE CODE.

6 (E) THE PROPERTY MANAGER, HOUSING COMMISSION, OR OWNER OF
7 THE RENTAL UNIT HAS NOT ACTED IN GOOD FAITH IF THE PROPERTY
8 MANAGER, HOUSING COMMISSION, OR OWNER OF THE RENTAL UNIT MAKES
9 AVAILABLE FOR RENT A PROPERTY WITH KNOWN LEAD HAZARDS TO FAMILIES
10 WITH CHILDREN, WITH THE EXCEPTION OF THE FAMILY RESIDING IN THE
11 PROPERTY AT THE TIME THE HAZARDS ARE IDENTIFIED.

12 (2) A property manager, housing commission, or owner of the
13 rental unit is presumed to have prior actual knowledge that a
14 unit contains a ~~lead-based paint~~ LEAD hazard ~~only~~ if **AT LEAST** 1
15 of the following applies:

16 (a) The property manager, housing commission, or owner of
17 the rental unit signed an acknowledgment of the hazard as a
18 result of a risk assessment **OR EBL ENVIRONMENTAL INVESTIGATION**
19 under this chapter at the time the risk assessment **OR EBL**
20 **ASSESSMENT** was made.

21 (b) The property manager, housing commission, or owner of
22 the rental unit was served as a result of a risk assessment **OR**
23 **EBL ENVIRONMENTAL INVESTIGATION** under this chapter with notice of
24 the **LEAD** hazard by first-class mail and a return receipt of that
25 service was obtained.

26 (C) THE PROPERTY MANAGER, HOUSING COMMISSION, OR THE OWNER
27 OF THE RENTAL UNIT WAS PERSONALLY SERVED AS A RESULT OF A RISK

1 **ASSESSMENT OR EBL ENVIRONMENTAL INVESTIGATION UNDER THIS PART**
2 **WITH NOTICE OF THE LEAD HAZARD BY AN INDIVIDUAL 18 YEARS OF AGE**
3 **OR OLDER.**

4 (3) A property manager, housing commission, or owner of the
5 rental unit convicted of violating this section is guilty of a
6 crime as follows:

7 (a) Except as provided in subdivision (b), the property
8 manager, housing commission, or owner of the rental unit is
9 guilty of a misdemeanor punishable by imprisonment for not more
10 than 93 days or a fine of not more than \$5,000.00, or both.

11 (b) If the property manager, housing commission, or owner of
12 the rental unit was previously convicted of violating this
13 section or a local ordinance substantially corresponding to this
14 section, the property manager, housing commission, or owner of
15 the rental unit is guilty of a misdemeanor punishable by
16 imprisonment for not more than 93 days or a fine of not more than
17 \$10,000.00, or both.

18 (4) The property manager, housing commission, or owner of
19 the rental unit may assert 1 or more of the following as an
20 affirmative defense in a prosecution of violating this section,
21 and has the burden of proof on that defense by a preponderance of
22 the evidence:

23 (a) That the property manager, housing commission, or owner
24 of the rental unit requested or contracted with a person having
25 responsibility for maintaining the rental unit to reduce **OR**
26 **ELIMINATE** the hazard through ~~interim controls~~ **RENOVATION** or
27 abatement and reasonably expected that the **LEAD** hazard would be

1 reduced **OR ELIMINATED**.

2 (b) That the tenant would not allow entry into or upon
3 premises where the **LEAD** hazard is located or otherwise interfered
4 with correcting the hazard.

5 (5) As used in this section:

6 (a) "Property manager" means a person who engages in
7 property management as defined in section 2501 of the
8 occupational code, 1980 PA 299, MCL 339.2501.

9 (b) ~~"Lead based paint"~~ **LEAD** hazard" means that term as
10 defined in section 5458. ~~of the public health code, 1978 PA 368,~~
11 ~~MCL 333.5458.~~

12 Sec. 5476. (1) A person who violates this part or a rule
13 promulgated under this part is subject to an administrative fine
14 up to the following amounts for each violation or each day that a
15 violation continues:

- 16 (a) For a first violation..... \$ ~~2,000.00~~ \$ **3,000.00.**
- 17 (b) For a second violation..... \$ ~~5,000.00~~ \$ **7,500.00.**
- 18 (c) For a third or subsequent
- 19 violation..... \$ ~~10,000.00~~ \$ **15,000.00.**

20 (2) If the department has reasonable cause to believe that a
21 person has violated this part or a rule promulgated under this
22 part, the department may issue a citation at that time or not
23 later than ~~180 days~~ **5 YEARS** after discovery of the alleged
24 violation. The citation shall be written and shall state with
25 particularity the nature of the violation as provided for by the
26 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to

1 24.328. An alleged violator may request an administrative hearing
2 pursuant to the administrative procedures act of 1969, 1969 PA
3 306, MCL 24.201 to 24.328.

4 (3) THE DEPARTMENT MAY AGGREGATE THE ADMINISTRATIVE FINES
5 REGARDING VIOLATIONS DESCRIBED IN SUBSECTION (1), BUT MAY WAIVE
6 AN AGGREGATE FINE IF THE VIOLATOR DEMONSTRATES GOOD FAITH AND
7 COOPERATION IN EXPEDITIOUSLY ARRANGING FOR CESSATION AND
8 REMEDIATION OF THE VIOLATIONS, INCLUDING THE CONTAINING OF THE
9 AREA OR LOCATION OF THE VIOLATIONS UNTIL CORRECTION OF VIOLATIVE
10 CONDITIONS OCCURS.

11 Sec. 5477. (1) A person who engages in a lead-based paint OR
12 RENOVATION activity as provided for by this part and who
13 willfully or repeatedly violates this part or a rule promulgated
14 under this part or a person who fails to correct the violation
15 after notice from the department under this part is guilty of a
16 misdemeanor, punishable by a fine of not more than ~~\$5,000.00~~
17 \$50,000.00, and upon conviction for a second or subsequent
18 offense, not more than ~~\$10,000.00~~ \$100,000.00, or imprisonment
19 for not more than 6 months, or both. A violation of this
20 subsection may be prosecuted by either the attorney general or
21 the prosecuting attorney of the judicial district in which the
22 violation was committed.

23 (2) The application of sanctions under this part is
24 cumulative and does not ~~preclude~~ PROHIBIT the application of
25 other sanctions or penalties contained in the provisions of any
26 other federal, state, or political subdivision statute, rule,
27 regulation, or ordinance.

1 (3) This part does not diminish the responsibilities of an
2 owner or occupant, or the authority of enforcing agents under
3 state, county, city, municipal, or other local building, housing,
4 or health and safety codes.

5 (4) The requirements of this part are in addition to other
6 pertinent provisions of a code listed in subsection (3).