

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 595

Short Title: Lead Abatement Certification.

(Public)

Sponsors: Senators Cooper, Martin of Guilford, Warren, Winner, Gulley, Dannelly, Hoyle, and Martin of Pitt.

Referred to: Children and Human Resources

April 6, 1995

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

4 The General Assembly of North Carolina enacts:

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

7 **"ARTICLE 21.**

8 **"LEAD HAZARD MANAGEMENT PROGRAM.**

9 **"§ 130A-470. Definitions.**

10 As used in this Article:

11 (1) 'Lead abatement' means a set of measures designed to identify or
12 eliminate lead-based paint and lead-based paint hazards that includes
13 only the following:

- 14 a. Abatements ordered by the Department pursuant to G.S. 130A-
15 131.5;
16 b. Abatements funded by the Department of Commerce and the
17 North Carolina Housing Finance Agency;

- 1 c. Abatements for which there is a written contract stating that an
2 individual or firm will be conducting activities in or to a dwelling
3 unit that will eliminate lead-based paint hazards;
4 d. Abatements performed by persons who, through their company
5 name, promotional literature, or otherwise, advertise or hold
6 themselves out to be lead abatement professionals;
7 e. Abatements performed on bridges, water towers, superstructures,
8 and industrial structures; and
9 f. Inspections or risk assessments performed to identify lead-based
10 paint and lead-based paint hazards.

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

13 (3) 'Lead-based paint hazard' means any condition that causes exposure to
14 lead from lead-contaminated dust, lead-contaminated soil, or lead-
15 contaminated paint that is deteriorated or present in accessible surfaces,
16 friction surfaces, or impact surfaces that would result in an adverse
17 effect to human health.

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

19 **"§ 130A-471. Certificate of persons performing lead abatement; accreditation of**
20 **training courses.**

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

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

32 **"§ 130A-472. Lead management fees.**

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

38 (b) The Department shall establish and collect fees for the accreditation of lead
39 abatement training courses. These fees shall be used to support the Lead Hazard
40 Management Program in the Department. The fees shall not exceed one thousand five
41 hundred dollars (\$1,500) for each initial accreditation and shall not exceed five hundred
42 dollars (\$500.00) for each annual renewal of accreditation.

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

3 **"§ 130A-473. Lead abatement permits.**

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

7 **"§ 130A-474. Application fees for lead abatement permits.**

8 (a) The Department shall establish and collect an application fee for lead
9 abatement permits. These fees shall be used to support the Lead Hazard Management
10 Program in the Department. The application fee shall not exceed one percent (1%) of the
11 contracted price or ten cents (10¢) per square foot or linear foot of lead-based paint and
12 lead-contaminated material to be abated, whichever amount is greater.

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

17 **"§ 130A-475. Commission to adopt rules.**

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

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

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

24 Sec. 3. This act is effective upon ratification.