

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS35238-MGf-59 (3/10)

Short Title: Res. Lead-Based Paint Hazards/Renovations.

(Public)

Sponsors: Senator Purcell.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH REQUIREMENTS FOR REGISTRATION AND
3 CERTIFICATION OF PERSONS PERFORMING LEAD-BASED PAINT
4 RENOVATION WORK IN CERTAIN RESIDENTIAL HOUSING AND
5 CHILD-OCCUPIED FACILITIES; AND TO REQUIRE ACCREDITATION OF
6 RENOVATION TRAINERS AND RENOVATION TRAINING COURSES.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Chapter 130A of the General Statutes is amended by adding a new
9 Article to read:

10 "Article 19B.

11 "Registration, Certification, and Accreditation of Lead-Based Paint Renovation Activities.

12 "§ 130A-453.12. Definitions.

13 (a) Except as provided in subsection (b) of this section and in any rules adopted under
14 this Article, the definitions set out in 40 C.F.R. §§ 745.83 and 745.223, as amended, apply
15 throughout this Article

16 (b) Unless otherwise required by the context, the following definitions apply throughout
17 this Article:

18 (1) Registered renovator. – An individual who (i) is employed by a certified
19 renovation firm, (ii) either performs or directs trained workers who perform
20 renovation activities, (iii) has successfully completed a renovation training
21 course accredited by the Department, and (iv) is registered with the
22 Department to perform renovation activities.

23 (2) Certified dust sampling technician. – An individual who (i) is employed by a
24 certified renovation firm, (ii) has successfully completed a dust sampling
25 technician training course accredited by the Department, and (iii) is certified
26 by the Department to perform dust clearance sampling after the completion
27 of renovation activities.

28 (3) Certified renovation firm. – A company, partnership, corporation, sole
29 proprietorship, association, or other business entity or individual doing
30 business in the State, or a federal, State, tribal, or local government agency,
31 or a nonprofit organization that has been certified by the Department to
32 perform renovation work covered by this Article.

33 (4) Trained renovation worker. – An individual who (i) receives on the job
34 training and direction pertaining to the individual's assigned tasks in



1 renovation work from a registered renovator and (ii) is employed by a
2 certified renovation firm.

3 (5) Child-occupied facility. – A building, or portion of a building, constructed
4 prior to 1978, visited regularly by the same child, under 6 years of age, on at
5 least two different days within any week (Sunday through Saturday period),
6 provided that each day's visit lasts at least three hours and the combined
7 weekly visits last at least six hours, and the combined annual visits last at
8 least 60 hours. Child-occupied facilities may include, but are not limited to,
9 day care centers, preschools, and kindergarten classrooms. Child-occupied
10 facilities may be located in target housing or in public or commercial
11 buildings. With respect to common areas in public or commercial buildings,
12 the child-occupied facility encompasses those common areas, both interior
13 and exterior, routinely used by children under age 6.

14 (6) Visual inspection for cleaning verification. – The visual examination of the
15 renovated area of target housing or a child-occupied facility following
16 renovation activities to determine if visible dust, debris, and other residue
17 remain in the work area.

18 **§ 130A-453.13. Purpose.**

19 (a) This Article is enacted to establish an authorized State program under sections 402
20 and 406 of Toxic Substance Control Act, 15 U.S.C. §§ 2682 and 2686, as enacted by Subtitle B
21 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852(d), that
22 will apply in this State in lieu of the corresponding federal program administered by the United
23 States Environmental Protection Agency (EPA). This Article requires that renovations for
24 compensation in target housing and child-occupied facilities be performed or directed by
25 registered renovators and certified individuals and firms; establishes procedures and
26 requirements for registration and certification of individuals and firms that perform renovation
27 activities for compensation; and establishes renovation work practice standards. This Article
28 also requires distribution of EPA-approved pamphlets and the accreditation of renovation
29 training providers and courses and establishes record-keeping requirements.

30 (b) Lead-based paint is presumed to be present in housing and child-occupied facilities
31 covered by this Article. Risk assessments and inspections to determine the presence of
32 lead-based paint or lead-based paint hazards are not required under this Article or the rules
33 adopted by the Commission pursuant to this Article.

34 **§ 130A-453.14. Registration of renovators and certification of individuals and firms that**
35 **perform renovations, cleaning verification, and dust clearance sampling.**

36 (a) No firm shall perform, offer, or claim to perform renovation activities unless the
37 firm is a certified renovation firm.

38 (b) No individual shall:

39 (1) Perform, offer, or claim to perform renovation activities unless the
40 individual is a registered renovator.

41 (2) Perform as a trained renovation worker unless the individual is employed by
42 a certified renovation firm and is trained and supervised in his or her
43 assigned tasks by a registered renovator.

44 (3) Conduct dust clearance sampling unless the individual is a certified dust
45 sampling technician, risk assessor, or lead-based paint inspector.

46 (4) Conduct cleaning verification unless the individual is a registered renovator.

47 (c) The Commission shall adopt rules governing the registration of renovators and the
48 certification of other individuals and firms performing renovation, cleaning verification, or dust
49 clearance sampling. The rules adopted shall include, but not be limited to, requirements for
50 qualifications, training, and experience, and the payment of any applicable fees.

51 **§ 130A-453.15. Renewals of certification and registration.**

1 (a) Certification as a renovation firm under this Article expires on the last day of the
 2 12th month after the certification is issued. A firm may renew its certification by paying the
 3 renewal fees and meeting the standards for renewal established by the Commission.

4 (b) Certification as a dust sampling technician expires on the last day of the month of
 5 the year after certification training is completed. A certified dust sampling technician may
 6 renew his or her certification by paying the renewal fees and meeting the standards for renewal
 7 established by the Commission.

8 (c) A registered renovator may renew his or her registration by taking refresher courses
 9 offered by a training provider accredited by the Department and by meeting any additional
 10 standards for renewal established by the Commission.

11 **"§ 130A-453.16. Accreditation of training courses and training providers.**

12 (a) No training provider shall provide, offer, or claim to provide:

13 (1) Training or refresher courses in renovation unless the training or courses
 14 have been accredited by the Department.

15 (2) Dust sampling technician courses or refresher courses unless the courses
 16 have been accredited by the Department.

17 (b) The Commission shall adopt rules governing the annual accreditation of training
 18 providers and the annual accreditation of initial and refresher training courses.

19 (c) Accreditation as a training provider expires on the last day of the calendar year
 20 following the year the accreditation was issued. Accreditation of a training course or refresher
 21 course expires on the last day of the calendar year following the year the accreditation was
 22 issued. The accreditation of a training provider and the accreditation of a training or refresher
 23 course may be renewed by complying with this Article and any standards established by the
 24 Commission.

25 **"§ 130A-453.17. Registration, certification, and accreditation fee schedule.**

26 (a) The Department shall collect annual accreditation, registration, and certification fees
 27 authorized under this Article, including initial and renewal fees. The fees collected shall be
 28 used for the ongoing administration of this Article and shall not revert to the General Fund at
 29 the end of the fiscal year. The fees shall not exceed the following:

	<u>Maximum Fee</u>
31 (1) <u>Accreditation of a training provider</u>	<u>\$ 150</u>
32 (2) <u>Reaccreditation of a training provider</u>	<u>\$ 150</u>
33 (3) <u>Accreditation or reaccreditation of initial courses</u>	<u>\$ 2,000</u>
34 <u>(Per course per language)</u>	
35 (4) <u>Accreditation or reaccreditation of refresher courses</u>	<u>\$ 2,000</u>
36 <u>(Per course per language)</u>	
37 (5) <u>Certification or recertification of a firm</u>	<u>\$ 300</u>
38 (6) <u>Certification or recertification of a dust</u>	
39 <u>sampling technician</u>	<u>\$ 150</u>
40 (7) <u>Registration or reregistration of a renovator</u>	<u>\$ 150</u>

41 (b) The accreditation fees imposed under this section do not apply to local or State
 42 governmental regulatory agency personnel, Indian Tribes, or nonprofit training providers. The
 43 certification fees imposed under this section do not apply to local or State governmental
 44 regulatory agency personnel.

45 **"§ 130A-453.18. Work practices and responsibilities of renovation firms, registered**
 46 **renovators, and dust sampling technicians.**

47 The Commission shall establish standards for work practices and define the responsibilities
 48 of registered renovators and certified renovation firms and individuals.

49 **"§ 130A-453.19. Record retention, information distribution, and reporting requirements.**

1 The Commission shall establish standards for record keeping, record retention, and
2 information distribution; and reporting requirements for training providers, registered
3 renovators, and certified renovation firms and individuals.

4 **"§ 130A-453.20. Exemptions from renovation, repair, and painting requirements.**

5 The Commission shall adopt rules exempting certain renovation activities from this Article.

6 **"§ 130A-453.21. Commission to adopt rules.**

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

8 **SECTION 2.** This act becomes effective January 1, 2010.