

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1151

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

Sponsors: Representatives Farmer-Butterfield, Earle, England, Rapp (Primary Sponsors); Bordsen, Brisson, Fisher, Glazier, Harrison, Hughes, Insko, Jones, Lucas, and Neumann.

Referred to: Commerce, Small Business, and Entrepreneurship, if favorable, Finance.

April 8, 2009

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

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

19 **§ 130A-453.13. Purpose.**

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

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

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

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

39 (b) No individual shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

	<u>Maximum Fee</u>
(1) <u>Accreditation of a training provider</u>	<u>\$150.00</u>
(2) <u>Reaccreditation of a training provider</u>	<u>\$150.00</u>
(3) <u>Accreditation or reaccreditation of initial courses</u>	
<u>(Per course per language)</u>	<u>\$2,000</u>
(4) <u>Accreditation or reaccreditation of refresher courses</u>	
<u>(Per course per language)</u>	<u>\$2,000</u>
(5) <u>Certification or recertification of a firm</u>	<u>\$300.00</u>
(6) <u>Certification or recertification of a dust sampling Technician</u>	<u>\$150.00</u>
(7) <u>Registration or reregistration of a renovator</u>	<u>\$150.00</u>

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

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

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

**"§ 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.