

The House Committee on Children and Youth offers the following substitute to HB 1300:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 41 of Title 31 of the Official Code of Georgia Annotated, relating to lead
2 poisoning prevention, so as to extensively revise the provisions of Article 1 of said chapter
3 relating to identification and abatement of lead hazards; to define terms; to amend provisions
4 relating to renovation activities which are regulated; to change provisions relating to training
5 certification, licensure, and regulation of persons performing renovation activities; to provide
6 for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 41 of Title 31 of the Official Code of Georgia Annotated, relating to lead poisoning
10 prevention, is amended by revising Article 1, relating to general provisions, as follows:

11 "ARTICLE 1

12 31-41-1.

13 This chapter shall be known and may be cited as the 'Georgia Lead Poisoning Prevention
14 Act of 1994.'

15 31-41-2.

16 (a) The General Assembly finds that childhood lead poisoning is a devastating
17 environmental health hazard to the children of this state. Exposure to even low levels of
18 lead increases a child's risks of developing permanent reading and learning disabilities,
19 intelligence quotient deficiencies, impaired hearing, reduced attention span, hyperactivity,
20 behavior problems, and other neurological problems. It is estimated that thousands of
21 children below the age of six are affected by lead poisoning in Georgia. Childhood lead
22 poisoning is dangerous to the public health, safety, and general welfare.

23 (b) Childhood lead poisoning is the result of environmental exposure to lead. The most
24 significant source of environmental lead is lead-based paint, particularly in housing built

25 prior to 1978, which becomes accessible to children as paint chips, house dust, and soil
 26 contaminated by lead-based paint. The danger posed by lead-based paint hazards can be
 27 controlled by abatement, renovation, or interim controls of lead-based paint or by measures
 28 to limit exposure to lead-based paint hazards.

29 (c) It is crucial that the identification of lead hazards and subsequent implementation of
 30 interim control, renovation, or abatement procedures be accomplished in a manner that
 31 does not result in additional harm to the public or the environment. Improper lead
 32 abatement or renovation constitutes a serious threat to persons residing in or otherwise
 33 using an affected structure or site, to those performing such work, to the environment, and
 34 to the general public.

35 (d) The General Assembly finds that it is in the public interest to establish minimum
 36 standards for the training and certification or licensure of all persons performing lead
 37 hazard reduction activities, ~~including~~ and for inspections, risk assessments, and planning
 38 and performance of interim controls, renovation, or abatement measures for such activities.

39 31-41-3.

40 As used in this chapter, the term:

41 (1) 'Abatement' means any set of measures designed to eliminate lead-based paint
 42 hazards, in accordance with standards developed by the board, including:

43 (A) Removal of lead-based paint and lead contaminated dust, the permanent
 44 containment or encapsulation of lead-based paint, the replacement of lead-painted
 45 surfaces or fixtures, and the removal or covering of lead contaminated soil; and

46 (B) All preparation, cleanup, disposal, and postabatement clearance testing activities
 47 associated with such measures.

48 (2) 'Accessible surface' means an interior or exterior surface painted with lead-based
 49 paint that is accessible for a young child to mouth or chew.

50 (2.1) 'Board' means the Board of Natural Resources of the State of Georgia.

51 (2.2) 'Child-occupied facility' means a building or portion of a building constructed prior
 52 to 1978, visited by the same child, six years of age or under, on at least two different days
 53 within the same week (Sunday through Saturday period), provided that each day's visit
 54 lasts at least three hours and the combined weekly visit lasts at least six hours.
 55 Child-occupied facilities include, but are not limited to, day-care centers, preschools, and
 56 kindergarten facilities.

57 (3) 'Department' means the Department of Natural Resources.

58 (4) 'Friction surface' means an interior or exterior surface that is subject to abrasion or
 59 friction, including certain window, floor, and stair surfaces.

- 60 (5) 'Impact surface' means an interior or exterior surface or fixture that is subject to
61 damage by repeated impacts, for example, certain parts of door frames.
- 62 (6) 'Inspection' means a surface by surface investigation to determine the presence of
63 lead-based paint and the provision of a report explaining the results of the investigation.
- 64 (7) 'Interim controls' means a measure or set of measures as specified by the board taken
65 by the owner of a structure that are designed to control temporarily human exposure or
66 likely exposure to lead-based paint hazards.
- 67 (8) 'Lead-based paint' means paint or other surface coatings that contain lead in excess
68 of limits established by board regulation.
- 69 (9) 'Lead-based paint activities' means the inspection and assessment of lead hazards and
70 the planning, implementation, and inspection of interim controls, renovation, and
71 abatement activities ~~as determined by the department at target housing and~~
72 child-occupied facilities.
- 73 (10) 'Lead-based paint hazard' means any condition that causes exposure to lead from
74 lead contaminated dust, lead contaminated soil, or lead contaminated paint that is
75 deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that
76 would result in adverse human health effects as established pursuant to Section 403 of the
77 Toxic Substances Control Act.
- 78 (11) 'Lead contaminated dust' means surface dust in residential dwellings or in other
79 facilities occupied or regularly used by children that contains an area or mass
80 concentration of lead in excess of levels determined pursuant to Section 403 of the Toxic
81 Substances Control Act.
- 82 (12) 'Lead contaminated soil' means bare soil on residential real property or on other sites
83 frequented by children that contains lead at or in excess of levels determined to be
84 hazardous to human health pursuant to Section 403 of the Toxic Substances Control Act.
- 85 (13) 'Lead contaminated waste' means any discarded material resulting from an
86 abatement activity that fails the toxicity characteristics determined by the department.
- 87 (13.1) 'Lead dust sampling technician' means an individual employed to perform lead
88 dust clearance sampling for renovation as determined by the department.
- 89 (14) 'Lead firm' means a company, partnership, corporation, sole proprietorship,
90 association, or other business entity that employs or contracts with persons to perform
91 lead-based paint activities.
- 92 (15) 'Lead inspector' means a person who conducts inspections to determine the presence
93 of lead-based paint or lead-based paint hazards.
- 94 (16) 'Lead project designer' means a person who plans or designs abatement activities
95 and interim controls.

96 (17) 'Lead risk assessor' means a person who conducts on-site risk assessments of lead
97 hazards.

98 (18) 'Lead supervisor' means a person who supervises and conducts abatement of
99 lead-based paint hazards.

100 (19) 'Lead worker' means any person performing lead hazard reduction activities.

101 (19.1) 'Minor repair and maintenance activities' means activities that disrupt six square
102 feet or less of painted surface per room for interior activities or 20 square feet or less of
103 painted surface for exterior activities where none of the work practices prohibited or
104 restricted as determined by the department are used or where the work does not involve
105 window replacement or demolition of painted surface areas. Jobs performed in the same
106 room within 30 days are considered the same job for purposes of this definition.

107 (19.2) 'Renovation' means the modification of any target housing or child-occupied
108 facility structure or portion thereof, that results in the disturbance of painted surfaces
109 unless that activity is performed as part of an abatement activity. Renovation includes
110 but is not limited to the removal, modification, re-coating, or repair of painted surfaces
111 or painted components; the removal of building components; weatherization projects; and
112 interim controls that disturb painted surfaces. A renovation performed for the purpose
113 of converting a building, or part of a building into target housing or a child-occupied
114 facility is a renovation. Such term shall not include minor repair and maintenance
115 activities.

116 (19.3) 'Renovation firm' means a company, partnership, corporation, sole proprietorship
117 or individual doing business, association, or other business entity that employs or
118 contracts with persons to perform lead-based paint renovations as determined by the
119 Department.

120 (19.4) 'Renovator' means an individual who either performs or directs workers who
121 perform renovations.

122 (20) 'Risk assessment' means an on-site investigation to determine and report the
123 existence, nature, severity, and location of lead-based paint hazards in or on any structure
124 or site, including:

125 (A) Information gathering regarding the age and history of the structure and the
126 occupancy or other use by young children;

127 (B) Visual inspection;

128 (C) Limited wipe sampling or other environmental sampling techniques;

129 (D) Other activity as may be appropriate; and

130 (E) Provision of a report explaining the results of the investigation.

131 (21) 'Target housing' means any housing constructed prior to 1978, except housing for
132 the elderly or persons with disabilities (unless any child or children age six years or under

133 resides or is expected to reside in such housing for the elderly or persons with disabilities)
134 or any zero-bedroom dwelling.

135 31-41-4.

136 (a) There is established the Georgia Lead-Based Paint Hazard Reduction Program. The
137 Department of Natural Resources is designated as the state agency responsible for
138 implementation, administration, and enforcement of such program. The commissioner may
139 delegate such duties to the Environmental Protection Division.

140 (b) The Board of Natural Resources not later than one year after the effective date of
141 regulations promulgated by the federal Environmental Protection Agency relating to lead
142 paint abatement and renovation certification programs shall issue regulations requiring the
143 development and approval of training programs for the licensing or certification of persons
144 performing lead-based paint hazard detection or lead-based paint activities, which may
145 include, but shall not be limited to, lead inspectors, lead risk assessors, lead project
146 designers, lead firms, lead supervisors, ~~and lead workers of such persons,~~ lead dust
147 sampling technicians, and renovators. The regulations for the approval of training
148 programs shall include minimum requirements for approval of training providers,
149 curriculum requirements, training hour requirements, hands-on training requirements,
150 examinations of competency and proficiency, and training program quality control. The
151 approval program shall provide for reciprocal approval of training programs with
152 comparable requirements approved by other states or the United States. The approval
153 program may be designed to meet the minimum requirements for federal approval under
154 Section 404 of the federal Toxic Substances Control Act and the department may apply for
155 such approval. The department shall establish fees for approval of such training programs.

156 (c)(1) The Board of Natural Resources not later than one year after the effective date of
157 regulations promulgated by the federal Environmental Protection Agency relating to lead
158 paint abatement and renovation certification programs shall establish training and
159 licensure requirements for lead inspectors, lead risk assessors, lead project designers, lead
160 firms, lead supervisors, ~~and lead workers,~~ renovators, renovation firms, and lead dust
161 sampling technicians. No person shall be licensed under this chapter unless such person
162 has successfully completed the appropriate training program, passed an examination
163 approved by the department for the appropriate category of license, and completed any
164 additional requirements imposed by the board by regulation. The department is
165 authorized to accept any lead-based paint hazard training completed after January 1,
166 1990, in full or partial satisfaction of the training requirements. The board may establish
167 requirements for periodic refresher training for all licensees as a condition of license
168 renewal. The board shall establish examination fees, license fees, and renewal fees for all

169 licenses issued under this chapter, provided that such fees shall reflect the cost of issuing
 170 and renewing such licenses, regulating licensed activities, and administering the program.

171 (2) On and after the effective date of regulations promulgated by the board as provided
 172 in subsection (b) of this Code section, no person shall perform or represent that such
 173 person is qualified to perform any lead-based paint activities unless such person possesses
 174 the appropriate licensure or certification as determined by the board or unless such person
 175 is:

176 (A) An owner performing abatement or renovation upon that person's own residential
 177 property, unless the residential property is occupied by a person or persons other than
 178 the owner or the owner's immediate family while these activities are being performed,
 179 or a child residing in the building has been identified as having an elevated blood lead
 180 level;

181 (B) An employee of a property management company doing ~~routine cleaning and~~
 182 ~~repainting~~ minor repairs and maintenance activities upon property managed by that
 183 company where there is insignificant damage, wear, or corrosion of existing
 184 lead-containing paint or coating substances; or

185 (C) An owner routinely ~~cleaning or repainting~~ doing minor repairs and maintenance
 186 activities upon his or her property where there is insignificant damage to, wear of, or
 187 corrosion of existing lead-containing paint or coating substances.

188 (3) A person who is employed by a state or county health department or state or federal
 189 agency to conduct lead investigations to determine the sources of lead poisonings, as
 190 determined by the department, shall be subject to licensing pursuant to paragraph (2) of
 191 this subsection as a lead risk assessor but shall not be required to pay any fees as
 192 otherwise required under this chapter or under rules and regulations promulgated by the
 193 board under this chapter.

194 (d) The board shall promulgate regulations establishing standards of acceptable
 195 professional conduct and work practices for the performance of lead-based paint activities,
 196 as well as specific acts and omissions that constitute grounds for the reprimand of any
 197 licensee, the suspension, modification, or revocation of a license, or the denial of issuance
 198 or renewal of a license.

199 (e) Written information on the renovation must be provided by the renovation firm or
 200 renovator to residents before beginning any renovation activities (except that the written
 201 information may be provided after the renovation begins for emergency renovations), in
 202 accordance with regulations promulgated by the board.

203 (f) The lead firm, renovation firm, and renovator must meet record-keeping and reporting
 204 requirements established by regulations promulgated by the board.

205 31-41-5.

206 The Board of Natural Resources shall be authorized to promulgate all necessary regulations
207 for the implementation and enforcement of this chapter. In addition to any action which
208 may be taken to reprimand a licensee or to revoke or suspend a license, any person who
209 violates any provision of this chapter or any regulation promulgated pursuant to this
210 chapter or any term or condition of licensure may be subject to a civil penalty of not more
211 than \$10,000.00, to be imposed by the department. If any violation is a continuing one,
212 each day of such violation shall constitute a separate violation for the purpose of computing
213 the applicable civil penalty."

214 **SECTION 2.**

215 All laws and parts of laws in conflict with this Act are repealed.