

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1047**

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 5452, 5453, 5454,
5455, 5456, 5461a, 5462, 5463, 5464, 5465, 5466, 5467, 5471,
5473, and 5476.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 5452. FOR PURPOSES OF THIS PART, THE WORDS AND PHRASES
2 DEFINED IN SECTIONS 5453 TO 5460 HAVE THE MEANINGS ASCRIBED TO
3 THEM UNLESS THE CONTEXT REQUIRES OTHERWISE.

4 SEC. 5453. (1) "ABATEMENT", EXCEPT AS OTHERWISE PROVIDED IN
5 SUBSECTION (2), MEANS A MEASURE OR SET OF MEASURES DESIGNED TO
6 PERMANENTLY ELIMINATE LEAD-BASED PAINT HAZARDS. ABATEMENT
7 INCLUDES ALL OF THE FOLLOWING:

8 (A) THE REMOVAL OF LEAD-BASED PAINT AND LEAD-CONTAMINATED
9 DUST, THE PERMANENT ENCLOSURE OR ENCAPSULATION OF LEAD-BASED

SB1047, As Passed House, May 28, 1998

Senate Bill No. 1047

2

1 PAINT, THE REPLACEMENT OF LEAD-PAINTED SURFACES OR FIXTURES, THE
2 REMOVAL OR COVERING OF LEAD-CONTAMINATED SOIL, AND ALL PREPARA-
3 TION, CLEANUP, DISPOSAL, AND POSTABATEMENT CLEARANCE TESTING
4 ACTIVITIES ASSOCIATED WITH SUCH MEASURES.

5 (B) A PROJECT FOR WHICH THERE IS A WRITTEN CONTRACT OR OTHER
6 DOCUMENTATION THAT PROVIDES THAT A PERSON WILL BE CONDUCTING
7 ACTIVITIES IN OR TO A RESIDENTIAL DWELLING OR CHILD OCCUPIED
8 FACILITY THAT WILL RESULT IN THE PERMANENT ELIMINATION OF
9 LEAD-BASED PAINT HAZARDS OR THAT ARE DESIGNED TO PERMANENTLY
10 ELIMINATE LEAD-BASED PAINT HAZARDS.

11 (C) A PROJECT RESULTING IN THE PERMANENT ELIMINATION OF
12 LEAD-BASED PAINT HAZARDS, CONDUCTED BY A PERSON CERTIFIED UNDER
13 THIS ACT, EXCEPT A PROJECT THAT IS EXEMPT FROM THIS PART.

14 (D) A PROJECT RESULTING IN THE PERMANENT ELIMINATION OF
15 LEAD-BASED PAINT HAZARDS, CONDUCTED BY A PERSON WHO, THROUGH
16 THEIR COMPANY NAME OR PROMOTIONAL LITERATURE, REPRESENTS, ADVER-
17 TISES, OR HOLDS THEMSELVES OUT TO BE IN THE BUSINESS OF PERFORM-
18 ING LEAD-BASED PAINT ACTIVITIES EXCEPT A PROJECT THAT IS EXEMPT
19 FROM THIS PART.

20 (E) A PROJECT RESULTING IN THE PERMANENT ELIMINATION OF
21 LEAD-BASED PAINT HAZARDS THAT IS CONDUCTED IN RESPONSE TO A STATE
22 OR LOCAL GOVERNMENT ABATEMENT ORDER.

23 (2) ABATEMENT DOES NOT INCLUDE ANY OF THE FOLLOWING:

24 (A) RENOVATION, REMODELING, LANDSCAPING, OR OTHER ACTIVITY,
25 IF THE ACTIVITY IS NOT DESIGNED TO PERMANENTLY ELIMINATE
26 LEAD-BASED PAINT HAZARDS, BUT IS INSTEAD DESIGNED TO REPAIR,
27 RESTORE, OR REMODEL A STRUCTURE, TARGET HOUSING, OR DWELLING EVEN

1 THOUGH THE ACTIVITY MAY INCIDENTALY RESULT IN A REDUCTION OR
2 ELIMINATION OF A LEAD-BASED PAINT HAZARD.

3 (B) AN INTERIM CONTROL, OPERATION, AND MAINTENANCE ACTIVITY,
4 OR OTHER MEASURE OR ACTIVITY DESIGNED TO TEMPORARILY, BUT NOT
5 PERMANENTLY, REDUCE A LEAD-BASED PAINT HAZARD.

6 (C) ANY LEAD-BASED PAINT ACTIVITY PERFORMED BY THE OWNER OF
7 AN OWNER-OCCUPIED RESIDENTIAL DWELLING OR AN OWNER-OCCUPIED MUL-
8 TIFAMILY DWELLING CONTAINING 4 OR FEWER UNITS IF THE ACTIVITY IS
9 PERFORMED ONLY IN THAT OWNER-OCCUPIED UNIT OF THE MULTIFAMILY
10 DWELLING.

11 (3) "ACCREDITED TRAINING PROGRAM" MEANS A TRAINING PROGRAM
12 THAT HAS BEEN ACCREDITED BY THE DEPARTMENT UNDER THIS PART TO
13 PROVIDE TRAINING FOR INDIVIDUALS ENGAGED IN LEAD-BASED PAINT
14 ACTIVITIES.

15 (4) "ADEQUATE QUALITY CONTROL" MEANS A PLAN OR DESIGN THAT
16 ENSURES THE AUTHENTICITY, INTEGRITY, AND ACCURACY OF A SAMPLE
17 INCLUDING, BUT NOT LIMITED TO, A DUST SAMPLE, A SOIL OR PAINT
18 CHIP SAMPLE, OR A PAINT FILM SAMPLE. ADEQUATE QUALITY CONTROL
19 ALSO INCLUDES A PROVISION IN A PLAN OR DESIGN DESCRIBED IN THIS
20 SUBSECTION FOR REPRESENTATIVE SAMPLING.

21 SEC. 5454. (1) "CERTIFIED ABATEMENT WORKER" MEANS AN INDI-
22 VIDUAL WHO HAS BEEN TRAINED TO PERFORM ABATEMENTS BY AN ACCREDI-
23 TED TRAINING PROGRAM.

24 (2) "CERTIFIED FIRM" MEANS A PERSON THAT PERFORMS A
25 LEAD-BASED PAINT ACTIVITY FOR WHICH THE DEPARTMENT HAS ISSUED A
26 CERTIFICATE OF APPROVAL UNDER THIS PART.

SB1047, As Passed House, May 28, 1998

Senate Bill No. 1047

4

1 (3) "CERTIFIED INSPECTOR" MEANS AN INDIVIDUAL WHO HAS BEEN
2 TRAINED BY AN ACCREDITED TRAINING PROGRAM AND CERTIFIED BY THE
3 DEPARTMENT UNDER THIS PART TO CONDUCT INSPECTIONS AND TAKE SAM-
4 PLES FOR THE PRESENCE OF LEAD IN PAINT, DUST, AND SOIL FOR THE
5 PURPOSES OF ABATEMENT CLEARANCE TESTING.

6 (4) "CERTIFIED PROJECT DESIGNER" MEANS AN INDIVIDUAL WHO HAS
7 BEEN TRAINED BY AN ACCREDITED TRAINING PROGRAM AND CERTIFIED BY
8 THE DEPARTMENT UNDER THIS PART TO PREPARE ABATEMENT PROJECT
9 DESIGNS, OCCUPANT PROTECTION PLANS, AND ABATEMENT REPORTS.

10 (5) "CERTIFIED RISK ASSESSOR" MEANS AN INDIVIDUAL WHO HAS
11 BEEN TRAINED BY AN ACCREDITED TRAINING PROGRAM AND CERTIFIED BY
12 THE DEPARTMENT UNDER THIS PART TO CONDUCT RISK ASSESSMENTS AND
13 TAKE SAMPLES FOR THE PRESENCE OF LEAD IN PAINT, DUST, AND SOIL
14 FOR THE PURPOSES OF ABATEMENT CLEARANCE TESTING.

15 (6) "CERTIFIED SUPERVISOR" MEANS AN INDIVIDUAL WHO HAS BEEN
16 TRAINED BY AN ACCREDITED TRAINING PROGRAM AND CERTIFIED BY THE
17 DEPARTMENT UNDER THIS PART TO SUPERVISE AND CONDUCT ABATEMENTS
18 AND TO PREPARE OCCUPANT PROTECTION PLANS AND ABATEMENT REPORTS.

19 (7) "CHILD OCCUPIED FACILITY" MEANS A BUILDING OR PORTION OF
20 A BUILDING CONSTRUCTED BEFORE 1978 THAT IS VISITED REGULARLY BY A
21 CHILD WHO IS 6 YEARS OF AGE OR LESS, ON AT LEAST 2 DIFFERENT DAYS
22 WITHIN A GIVEN WEEK, IF EACH DAY'S VISIT IS AT LEAST 3 HOURS AND
23 THE COMBINED WEEKLY VISIT IS AT LEAST 6 HOURS IN LENGTH, AND THE
24 COMBINED ANNUAL VISITS ARE AT LEAST 60 HOURS IN LENGTH.
25 CHILD-OCCUPIED FACILITY INCLUDES, BUT IS NOT LIMITED TO, A
26 DAY-CARE CENTER, A PRESCHOOL, AND A KINDERGARTEN CLASSROOM.

SB1047, As Passed House, May 28, 1998

Senate Bill No. 1047

5

1 SEC. 5455. (1) "CLEARANCE LEVELS" MEANS THE VALUES THAT
2 INDICATE THE MAXIMUM AMOUNT OF LEAD PERMITTED IN DUST ON A
3 SURFACE FOLLOWING COMPLETION OF AN ABATEMENT ACTIVITY AS LISTED
4 IN RULES PROMULGATED BY THE DEPARTMENT.

5 (2) "COMMON AREA" MEANS A PORTION OF A BUILDING THAT IS GEN-
6 ERALLY ACCESSIBLE TO ALL OCCUPANTS OF THE BUILDING. COMMON AREA
7 INCLUDES, BUT IS NOT LIMITED TO, A HALLWAY, A STAIRWAY, A LAUNDRY
8 AND RECREATIONAL ROOM, A PLAYGROUND, A COMMUNITY CENTER, A
9 GARAGE, AND A BOUNDARY FENCE.

10 (3) "COMPONENT" OR "BUILDING COMPONENT" MEANS A SPECIFIC
11 DESIGN OR STRUCTURAL ELEMENT OR FIXTURE OF A BUILDING, RESIDEN-
12 TIAL DWELLING, OR CHILD OCCUPIED FACILITY THAT IS DISTINGUISHED
13 BY ITS FORM, FUNCTION, AND LOCATION. COMPONENT OR BUILDING COM-
14 PONENT, INCLUDES BUT IS NOT LIMITED TO, A SPECIFIC INTERIOR OR
15 EXTERIOR DESIGN OR STRUCTURAL ELEMENT OR FIXTURE.

16 (4) "CONTAINMENT" MEANS A PROCESS TO PROTECT WORKERS AND THE
17 ENVIRONMENT BY CONTROLLING EXPOSURE TO THE LEAD-CONTAMINATED DUST
18 AND DEBRIS CREATED DURING AN ABATEMENT.

19 (5) "COURSE AGENDA" MEANS AN OUTLINE OF THE KEY TOPICS TO BE
20 COVERED DURING AN ACCREDITED TRAINING PROGRAM, INCLUDING THE TIME
21 ALLOTTED TO TEACH EACH TOPIC.

22 (6) "COURSE TEST" MEANS AN EVALUATION OF THE OVERALL EFFEC-
23 TIVENESS OF THE ACCREDITED TRAINING PROGRAM BY TESTING A
24 TRAINEE'S KNOWLEDGE AND RETENTION OF THE TOPICS COVERED DURING
25 THE ACCREDITED TRAINING PROGRAM.

SB1047, As Passed House, May 28, 1998

Senate Bill No. 1047

6

1 (7) "COURSE TEST BLUEPRINT" MEANS WRITTEN DOCUMENTATION
2 IDENTIFYING THE PROPORTION OF COURSE TEST QUESTIONS DEVOTED TO
3 EACH MAJOR TOPIC IN THE ACCREDITED TRAINING PROGRAM CURRICULUM.

4 SEC. 5456. (1) "DEPARTMENT" MEANS THE DEPARTMENT OF COMMU-
5 NITY HEALTH.

6 (2) "DETERIORATED PAINT" MEANS PAINT THAT IS CRACKING, FLAK-
7 ING, CHIPPING, PEELING, OR OTHERWISE SEPARATING FROM THE SUB-
8 STRATE OF A BUILDING COMPONENT.

9 (3) "DISCIPLINE" MEANS 1 OF THE SPECIFIC TYPES OR CATEGORIES
10 OF LEAD-BASED PAINT ACTIVITIES IDENTIFIED IN THIS PART FOR WHICH
11 AN INDIVIDUAL MAY RECEIVE TRAINING FROM AN ACCREDITED TRAINING
12 PROGRAM AND BECOME CERTIFIED BY THE DEPARTMENT.

13 (4) "DISTINCT PAINTING HISTORY" MEANS THE APPLICATION HISTO-
14 RY, AS INDICATED BY ITS VISUAL APPEARANCE OR A RECORD OF APPLICA-
15 TION, OVER TIME OF PAINT OR OTHER SURFACE COATINGS TO A COMPONENT
16 OR ROOM.

17 (5) "DOCUMENTED METHODOLOGY" MEANS A METHOD OR PROTOCOL USED
18 TO SAMPLE AND TEST FOR THE PRESENCE OF LEAD IN PAINT, DUST, AND
19 SOIL.

20 (6) "ELEVATED BLOOD LEVEL" OR "EBL" MEANS FOR PURPOSES OF
21 LEAD ABATEMENT AN EXCESSIVE ABSORPTION OF LEAD THAT IS A CON-
22 FIRMED CONCENTRATION OF LEAD IN WHOLE BLOOD OF 20 UG/DL, MICRO-
23 GRAMS OF LEAD PER DECILITER OF WHOLE BLOOD, FOR A SINGLE VENOUS
24 TEST OR OF 15-19 UG/DL IN 2 CONSECUTIVE TESTS TAKEN 3 TO 4 MONTHS
25 APART. FOR PURPOSES OF CASE MANAGEMENT OF CHILDREN UNDER SIX
26 YEARS OF AGE SCREENED AND TESTED FOR LEAD ELEVATED BLOOD LEVEL

SB1047, As Passed House, May 28, 1998

Senate Bill No. 1047

7

1 MEANS AN EXCESSIVE ABSORPTION OF LEAD THAT IS A CONFIRMED
2 CONCENTRATION OF LEAD IN WHOLE BLOOD OF 10 UG/DL.

3 (7) "ENCAPSULANT" MEANS A SUBSTANCE THAT FORMS A BARRIER
4 BETWEEN LEAD-BASED PAINT AND THE ENVIRONMENT USING A
5 LIQUID-APPLIED COATING, WITH OR WITHOUT REINFORCEMENT MATERIALS,
6 OR AN ADHESIVELY BONDED COVERING MATERIAL.

7 (8) "ENCAPSULATION" MEANS THE APPLICATION OF AN
8 ENCAPSULANT.

9 (9) "ENCLOSURE" MEANS THE USE OF RIGID, DURABLE CONSTRUCTION
10 MATERIALS THAT ARE MECHANICALLY FASTENED TO THE SUBSTRATE IN
11 ORDER TO ACT AS A BARRIER BETWEEN LEAD-BASED PAINT AND THE
12 ENVIRONMENT.

13 (10) "EPA" MEANS THE UNITED STATES ENVIRONMENTAL PROTECTION
14 AGENCY.

15 SEC. 5461A. (1) A PERSON SHALL NOT PROVIDE OR OFFER TO PRO-
16 VIDE A TRAINING PROGRAM FOR LEAD-BASED PAINT ACTIVITIES UNLESS
17 THE TRAINING PROGRAM IS ACCREDITED UNDER THE APPROPRIATE DISCI-
18 PLINE UNDER THIS PART. A PERSON PROVIDING AN ACCREDITED TRAINING
19 PROGRAM SHALL COMPLY WITH THE STANDARDS FOR ACCREDITATION AND
20 TRAINING CERTIFICATION PRESCRIBED IN THIS PART AND THE RULES
21 PROMULGATED UNDER THIS PART.

22 (2) THE DEPARTMENT SHALL ACCREDIT A TRAINING PROGRAM IF THE
23 TRAINING PROGRAM IS REGISTERED BY THE DEPARTMENT UNDER THE
24 DEPARTMENT'S VOLUNTARY REGISTRATION PROGRAM BY AUGUST 30, 1998 IF
25 THE TRAINING PROGRAM SUBMITS AN APPLICATION UNDER SECTION 5462.

SB1047, As Passed House, May 28, 1998

Senate Bill No. 1047

8

1 SEC. 5462. (1) A PERSON MAY SEEK ACCREDITATION FOR A
2 TRAINING PROGRAM TO OFFER COURSES IN LEAD-BASED PAINT ACTIVITIES
3 IN 1 OR MORE OF THE FOLLOWING DISCIPLINES:

4 (A) INSPECTOR.

5 (B) RISK ASSESSOR.

6 (C) SUPERVISOR.

7 (D) PROJECT DESIGNER.

8 (E) ABATEMENT WORKER/LABORER.

9 (2) A PERSON MAY ALSO SEEK ACCREDITATION FOR A TRAINING PRO-
10 GRAM TO OFFER REFRESHER COURSES FOR EACH OF THE DISCIPLINES
11 DESCRIBED IN SUBSECTION (1).

12 (3) BEGINNING MARCH 1, 1999, A PERSON SHALL NOT PROVIDE,
13 OFFER, OR CLAIM TO PROVIDE EPA-ACCREDITED COURSES IN LEAD-BASED
14 PAINT ACTIVITIES WITHOUT APPLYING FOR AND RECEIVING ACCREDITATION
15 FROM THE DEPARTMENT UNDER THIS PART.

16 (4) A PERSON SEEKING ACCREDITATION FOR A TRAINING PROGRAM
17 SHALL SUBMIT A WRITTEN APPLICATION TO THE DEPARTMENT CONTAINING
18 ALL OF THE FOLLOWING:

19 (A) IF THE APPLICANT IS A SOLE PROPRIETORSHIP OR CORPORA-
20 TION, ITS "DOING BUSINESS AS" OR CORPORATE IDENTIFICATION
21 NUMBER.

22 (B) THE FEE REQUIRED BY SECTION 5471.

23 (C) THE NAME OF EACH PRINCIPAL POSITION, PARTNER, SHAREHOLD-
24 ER, MEMBER, OR OWNER.

25 (D) THE TRAINING PROGRAM'S PROPOSED NAME, ADDRESS, AND TELE-
26 PHONE NUMBER.

SB1047, As Passed House, May 28, 1998

Senate Bill No. 1047

9

1 (E) A LIST OF COURSES AND DISCIPLINES FOR WHICH IT IS
2 SEEKING ACCREDITATION.

3 (F) A STATEMENT SIGNED BY THE TRAINING PROGRAM MANAGER CER-
4 TIFYING THAT THE TRAINING PROGRAM MEETS THE REQUIREMENTS ESTAB-
5 LISHED BY THIS PART AND THE RULES PROMULGATED UNDER THIS PART.

6 (G) A COPY OF THE STUDENT AND INSTRUCTOR MANUALS OR OTHER
7 MATERIALS TO BE USED FOR EACH COURSE.

8 (H) A COPY OF THE COURSE AGENDA FOR EACH COURSE.

9 (I) A DESCRIPTION OF THE FACILITIES AND EQUIPMENT TO BE USED
10 FOR LECTURE AND HANDS-ON TRAINING.

11 (J) A COPY OF THE COURSE TEST BLUEPRINT FOR EACH COURSE.

12 (K) A DESCRIPTION OF THE ACTIVITIES AND PROCEDURES THAT WILL
13 BE USED FOR CONDUCTING THE HANDS-ON SKILLS ASSESSMENT FOR EACH
14 COURSE.

15 (L) A COPY OF THE QUALITY CONTROL PLAN AS DEFINED IN RULES
16 PROMULGATED BY THE DEPARTMENT.

17 (6) THE DEPARTMENT SHALL APPROVE AN APPLICATION FOR ACCRED-
18 ITATION OF A TRAINING PROGRAM WITHIN 180 DAYS AFTER RECEIVING A
19 COMPLETE APPLICATION FROM THE TRAINING PROGRAM IF THE DEPARTMENT
20 DETERMINES THAT THE APPLICANT MEETS THE REQUIREMENTS OF THIS PART
21 AND THE RULES PROMULGATED UNDER THIS PART. IN THE CASE OF
22 APPROVAL, THE DEPARTMENT SHALL SEND A CERTIFICATE OF ACCREDIT-
23 ATION TO THE APPLICANT. BEFORE DISAPPROVING AN APPLICATION, THE
24 DEPARTMENT MAY ADVISE THE APPLICANT AS TO SPECIFIC INADEQUACIES
25 IN THE APPLICATION FOR ACCREDITATION OR SPECIFIC INSTANCES WHERE
26 THE TRAINING PROGRAM DOES NOT MEET THE REQUIREMENTS OF THIS PART
27 OR THE RULES PROMULGATED UNDER THIS PART, OR BOTH. THE

SB1047, As Passed House, May 28, 1998

Senate Bill No. 1047

10

1 DEPARTMENT MAY REQUEST ADDITIONAL INFORMATION OR MATERIALS FROM
2 THE TRAINING PROGRAM UNDER THIS SECTION. IF THE DEPARTMENT DIS-
3 APPROVES A TRAINING PROGRAM'S APPLICATION FOR ACCREDITATION, THE
4 APPLICANT MAY REAPPLY FOR ACCREDITATION AT ANY TIME.

5 (7) A TRAINING PROGRAM SHALL MEET ALL OF THE FOLLOWING
6 REQUIREMENTS IN ORDER TO BECOME ACCREDITED TO OFFER COURSES IN
7 LEAD-BASED PAINT ACTIVITIES:

8 (A) EMPLOY A TRAINING MANAGER WHO HAS TRAINING, EDUCATION,
9 AND EXPERIENCE AS DESCRIBED IN RULES PROMULGATED BY THE
10 DEPARTMENT.

11 (B) PROVIDE THAT THE TRAINING MANAGER DESCRIBED IN
12 SUBDIVISION (A) DESIGNATE A QUALIFIED PRINCIPAL INSTRUCTOR FOR
13 EACH COURSE WHO HAS TRAINING, EDUCATION, AND EXPERIENCE AS
14 DESCRIBED IN RULES PROMULGATED BY THE DEPARTMENT.

15 (C) PROVIDE THAT THE PRINCIPAL INSTRUCTOR DESCRIBED IN
16 SUBDIVISION (B) BE RESPONSIBLE FOR THE ORGANIZATION OF THE COURSE
17 AND OVERSIGHT OF THE TEACHING OF ALL COURSE MATERIAL. A TRAINING
18 MANAGER MAY DESIGNATE GUEST INSTRUCTORS AS NEEDED TO PROVIDE
19 INSTRUCTION SPECIFIC TO THE LECTURE, HANDS-ON ACTIVITIES, OR WORK
20 PRACTICE COMPONENTS OF A COURSE.

21 (8) THE FOLLOWING DOCUMENTS ARE RECOGNIZED BY THE DEPARTMENT
22 AS EVIDENCE THAT A TRAINING MANAGER OR A PRINCIPAL INSTRUCTOR HAS
23 THE EDUCATION, WORK EXPERIENCE, TRAINING REQUIREMENTS, OR DEMON-
24 STRATED EXPERIENCE SPECIFICALLY LISTED IN RULES PROMULGATED BY
25 THE DEPARTMENT, WHICH DOCUMENTATION IS NOT REQUIRED TO BE SUBMIT-
26 TED WITH THE ACCREDITATION APPLICATION BUT, IF NOT SUBMITTED,

SB1047, As Passed House, May 28, 1998

Senate Bill No. 1047

11

1 MUST BE RETAINED BY THE TRAINING PROGRAM AS REQUIRED BY THE
2 RECORD-KEEPING REQUIREMENTS CONTAINED IN THIS PART:

3 (A) AN OFFICIAL ACADEMIC TRANSCRIPT OR DIPLOMA AS EVIDENCE
4 OF MEETING THE EDUCATION REQUIREMENTS.

5 (B) A RESUME, LETTER OF REFERENCE, OR DOCUMENTATION OF WORK
6 EXPERIENCE, AS EVIDENCE OF MEETING THE WORK EXPERIENCE
7 REQUIREMENTS.

8 (C) A CERTIFICATE FROM A TRAIN-THE-TRAINER COURSE OR A
9 LEAD-SPECIFIC TRAINING COURSE, OR BOTH, AS EVIDENCE OF MEETING
10 THE TRAINING REQUIREMENTS.

11 (9) A TRAINING PROGRAM ACCREDITED UNDER THIS PART SHALL
12 ENSURE THE AVAILABILITY OF, AND PROVIDE ADEQUATE FACILITIES FOR,
13 THE DELIVERY OF THE LECTURE, COURSE TEST, HANDS-ON TRAINING, AND
14 ASSESSMENT ACTIVITIES INCLUDING, BUT NOT LIMITED TO, PROVIDING
15 TRAINING EQUIPMENT THAT REFLECTS CURRENT WORK PRACTICES AND MAIN-
16 TAINING OR UPDATING THE EQUIPMENT AND FACILITIES OF THE TRAINING
17 PROGRAM, AS NEEDED.

18 SEC. 5463. (1) A TRAINING PROGRAM ACCREDITED UNDER
19 SECTION 5462 SHALL PROVIDE TRAINING COURSES THAT MEET THE FOLLOW-
20 ING TRAINING HOUR REQUIREMENTS IN ORDER TO BECOME ACCREDITED IN
21 THE FOLLOWING DISCIPLINES:

22 (A) AN INSPECTOR COURSE SHALL LAST A MINIMUM OF 24 TRAINING
23 HOURS, WITH A MINIMUM OF 8 HOURS DEVOTED TO HANDS-ON TRAINING
24 ACTIVITIES. THE DEPARTMENT SHALL PROMULGATE RULES TO DETERMINE
25 THE MINIMUM CURRICULUM REQUIREMENTS FOR THE INSPECTOR COURSE.

26 (B) A RISK ASSESSOR COURSE SHALL LAST A MINIMUM OF 16
27 TRAINING HOURS, WITH A MINIMUM OF 4 HOURS DEVOTED TO HANDS-ON

SB1047, As Passed House, May 28, 1998

Senate Bill No. 1047

12

1 TRAINING ACTIVITIES. THE DEPARTMENT SHALL PROMULGATE RULES TO
2 DETERMINE THE MINIMUM CURRICULUM REQUIREMENTS FOR THE RISK ASSES-
3 SOR COURSE.

4 (C) A SUPERVISOR COURSE SHALL LAST A MINIMUM OF 32 TRAINING
5 HOURS, WITH A MINIMUM OF 8 HOURS DEVOTED TO HANDS-ON ACTIVITIES.
6 THE DEPARTMENT SHALL PROMULGATE RULES TO DETERMINE THE MINIMUM
7 CURRICULUM REQUIREMENTS FOR THE SUPERVISOR COURSE.

8 (D) A PROJECT DESIGNER COURSE SHALL LAST A MINIMUM OF 8
9 TRAINING HOURS. THE DEPARTMENT SHALL PROMULGATE RULES TO DETER-
10 MINE THE MINIMUM CURRICULUM REQUIREMENTS FOR THE PROJECT DESIGNER
11 COURSE.

12 (E) AN ABATEMENT WORKER COURSE SHALL LAST A MINIMUM OF 16
13 TRAINING HOURS, WITH A MINIMUM OF 8 HOURS DEVOTED TO HANDS-ON
14 TRAINING ACTIVITIES. THE DEPARTMENT SHALL PROMULGATE RULES TO
15 DETERMINE THE MINIMUM CURRICULUM REQUIREMENTS FOR THE ABATEMENT
16 WORKER COURSE.

17 (2) THE DEPARTMENT MAY PROMULGATE RULES TO MODIFY 1 OR MORE
18 OF THE REQUIREMENTS IMPOSED UNDER SUBSECTION (1) IF CHANGES ARE
19 NEEDED TO COMPLY WITH FEDERAL MANDATES OR FOR ANOTHER REASON CON-
20 SIDERED APPROPRIATE BY THE DEPARTMENT.

21 (3) FOR EACH COURSE OFFERED, THE TRAINING PROGRAM SHALL CON-
22 DUCT A COURSE TEST AT THE COMPLETION OF THE COURSE AND, IF APPLI-
23 CABLE, A HANDS-ON SKILLS ASSESSMENT. EACH INDIVIDUAL ENROLLED IN
24 THE TRAINING PROGRAM MUST SUCCESSFULLY COMPLETE THE HANDS-ON
25 SKILLS ASSESSMENT, IF CONDUCTED FOR THAT COURSE, AND RECEIVE A
26 PASSING SCORE ON THE COURSE TEST IN ORDER TO PASS A COURSE.

SB1047, As Passed House, May 28, 1998

Senate Bill No. 1047

13

1 (4) THE TRAINING MANAGER SHALL MAINTAIN THE VALIDITY AND
2 INTEGRITY OF A HANDS-ON SKILLS ASSESSMENT TO ENSURE THAT IT
3 ACCURATELY EVALUATES THE TRAINEES' PERFORMANCE OF THE WORK PRAC-
4 TICES AND PROCEDURES ASSOCIATED WITH THE COURSE TOPICS CONTAINED
5 IN RULES PROMULGATED UNDER THIS SECTION AND THE COURSE TEST TO
6 ENSURE THAT IT ACCURATELY EVALUATES THE TRAINEES' KNOWLEDGE AND
7 RETENTION OF THE COURSE TOPICS.

8 (5) A TRAINING PROGRAM'S COURSE TEST SHALL BE DEVELOPED IN
9 ACCORDANCE WITH THE TEST BLUEPRINT SUBMITTED WITH THE TRAINING
10 PROGRAM ACCREDITATION APPLICATION.

11 (6) A TRAINING PROGRAM SHALL ISSUE COURSE COMPLETION CERTIF-
12 ICATES TO EACH INDIVIDUAL WHO PASSES THE TRAINING COURSE. THE
13 COURSE COMPLETION CERTIFICATES SHALL INCLUDE:

14 (A) THE NAME AND ADDRESS OF THE INDIVIDUAL, ALONG WITH A
15 UNIQUE IDENTIFICATION NUMBER.

16 (B) THE NAME OF THE PARTICULAR COURSE THAT THE INDIVIDUAL
17 PASSED.

18 (C) DATES OF COURSE COMPLETION AND TEST PASSAGE.

19 (D) EXPIRATION DATE OF COURSE CERTIFICATE.

20 (E) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE TRAINING
21 PROGRAM.

22 (7) THE TRAINING MANAGER SHALL DEVELOP AND IMPLEMENT A QUAL-
23 ITY CONTROL PLAN DESIGNED TO MAINTAIN AND IMPROVE THE QUALITY OF
24 THE TRAINING PROGRAM. THE QUALITY CONTROL PLAN SHALL CONTAIN AT
25 LEAST BOTH OF THE FOLLOWING ELEMENTS:

26 (A) PROCEDURES FOR PERIODIC REVISION OF TRAINING MATERIALS
27 AND THE COURSE TEST TO REFLECT INNOVATIONS IN THE FIELD.

SB1047, As Passed House, May 28, 1998

Senate Bill No. 1047

14

1 (B) PROCEDURES FOR THE TRAINING MANAGER'S ANNUAL REVIEW OF
2 EACH PRINCIPAL INSTRUCTOR'S COMPETENCE.

3 (8) THE TRAINING PROGRAM SHALL OFFER COURSES THAT TEACH THE
4 WORK PRACTICE STANDARDS FOR CONDUCTING LEAD-BASED PAINT ACTIVI-
5 TIES AND OTHER STANDARDS DEVELOPED BY THE EPA PURSUANT TO TITLE
6 IV OF THE TSCA AND CONSIDERED APPROPRIATE OR NECESSARY BY THE
7 DEPARTMENT. THE WORK PRACTICE STANDARDS SHALL BE TAUGHT IN THE
8 APPROPRIATE COURSES TO PROVIDE TRAINEES WITH THE KNOWLEDGE NEEDED
9 TO PERFORM THE LEAD-BASED PAINT ACTIVITIES.

10 (9) THE TRAINING MANAGER SHALL ENSURE THAT THE TRAINING PRO-
11 GRAM COMPLIES AT ALL TIMES WITH ALL OF THE REQUIREMENTS OF THIS
12 SECTION AND THE RULES PROMULGATED UNDER THIS SECTION.

13 (10) THE TRAINING MANAGER SHALL ALLOW THE DEPARTMENT TO
14 AUDIT THE TRAINING PROGRAM TO VERIFY THE CONTENTS OF THE APPLICA-
15 TION FOR ACCREDITATION.

16 SEC. 5464. (1) A TRAINING PROGRAM MAY SEEK ACCREDITATION TO
17 OFFER REFRESHER TRAINING COURSES IN 1 OR MORE OF THE DISCIPLINES
18 DESCRIBED IN SECTION 5462(1). A TRAINING PROGRAM SHALL MEET
19 THOSE MINIMUM REQUIREMENTS CONTAINED IN RULES PROMULGATED BY THE
20 DEPARTMENT IN ORDER TO OBTAIN DEPARTMENT ACCREDITATION.

21 (2) A TRAINING PROGRAM MAY APPLY FOR ACCREDITATION OF A
22 REFRESHER COURSE CONCURRENTLY WITH ITS APPLICATION FOR ACCREDIT-
23 ATION OF THE CORRESPONDING TRAINING COURSE PURSUANT TO RULES
24 PROMULGATED BY THE DEPARTMENT.

25 (3) THE DEPARTMENT SHALL APPROVE AN APPLICATION FOR ACCRED-
26 ITATION OF A REFRESHER COURSE WITHIN 180 DAYS AFTER RECEIVING A
27 COMPLETE APPLICATION. UPON APPROVAL, THE DEPARTMENT SHALL SEND A

SB1047, As Passed House, May 28, 1998

Senate Bill No. 1047

15

1 CERTIFICATE OF ACCREDITATION TO THE APPLICANT. BEFORE
2 DISAPPROVAL, THE DEPARTMENT MAY ADVISE THE APPLICANT AS TO SPE-
3 CIFIC INADEQUACIES IN THE APPLICATION FOR ACCREDITATION OR SPE-
4 CIFIC INSTANCES WHERE THE CONTINUING EDUCATION COURSE DOES NOT
5 MEET THE REQUIREMENTS OF THIS PART AND THE RULES PROMULGATED
6 UNDER THIS PART, OR BOTH. THE DEPARTMENT MAY ALSO REQUEST ADDI-
7 TIONAL INFORMATION OR MATERIALS RETAINED BY THE TRAINING
8 PROGRAM. IF THE DEPARTMENT DENIES A TRAINING PROGRAM'S APPLICA-
9 TION FOR ACCREDITATION OF A REFRESHER COURSE, THE APPLICANT MAY
10 REAPPLY FOR ACCREDITATION AT ANY TIME.

11 SEC. 5465. (1) UNLESS REACCREDITED, A TRAINING PROGRAM'S
12 ACCREDITATION UNDER SECTION 5462, INCLUDING REFRESHER COURSE
13 TRAINING ACCREDITED UNDER SECTION 5464, EXPIRES 1 YEAR AFTER THE
14 DATE OF ISSUANCE.

15 (2) A TRAINING PROGRAM SEEKING REACCREDITATION SHALL SUBMIT
16 AN APPLICATION TO THE DEPARTMENT NO LATER THAN 45 DAYS BEFORE ITS
17 ACCREDITATION EXPIRES.

18 (3) A TRAINING PROGRAM'S APPLICATION FOR REACCREDITATION
19 SHALL INCLUDE ANY FEES AND INFORMATION REQUIRED PURSUANT TO RULES
20 PROMULGATED BY THE DEPARTMENT.

21 (4) UPON REQUEST, A TRAINING PROGRAM SHALL ALLOW THE DEPART-
22 MENT TO AUDIT THE TRAINING PROGRAM TO VERIFY THE CONTENTS OF THE
23 APPLICATION FOR REACCREDITATION.

24 SEC. 5466. (1) THE DEPARTMENT MAY, AFTER NOTICE AND AN
25 OPPORTUNITY FOR HEARING PURSUANT TO THE ADMINISTRATIVE PROCEDURES
26 ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328, SUSPEND, REVOKE,
27 OR MODIFY A TRAINING PROGRAM ACCREDITATION OR A REFRESHER COURSE

SB1047, As Passed House, May 28, 1998

Senate Bill No. 1047

16

1 TRAINING PROGRAM ACCREDITATION IF THE DEPARTMENT DETERMINES THAT
2 A TRAINING PROGRAM, TRAINING MANAGER, OR OTHER PERSON WITH SUPER-
3 VISORY AUTHORITY OVER THE TRAINING PROGRAM HAS DONE 1 OR MORE OF
4 THE FOLLOWING:

5 (A) MISREPRESENTED THE CONTENTS OF A TRAINING COURSE TO THE
6 DEPARTMENT OR THE TRAINEES ENROLLED IN THE TRAINING PROGRAM, OR
7 BOTH.

8 (B) FAILED TO SUBMIT REQUIRED INFORMATION OR NOTIFICATIONS
9 IN A TIMELY MANNER.

10 (C) FAILED TO MAINTAIN REQUIRED RECORDS.

11 (D) FALSIFIED ACCREDITATION RECORDS, STUDENT CERTIFICATES,
12 INSTRUCTOR QUALIFICATIONS, OR OTHER ACCREDITATION-RELATED INFOR-
13 MATION OR DOCUMENTATION.

14 (E) FAILED TO COMPLY WITH THE TRAINING STANDARDS AND
15 REQUIREMENTS OF THIS PART AND THE RULES PROMULGATED UNDER THIS
16 PART.

17 (F) FAILED TO COMPLY WITH A FEDERAL, STATE, OR LOCAL STAT-
18 UTE, RULE, OR REGULATION INVOLVING LEAD-BASED PAINT 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 CONSIDERED, FOR PURPOSES OF THIS SEC-
25 TION, EVIDENCE OF A FAILURE TO COMPLY WITH THE STANDARDS AND
26 REQUIREMENTS OF THIS PART AND THE RULES PROMULGATED UNDER THIS

SB1047, As Passed House, May 28, 1998

Senate Bill No. 1047

17

1 PART OR OTHER RELEVANT STATUTES OR REGULATIONS INVOLVING
2 LEAD-BASED PAINT ACTIVITIES.

3 SEC. 5467. (1) AN ACCREDITED TRAINING PROGRAM SHALL MAIN-
4 TAIN, AND MAKE AVAILABLE TO THE DEPARTMENT, UPON REQUEST, ALL OF
5 THE FOLLOWING RECORDS:

6 (A) EACH DOCUMENT THAT DEMONSTRATES THE QUALIFICATIONS OF A
7 TRAINING MANAGER OR A PRINCIPAL INSTRUCTOR.

8 (B) CURRENT CURRICULUM AND COURSE MATERIALS AND DOCUMENTS
9 REFLECTING CHANGES MADE TO THESE MATERIALS.

10 (C) THE COURSE TEST BLUEPRINT.

11 (D) INFORMATION REGARDING HOW THE HANDS-ON SKILLS ASSESSMENT
12 IS CONDUCTED INCLUDING, BUT NOT LIMITED TO, ALL OF THE
13 FOLLOWING:

14 (i) THE PERSON CONDUCTING THE HANDS-ON SKILLS ASSESSMENT.

15 (ii) THE METHOD OF GRADING THE HANDS-ON SKILLS.

16 (iii) A DESCRIPTION OF THE FACILITIES USED.

17 (iv) THE PASS/FAIL RATE.

18 (v) THE QUALITY CONTROL PLAN.

19 (vi) THE RESULTS OF THE STUDENTS' HANDS-ON SKILLS ASSESS-
20 MENTS AND COURSE TESTS AND A RECORD OF EACH STUDENT'S PARTICIPA-
21 TION, INCLUDING NAME, SOCIAL SECURITY NUMBER, AND SCORE, WITHIN
22 10 CALENDAR DAYS OF THE LAST DAY OF THE COURSE TAKEN.

23 (vii) ANY OTHER MATERIAL THAT WAS SUBMITTED TO THE DEPART-
24 MENT AS PART OF THE PROGRAM'S APPLICATION FOR ACCREDITATION.

25 (2) A TRAINING PROGRAM SHALL RETAIN THE RECORDS DESCRIBED IN
26 SUBSECTION (1) FOR AT LEAST 3-1/2 YEARS AT THE ADDRESS SPECIFIED
27 ON THE TRAINING PROGRAM ACCREDITATION APPLICATION.

SB1047, As Passed House, May 28, 1998

Senate Bill No. 1047

18

1 (3) THE TRAINING PROGRAM SHALL NOTIFY THE DEPARTMENT IN
2 WRITING WITHIN 30 DAYS OF CHANGING THE ADDRESS SPECIFIED ON ITS
3 TRAINING PROGRAM ACCREDITATION APPLICATION OR TRANSFERRING THE
4 RECORDS FROM THAT ADDRESS.

5 SEC. 5471. (1) FEES FOR A PERSON ACCREDITED OR SEEKING
6 ACCREDITATION FOR A TRAINING PROGRAM OFFERING COURSES OR
7 REFRESHER COURSES IN LEAD-BASED PAINT ACTIVITIES ARE AS FOLLOWS:

8 (A) INITIAL APPLICATION PROCESSING FEE..... \$100.00.

9 (B) INITIAL ACCREDITATION FEE..... \$475.00 PER
10 DISCIPLINE.

11 (C) REACCREDITATION FEE, ANNUAL..... \$265.00 PER
12 DISCIPLINE.

13 (2) FEES FOR AN INDIVIDUAL CERTIFIED OR SEEKING CERTIFICA-
14 TION TO ENGAGE IN LEAD-BASED PAINT ACTIVITIES ARE AS FOLLOWS:

15 (A) INITIAL APPLICATION PROCESSING FEE..... \$25.00.

16 (B) CERTIFICATION FEE, PER YEAR:

17 (i) INSPECTOR..... \$150.00.

18 (ii) RISK ASSESSOR..... \$150.00.

19 (iii) SUPERVISOR..... \$50.00.

20 (iv) PROJECT DESIGNER..... \$150.00.

21 (v) ABATEMENT WORKER/LABORER..... \$25.00.

22 (3) FEES FOR A PERSON CERTIFIED OR SEEKING CERTIFICATION TO
23 ENGAGE IN LEAD-BASED PAINT ACTIVITIES ARE AS FOLLOWS:

24 (A) INITIAL APPLICATION PROCESSING FEE..... \$100.00.

25 (B) CERTIFICATION FEE, PER YEAR..... \$220.00.

26 (4) IF THE DEPARTMENT INCREASES FEES UNDER SUBSECTION (5),
27 THE INCREASE SHALL BE EFFECTIVE FOR THAT FISCAL YEAR. THE

SB1047, As Passed House, May 28, 1998

Senate Bill No. 1047

19

1 INCREASED FEES SHALL BE USED BY THE DEPARTMENT AS THE BASIS FOR
2 CALCULATING FEE INCREASES IN SUBSEQUENT FISCAL YEARS.

3 (5) BY AUGUST 1 OF EACH YEAR, THE DEPARTMENT SHALL PROVIDE
4 TO THE DIRECTOR OF THE DEPARTMENT OF MANAGEMENT AND BUDGET AND TO
5 THE CHAIRPERSONS OF THE APPROPRIATIONS COMMITTEES OF THE SENATE
6 AND HOUSE OF REPRESENTATIVES A COMPLETE SCHEDULE OF FEES TO BE
7 COLLECTED UNDER THIS SECTION.

8 (6) THE FEES IMPOSED UNDER THIS PART SHALL NOT EXCEED THE
9 ACTUAL COST OF ADMINISTERING THIS PART.

10 SEC. 5473. THE LEGISLATURE SHALL ANNUALLY APPROPRIATE TO
11 THE DEPARTMENT AN AMOUNT SUFFICIENT TO ADMINISTER AND ENFORCE
12 THIS PART. THESE FUNDS SHALL BE OFFSET BY FUNDS RECEIVED FROM
13 FEDERAL AGENCIES IN THE FORM OF GRANTS OR OTHER FUNDING
14 PROVISIONS. ALL FUNDS GENERATED BY THIS PART SHALL BE DEPOSITED
15 INTO THE GENERAL FUND TO BE USED EXCLUSIVELY BY THE DEPARTMENT TO
16 CARRY OUT THE DUTIES AND RESPONSIBILITIES OF THIS PART. WITH
17 FEES COLLECTED PURSUANT TO THIS PART AND FUNDS APPROPRIATED BY
18 THE LEGISLATURE, THE DEPARTMENT SHALL CONDUCT COMPLIANCE ACTIVI-
19 TIES THAT ASSURE THE QUALITY OF TRAINING AND PROTECTION OF
20 WORKER'S AND PUBLIC HEALTH AND SAFETY. SUCH ACTIVITIES INCLUDE,
21 BUT ARE NOT LIMITED TO, UNANNOUNCED INSPECTIONS OF LEAD ABATEMENT
22 PROJECT SITES.

23 SEC. 5476. (1) A PERSON WHO VIOLATES THIS PART IS SUBJECT
24 TO AN ADMINISTRATIVE FINE UP TO THE FOLLOWING AMOUNTS FOR EACH
25 VIOLATION OR EACH DAY THAT A VIOLATION CONTINUES:

26 (A) FOR A FIRST VIOLATION..... \$2,000.00.

SB1047, As Passed House, May 28, 1998

Senate Bill No. 1047

20

1 (B) FOR A SECOND VIOLATION..... \$5,000.00.

2 (C) FOR A THIRD OR SUBSEQUENT VIOLATION..... \$10,000.00.

3 (2) IF THE DEPARTMENT HAS REASONABLE CAUSE TO BELIEVE THAT A

4 PERSON HAS VIOLATED THIS PART OR A RULE PROMULGATED UNDER THIS

5 PART, THE DEPARTMENT MAY ISSUE A CITATION AT THAT TIME OR NOT

6 LATER THAN 180 DAYS AFTER DISCOVERY OF THE ALLEGED VIOLATION.

7 THE CITATION SHALL BE WRITTEN AND SHALL STATE WITH PARTICULARITY

8 THE NATURE OF THE VIOLATION AS PROVIDED FOR BY THE ADMINISTRATIVE

9 PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328. AN

10 ALLEGED VIOLATOR MAY REQUEST AN ADMINISTRATIVE HEARING PURSUANT

11 TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL

12 24.201 TO 24.328.

13 Enacting section 1. This amendatory act does not take

14 effect unless House Bill No. 5561 of the 89th Legislature is

15 enacted into law.