

SENATE BILL NO. 1047

April 14, 1998, Introduced by Senator SHUGARS and A. SMITH and referred to the Committee on Health Policy and Senior Citizens.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding part 54a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 54A

## 2 LEAD ABATEMENT

3 SEC. 5451. THIS PART SHALL BE KNOWN AND MAY BE CITED AS THE  
4 "LEAD ABATEMENT ACT".

5 SEC. 5452. FOR PURPOSES OF THIS PART, THE WORDS AND PHRASES  
6 DEFINED IN SECTIONS 5453 TO 5461 HAVE THE MEANINGS ASCRIBED TO  
7 THEM UNLESS THE CONTEXT REQUIRES OTHERWISE.

8 SEC. 5453. (1) "ABATEMENT", EXCEPT AS OTHERWISE PROVIDED IN  
9 SUBSECTION (2), MEANS A MEASURE OR SET OF MEASURES DESIGNED TO  
10 PERMANENTLY ELIMINATE LEAD-BASED PAINT HAZARDS. ABATEMENT  
11 INCLUDES, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:



1 (A) THE REMOVAL OF LEAD-BASED PAINT AND LEAD-CONTAMINATED  
2 DUST, THE PERMANENT ENCLOSURE OR ENCAPSULATION OF LEAD-BASED  
3 PAINT, THE REPLACEMENT OF LEAD-PAINTED SURFACES OR FIXTURES, THE  
4 REMOVAL OR COVERING OF LEAD-CONTAMINATED SOIL, AND ALL PREPARA-  
5 TION, CLEANUP, DISPOSAL, AND POSTABATEMENT CLEARANCE TESTING  
6 ACTIVITIES ASSOCIATED WITH SUCH MEASURES.

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

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

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

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

25 (2) ABATEMENT DOES NOT INCLUDE EITHER OF THE FOLLOWING:

26 (A) RENOVATION, REMODELING, LANDSCAPING, OR OTHER ACTIVITY,  
27 IF THE ACTIVITY IS NOT DESIGNED TO PERMANENTLY ELIMINATE

1 LEAD-BASED PAINT HAZARDS, BUT IS INSTEAD DESIGNED TO REPAIR,  
2 RESTORE, OR REMODEL A STRUCTURE OR DWELLING EVEN THOUGH THE  
3 ACTIVITY MAY INCIDENTALY RESULT IN A REDUCTION OR ELIMINATION OF  
4 A LEAD-BASED PAINT HAZARD.

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

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

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

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

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

24 (3) "CERTIFIED INSPECTOR" MEANS AN INDIVIDUAL WHO HAS BEEN  
25 TRAINED BY AN ACCREDITED TRAINING PROGRAM AND CERTIFIED BY THE  
26 DEPARTMENT UNDER THIS PART TO CONDUCT INSPECTIONS AND TAKE

1 SAMPLES FOR THE PRESENCE OF LEAD IN PAINT, DUST, AND SOIL FOR THE  
2 PURPOSES OF ABATEMENT CLEARANCE TESTING.

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

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

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

16 (7) "CHILD OCCUPIED FACILITY" MEANS A BUILDING OR PORTION OF  
17 A BUILDING CONSTRUCTED BEFORE 1978 THAT IS VISITED REGULARLY BY A  
18 CHILD WHO IS 6 YEARS OF AGE OR LESS, ON AT LEAST 2 DIFFERENT DAYS  
19 WITHIN A GIVEN WEEK, IF EACH DAY'S VISIT IS AT LEAST 3 HOURS AND  
20 THE COMBINED WEEKLY VISIT IS AT LEAST 6 HOURS IN LENGTH, AND THE  
21 COMBINED ANNUAL VISITS ARE AT LEAST 60 HOURS IN LENGTH.

22 CHILD-OCCUPIED FACILITY INCLUDES, BUT IS NOT LIMITED TO, A  
23 DAY-CARE CENTER, A PRESCHOOL, AND A KINDERGARTEN CLASSROOM.

24 SEC. 5455. (1) "CLEARANCE LEVELS" MEANS THE VALUES THAT  
25 INDICATE THE MAXIMUM AMOUNT OF LEAD PERMITTED IN DUST ON A SUR-  
26 FACE FOLLOWING COMPLETION OF AN ABATEMENT ACTIVITY AS LISTED IN  
27 RULES PROMULGATED BY THE DEPARTMENT.

1       (2) "COMMON AREA" MEANS A PORTION OF A BUILDING THAT IS  
2 GENERALLY ACCESSIBLE TO ALL OCCUPANTS OF THE BUILDING. COMMON  
3 AREA INCLUDES, BUT IS NOT LIMITED TO, A HALLWAY, A STAIRWAY, A  
4 LAUNDRY AND RECREATIONAL ROOM, A PLAYGROUND, A COMMUNITY CENTER,  
5 A GARAGE, AND A BOUNDARY FENCE.

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

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

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

18       (6) "COURSE TEST" MEANS AN EVALUATION OF THE OVERALL EFFEC-  
19 TIVENESS OF THE ACCREDITED TRAINING PROGRAM BY TESTING A  
20 TRAINEE'S KNOWLEDGE AND RETENTION OF THE TOPICS COVERED DURING  
21 THE ACCREDITED TRAINING PROGRAM.

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

25       SEC. 5456. (1) "DEPARTMENT" MEANS THE DEPARTMENT OF COMMU-  
26 NITY HEALTH.

1       (2) "DETERIORATED PAINT" MEANS PAINT THAT IS CRACKING,  
2 FLAKING, CHIPPING, PEELING, OR OTHERWISE SEPARATING FROM THE  
3 SUBSTRATE OF A BUILDING COMPONENT.

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

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

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

15       (6) "ELEVATED BLOOD LEVEL" OR "EBL" MEANS AN EXCESSIVE  
16 ABSORPTION OF LEAD THAT IS A CONFIRMED CONCENTRATION OF LEAD IN  
17 WHOLE BLOOD OF 20 UG/DL, MICROGRAMS OF LEAD PER DECILITER OF  
18 WHOLE BLOOD, FOR A SINGLE VENOUS TEST OR OF 15-19 UG/DL IN 2 CON-  
19 SECUTIVE TESTS TAKEN 3 TO 4 MONTHS APART.

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

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

26       (9) "ENCLOSURE" MEANS THE USE OF RIGID, DURABLE CONSTRUCTION  
27 MATERIALS THAT ARE MECHANICALLY FASTENED TO THE SUBSTRATE IN

1 ORDER TO ACT AS A BARRIER BETWEEN LEAD-BASED PAINT AND THE  
2 ENVIRONMENT.

3 (10) "EPA" MEANS THE UNITED STATES ENVIRONMENTAL PROTECTION  
4 AGENCY.

5 SEC. 5457. (1) "GUEST INSTRUCTOR" MEANS AN INDIVIDUAL DES-  
6 IGNATED BY THE MANAGER OR PRINCIPAL INSTRUCTOR OF AN ACCREDITED  
7 TRAINING PROGRAM TO PROVIDE INSTRUCTION SPECIFIC TO THE LECTURE,  
8 HANDS-ON ACTIVITIES, OR WORK PRACTICE COMPONENTS OF A COURSE IN  
9 THE ACCREDITED TRAINING PROGRAM.

10 (2) "HANDS-ON SKILLS ASSESSMENT" MEANS AN EVALUATION THAT  
11 TESTS A TRAINEE'S ABILITY TO SATISFACTORILY PERFORM THE WORK  
12 PRACTICES, WORK PROCEDURES, OR ANY OTHER SKILL TAUGHT IN AN  
13 ACCREDITED TRAINING PROGRAM.

14 (3) "HAZARDOUS WASTE" MEANS WASTE AS DEFINED IN 40  
15 C.F.R. 261.3.

16 (4) "INSPECTION" MEANS A SURFACE-BY-SURFACE INVESTIGATION TO  
17 DETERMINE THE PRESENCE OF LEAD-BASED PAINT AND THE PROVISION OF A  
18 REPORT EXPLAINING THE RESULTS OF THE INVESTIGATION.

19 (5) "INTERIM CONTROLS" MEANS A SET OF MEASURES DESIGNED TO  
20 TEMPORARILY REDUCE HUMAN EXPOSURE OR LIKELY EXPOSURE TO  
21 LEAD-BASED PAINT HAZARDS INCLUDING, BUT NOT LIMITED TO, SPECIAL-  
22 IZED CLEANING, REPAIRS, MAINTENANCE, PAINTING, TEMPORARY CONTAIN-  
23 MENT, ONGOING MONITORING OF LEAD-BASED PAINT HAZARDS OR POTENTIAL  
24 HAZARDS, AND THE ESTABLISHMENT AND OPERATION OF MANAGEMENT AND  
25 RESIDENT EDUCATION PROGRAMS.

1        SEC. 5458. (1) "LEAD-BASED PAINT" MEANS PAINT OR OTHER  
2 SURFACE COATINGS THAT CONTAIN LEAD EQUAL TO OR IN EXCESS OF 1.0  
3 MILLIGRAMS PER SQUARE CENTIMETER OR MORE THAN 0.5% BY WEIGHT.

4        (2) "LEAD-BASED PAINT ACTIVITY" MEANS INSPECTION, RISK  
5 ASSESSMENT, AND ABATEMENT IN TARGET HOUSING AND CHILD OCCUPIED  
6 FACILITIES.

7        (3) "LEAD-BASED PAINT HAZARD" MEANS A CONDITION CAUSING  
8 EXPOSURE TO LEAD FROM LEAD-CONTAMINATED DUST, LEAD-CONTAMINATED  
9 SOIL, OR LEAD-BASED OR LEAD-CONTAMINATED PAINT THAT IS DETERIO-  
10 RATED OR PRESENT IN AN ACCESSIBLE SURFACE, FRICTION SURFACE, OR  
11 IMPACT SURFACE THAT WOULD RESULT IN ADVERSE HUMAN HEALTH EFFECTS  
12 AS IDENTIFIED BY THE EPA PURSUANT TO TSCA SECTION 403.

13        (4) "LEAD-CONTAMINATED DUST" MEANS SURFACE DUST IN A RESI-  
14 DENTIAL DWELLING OR CHILD OCCUPIED FACILITY THAT CONTAINS AN AREA  
15 OR MASS CONCENTRATION OF LEAD AT OR IN EXCESS OF LEVELS IDENTI-  
16 FIED BY THE EPA PURSUANT TO SECTION 403 OF TITLE IV OF THE TOXIC  
17 SUBSTANCE CONTROL ACT, PUBLIC LAW 94-469, 15 U.S.C. 2683.

18        (5) "LEAD-CONTAMINATED SOIL" MEANS BARE SOIL ON RESIDENTIAL  
19 REAL PROPERTY OR ON THE PROPERTY OF A CHILD OCCUPIED FACILITY  
20 THAT CONTAINS LEAD AT OR IN EXCESS OF LEVELS IDENTIFIED BY THE  
21 EPA PURSUANT TO SECTION 403 OF TITLE IV OF THE TOXIC SUBSTANCE  
22 CONTROL ACT, PUBLIC LAW 94-469, 15 U.S.C. 2683.

23        (6) "LEAD-HAZARD SCREEN" MEANS A LIMITED RISK ASSESSMENT  
24 ACTIVITY THAT INVOLVES LIMITED LEAD-BASED OR LEAD-CONTAMINATED  
25 PAINT AND LEAD DUST SAMPLING.

26        (7) "LIVING AREA" MEANS AN AREA OF A RESIDENTIAL DWELLING  
27 USED BY 1 OR MORE CHILDREN AGE 6 AND UNDER INCLUDING, BUT NOT

1 LIMITED TO, A LIVING ROOM, KITCHEN AREA, DEN, PLAYROOM, AND A  
2 CHILDREN'S BEDROOM.

3 SEC. 5459. (1) "MULTIFAMILY DWELLING" MEANS A STRUCTURE  
4 THAT CONTAINS MORE THAN 1 SEPARATE RESIDENTIAL DWELLING UNIT AND  
5 THAT IS USED OR OCCUPIED, OR INTENDED TO BE USED OR OCCUPIED, IN  
6 WHOLE OR IN PART, AS THE HOME OR RESIDENCE OF 1 OR MORE PERSONS.

7 (2) "PAINT IN POOR CONDITION" MEANS 1 OR MORE OF THE  
8 FOLLOWING:

9 (A) MORE THAN 10 SQUARE FEET OF DETERIORATED PAINT ON AN  
10 EXTERIOR COMPONENT WITH A LARGE SURFACE AREA.

11 (B) MORE THAN 2 SQUARE FEET OF DETERIORATED PAINT ON AN  
12 INTERIOR COMPONENT WITH LARGE SURFACE AREAS.

13 (C) MORE THAN 10% OF THE TOTAL SURFACE AREA OF THE COMPONENT  
14 IS DETERIORATED ON AN INTERIOR OR EXTERIOR COMPONENT WITH A SMALL  
15 SURFACE AREA.

16 (3) "PERMANENTLY COVERED SOIL" MEANS SOIL THAT HAS BEEN SEP-  
17 ARATED FROM HUMAN CONTACT BY THE PLACEMENT OF A BARRIER CONSIST-  
18 ING OF SOLID, RELATIVELY IMPERMEABLE MATERIALS INCLUDING, BUT NOT  
19 LIMITED TO, PAVEMENT OR CONCRETE, BUT NOT INCLUDING GRASS, MULCH,  
20 OR OTHER LANDSCAPING MATERIALS.

21 (4) "PERSON" MEANS THAT TERM AS DEFINED IN SECTION 1106 BUT  
22 INCLUDING THE STATE AND A POLITICAL SUBDIVISION OF THE STATE.

23 (5) "PRINCIPAL INSTRUCTOR" MEANS THE INDIVIDUAL WHO HAS THE  
24 PRIMARY RESPONSIBILITY FOR ORGANIZING AND TEACHING A PARTICULAR  
25 COURSE IN AN ACCREDITED TRAINING PROGRAM.

26 (6) "RECOGNIZED LABORATORY" MEANS AN ENVIRONMENTAL  
27 LABORATORY RECOGNIZED BY THE EPA PURSUANT TO SECTION 405 OF TITLE

1 IV OF THE TOXIC SUBSTANCES CONTROL ACT, PUBLIC LAW 94-469, 15  
2 U.S.C. 2685, AS BEING CAPABLE OF PERFORMING AN ANALYSIS FOR LEAD  
3 COMPOUNDS IN PAINT, SOIL, AND DUST.

4 (7) "REDUCTION" MEANS A MEASURE DESIGNED TO REDUCE OR ELIMI-  
5 NATE HUMAN EXPOSURE TO A LEAD-BASED PAINT HAZARD THROUGH METHODS  
6 INCLUDING, BUT NOT LIMITED TO, INTERIM CONTROLS AND ABATEMENT.

7 (8) "RESIDENTIAL DWELLING" MEANS EITHER OF THE FOLLOWING:

8 (A) A DETACHED SINGLE FAMILY DWELLING UNIT, INCLUDING, BUT  
9 NOT LIMITED, TO, ATTACHED STRUCTURES SUCH AS PORCHES AND STOOPS.

10 (B) A SINGLE FAMILY DWELLING UNIT IN A STRUCTURE THAT CON-  
11 TAINS MORE THAN 1 SEPARATE RESIDENTIAL DWELLING UNIT USED OR  
12 OCCUPIED, IN WHOLE OR IN PART, AS THE HOME OR RESIDENCE OF 1 OR  
13 MORE PERSONS.

14 (9) "RISK ASSESSMENT" MEANS BOTH OF THE FOLLOWING:

15 (A) AN ON-SITE INVESTIGATION TO DETERMINE THE EXISTENCE,  
16 NATURE, SEVERITY, AND LOCATION OF A LEAD-BASED PAINT HAZARD.

17 (B) THE PROVISION OF A REPORT BY THE PERSON CONDUCTING THE  
18 RISK ASSESSMENT EXPLAINING THE RESULTS OF THE INVESTIGATION AND  
19 OPTIONS FOR REDUCING THE LEAD-BASED PAINT HAZARD.

20 SEC. 5460. (1) "TARGET HOUSING" MEANS HOUSING CONSTRUCTED  
21 BEFORE 1978, EXCEPT EITHER OF THE FOLLOWING:

22 (A) HOUSING FOR THE ELDERLY OR PERSONS WITH DISABILITIES,  
23 UNLESS ANY 1 OR MORE CHILDREN AGE 6 YEARS OR UNDER RESIDES OR IS  
24 EXPECTED TO RESIDE IN THAT HOUSING.

25 (B) A 0-BEDROOM DWELLING.

26 (2) "THIRD PARTY EXAMINATION" MEANS THE EXAMINATION FOR  
27 CERTIFICATION UNDER THIS PART IN THE DISCIPLINES OF INSPECTOR,

1 RISK ASSESSOR, WORKER, AND SUPERVISOR OFFERED AND ADMINISTERED BY  
2 A PARTY OTHER THAN AN ACCREDITED TRAINING PROGRAM.

3 (3) "TRAINING CURRICULUM" MEANS AN ESTABLISHED SET OF COURSE  
4 TOPICS FOR INSTRUCTION IN AN ACCREDITED TRAINING PROGRAM FOR A  
5 PARTICULAR DISCIPLINE DESIGNED TO PROVIDE SPECIALIZED KNOWLEDGE  
6 AND SKILLS.

7 (4) "TRAINING HOUR" MEANS NOT LESS THAN 50 MINUTES OF ACTUAL  
8 LEARNING, INCLUDING, BUT NOT LIMITED TO, TIME DEVOTED TO LECTURE,  
9 LEARNING ACTIVITIES, SMALL GROUP ACTIVITIES, DEMONSTRATIONS,  
10 EVALUATIONS, OR HANDS-ON EXPERIENCE OR A COMBINATION OF THOSE  
11 ACTIVITIES.

12 (5) "TRAINING MANAGER" MEANS THE INDIVIDUAL RESPONSIBLE FOR  
13 ADMINISTERING AN ACCREDITED TRAINING PROGRAM AND MONITORING THE  
14 PERFORMANCE OF PRINCIPAL INSTRUCTORS AND GUEST INSTRUCTORS.

15 (6) "VISUAL INSPECTION FOR CLEARANCE TESTING" MEANS THE  
16 VISUAL EXAMINATION OF A RESIDENTIAL DWELLING OR A CHILD OCCUPIED  
17 FACILITY FOLLOWING AN ABATEMENT DESIGNED TO DETERMINE WHETHER THE  
18 ABATEMENT HAS BEEN SUCCESSFULLY COMPLETED.

19 (7) "VISUAL INSPECTION FOR RISK ASSESSMENT" MEANS THE VISUAL  
20 EXAMINATION OF A RESIDENTIAL DWELLING OR A CHILD OCCUPIED FACIL-  
21 ITY TO DETERMINE THE EXISTENCE OF DETERIORATED PAINT OR OTHER  
22 POTENTIAL SOURCES OF LEAD-BASED PAINT HAZARDS.

23 SEC. 5461. (1) A PERSON SHALL NOT ENGAGE OR OFFER TO ENGAGE  
24 IN A LEAD-BASED PAINT ACTIVITY UNLESS CERTIFIED IN THE APPROPRI-  
25 ATE DISCIPLINE UNDER THIS PART. A PERSON CONDUCTING A LEAD-BASED  
26 PAINT ACTIVITY SHALL COMPLY WITH THE STANDARDS FOR PERFORMING

1 LEAD-BASED PAINT ACTIVITIES CONTAINED IN THIS PART AND THE RULES  
2 PROMULGATED UNDER THIS PART.

3 (2) A PERSON SHALL NOT PROVIDE OR OFFER TO PROVIDE A TRAIN-  
4 ING PROGRAM FOR LEAD-BASED PAINT ACTIVITIES UNLESS THE TRAINING  
5 PROGRAM IS ACCREDITED UNDER THE APPROPRIATE DISCIPLINE UNDER THIS  
6 PART. A PERSON PROVIDING AN ACCREDITED TRAINING PROGRAM SHALL  
7 COMPLY WITH THE STANDARDS FOR ACCREDITATION AND TRAINING CERTIFI-  
8 CATION PRESCRIBED IN THIS PART AND THE RULES PROMULGATED UNDER  
9 THIS PART.

10 (3) THE DEPARTMENT SHALL CERTIFY A PERSON APPLYING FOR CER-  
11 TIFICATION UNDER THIS PART IF THAT PERSON DEMONSTRATES TO THE  
12 DEPARTMENT THAT HE OR SHE IS LICENSED, CERTIFIED, OR REGISTERED  
13 IN ANOTHER STATE AND THE STANDARDS FOR OBTAINING THAT LICENSE,  
14 CERTIFICATION, OR REGISTRATION ARE SUBSTANTIALLY SIMILAR TO THOSE  
15 IMPOSED UNDER THIS PART.

16 (4) THE DEPARTMENT SHALL ACCREDIT A TRAINING PROGRAM IF THE  
17 TRAINING PROGRAM IS REGISTERED BY THE DEPARTMENT UNDER THE  
18 DEPARTMENT'S VOLUNTARY REGISTRATION PROGRAM BY AUGUST 30, 1998 IF  
19 THE TRAINING PROGRAM SUBMITS AN APPLICATION UNDER SECTION 5462.

20 SEC. 5462. (1) A PERSON MAY SEEK ACCREDITATION FOR A TRAIN-  
21 ING PROGRAM TO OFFER COURSES IN LEAD-BASED PAINT ACTIVITIES IN 1  
22 OR MORE OF THE FOLLOWING DISCIPLINES:

23 (A) INSPECTOR.

24 (B) RISK ASSESSOR.

25 (C) SUPERVISOR.

26 (D) PROJECT DESIGNER.

1 (E) ABATEMENT WORKER.

2 (2) A PERSON MAY ALSO SEEK ACCREDITATION FOR A TRAINING  
3 PROGRAM TO OFFER REFRESHER COURSES FOR EACH OF THE DISCIPLINES  
4 DESCRIBED IN SUBSECTION (1).

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

9 (4) A PERSON SEEKING ACCREDITATION FOR A TRAINING PROGRAM  
10 SHALL SUBMIT A WRITTEN APPLICATION TO THE DEPARTMENT CONTAINING  
11 ALL OF THE FOLLOWING:

12 (A) IF THE APPLICANT IS A SOLE PROPRIETORSHIP OR CORPORA-  
13 TION, ITS "DOING BUSINESS AS" OR CORPORATE IDENTIFICATION  
14 NUMBER.

15 (B) THE FEE REQUIRED BY SECTION 5471.

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

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

20 (E) A LIST OF COURSES AND DISCIPLINES FOR WHICH IT IS SEEK-  
21 ING ACCREDITATION.

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

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

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

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

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

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

8 (L) A COPY OF THE QUALITY CONTROL PLAN AS DESCRIBED IN THIS  
9 SECTION.

10 (6) THE DEPARTMENT SHALL APPROVE AN APPLICATION FOR ACCRED-  
11 ITATION OF A TRAINING PROGRAM WITHIN 180 DAYS AFTER RECEIVING A  
12 COMPLETE APPLICATION FROM THE TRAINING PROGRAM IF THE DEPARTMENT  
13 DETERMINES THAT THE APPLICANT MEETS THE REQUIREMENTS OF THIS PART  
14 AND THE RULES PROMULGATED UNDER THIS PART. IN THE CASE OF  
15 APPROVAL, THE DEPARTMENT SHALL SEND A CERTIFICATE OF ACCREDIT-  
16 ATION TO THE APPLICANT. BEFORE DISAPPROVING AN APPLICATION, THE  
17 DEPARTMENT MAY ADVISE THE APPLICANT AS TO SPECIFIC INADEQUACIES  
18 IN THE APPLICATION FOR ACCREDITATION OR SPECIFIC INSTANCES WHERE  
19 THE TRAINING PROGRAM DOES NOT MEET THE REQUIREMENTS OF THIS PART  
20 OR THE RULES PROMULGATED UNDER THIS PART, OR BOTH. THE DEPART-  
21 MENT MAY REQUEST ADDITIONAL INFORMATION OR MATERIALS FROM THE  
22 TRAINING PROGRAM UNDER THIS SECTION. IF THE DEPARTMENT DISAP-  
23 PROVES A TRAINING PROGRAM'S APPLICATION FOR ACCREDITATION, THE  
24 APPLICANT MAY REAPPLY FOR ACCREDITATION AT ANY TIME.

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

1 (A) EMPLOY A TRAINING MANAGER WHO HAS TRAINING, EDUCATION,  
2 AND EXPERIENCE AS DESCRIBED IN RULES PROMULGATED BY THE  
3 DEPARTMENT.

4 (B) PROVIDE THAT THE TRAINING MANAGER DESCRIBED IN  
5 SUBDIVISION (A) DESIGNATE A QUALIFIED PRINCIPAL INSTRUCTOR FOR  
6 EACH COURSE WHO HAS TRAINING, EDUCATION, AND EXPERIENCE AS  
7 DESCRIBED IN RULES PROMULGATED BY THE DEPARTMENT.

8 (C) PROVIDE THAT THE PRINCIPAL INSTRUCTOR DESCRIBED IN  
9 SUBDIVISION (B) BE RESPONSIBLE FOR THE ORGANIZATION OF THE COURSE  
10 AND OVERSIGHT OF THE TEACHING OF ALL COURSE MATERIAL. A TRAINING  
11 MANAGER MAY DESIGNATE GUEST INSTRUCTORS AS NEEDED TO PROVIDE  
12 INSTRUCTION SPECIFIC TO THE LECTURE, HANDS-ON ACTIVITIES, OR WORK  
13 PRACTICE COMPONENTS OF A COURSE.

14 (8) THE FOLLOWING DOCUMENTS ARE RECOGNIZED BY THE DEPARTMENT  
15 AS EVIDENCE THAT A TRAINING MANAGER OR A PRINCIPAL INSTRUCTOR HAS  
16 THE EDUCATION, WORK EXPERIENCE, TRAINING REQUIREMENTS, OR DEMON-  
17 STRATED EXPERIENCE SPECIFICALLY LISTED IN RULES PROMULGATED BY  
18 THE DEPARTMENT, WHICH DOCUMENTATION IS NOT REQUIRED TO BE SUBMIT-  
19 TED WITH THE ACCREDITATION APPLICATION BUT, IF NOT SUBMITTED,  
20 MUST BE RETAINED BY THE TRAINING PROGRAM AS REQUIRED BY THE  
21 RECORD-KEEPING REQUIREMENTS CONTAINED IN THIS PART:

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

24 (B) A RESUME, LETTER OF REFERENCE, OR DOCUMENTATION OF WORK  
25 EXPERIENCE, AS EVIDENCE OF MEETING THE WORK EXPERIENCE  
26 REQUIREMENTS.

1 (C) A CERTIFICATE FROM A TRAIN-THE-TRAINER COURSE OR A  
2 LEAD-SPECIFIC TRAINING COURSE, OR BOTH, AS EVIDENCE OF MEETING  
3 THE TRAINING REQUIREMENTS.

4 (9) A TRAINING PROGRAM ACCREDITED UNDER THIS PART SHALL  
5 ENSURE THE AVAILABILITY OF, AND PROVIDE ADEQUATE FACILITIES FOR,  
6 THE DELIVERY OF THE LECTURE, COURSE TEST, HANDS-ON TRAINING, AND  
7 ASSESSMENT ACTIVITIES INCLUDING, BUT NOT LIMITED TO, PROVIDING  
8 TRAINING EQUIPMENT THAT REFLECTS CURRENT WORK PRACTICES AND MAIN-  
9 TAINING OR UPDATING THE EQUIPMENT AND FACILITIES OF THE TRAINING  
10 PROGRAM, AS NEEDED.

11 SEC. 5463. (1) A TRAINING PROGRAM ACCREDITED UNDER  
12 SECTION 5462 SHALL PROVIDE TRAINING COURSES THAT MEET THE FOLLOW-  
13 ING TRAINING HOUR REQUIREMENTS IN ORDER TO BECOME ACCREDITED IN  
14 THE FOLLOWING DISCIPLINES:

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

19 (B) A RISK ASSESSOR COURSE SHALL LAST A MINIMUM OF 16 TRAIN-  
20 ING HOURS, WITH A MINIMUM OF 4 HOURS DEVOTED TO HANDS-ON TRAINING  
21 ACTIVITIES. THE DEPARTMENT SHALL PROMULGATE RULES TO DETERMINE  
22 THE MINIMUM CURRICULUM REQUIREMENTS FOR THE RISK ASSESSOR  
23 COURSE.

24 (C) A SUPERVISOR COURSE SHALL LAST A MINIMUM OF 32 TRAINING  
25 HOURS, WITH A MINIMUM OF 8 HOURS DEVOTED TO HANDS-ON ACTIVITIES.  
26 THE DEPARTMENT SHALL PROMULGATE RULES TO DETERMINE THE MINIMUM  
27 CURRICULUM REQUIREMENTS FOR THE SUPERVISOR COURSE.

1 (D) A PROJECT DESIGNER COURSE SHALL LAST A MINIMUM OF 8  
2 TRAINING HOURS. THE DEPARTMENT SHALL PROMULGATE RULES TO DETER-  
3 MINE THE MINIMUM CURRICULUM REQUIREMENTS FOR THE PROJECT DESIGNER  
4 COURSE.

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

10 (2) THE DEPARTMENT MAY PROMULGATE RULES TO MODIFY 1 OR MORE  
11 OF THE REQUIREMENTS IMPOSED UNDER SUBSECTION (1) IF CHANGES ARE  
12 NEEDED TO COMPLY WITH FEDERAL MANDATES OR FOR ANOTHER REASON CON-  
13 sidered appropriate by the department.

14 (3) FOR EACH COURSE OFFERED, THE TRAINING PROGRAM SHALL CON-  
15 DUCT A COURSE TEST AT THE COMPLETION OF THE COURSE AND, IF APPLI-  
16 CABLE, A HANDS-ON SKILLS ASSESSMENT. EACH INDIVIDUAL ENROLLED IN  
17 THE TRAINING PROGRAM MUST SUCCESSFULLY COMPLETE THE HANDS-ON  
18 SKILLS ASSESSMENT, IF CONDUCTED FOR THAT COURSE, AND RECEIVE A  
19 PASSING SCORE ON THE COURSE TEST IN ORDER TO PASS A COURSE.

20 (4) THE TRAINING MANAGER SHALL MAINTAIN THE VALIDITY AND  
21 INTEGRITY OF A HANDS-ON SKILLS ASSESSMENT TO ENSURE THAT IT ACCU-  
22 Rately evaluates the trainees' performance of the work practices  
23 AND PROCEDURES ASSOCIATED WITH THE COURSE TOPICS CONTAINED IN  
24 RULES PROMULGATED UNDER THIS SECTION AND THE COURSE TEST TO  
25 ENSURE THAT IT ACCURATELY EVALUATES THE TRAINEES' KNOWLEDGE AND  
26 RETENTION OF THE COURSE TOPICS.

1 (5) A TRAINING PROGRAM'S COURSE TEST SHALL BE DEVELOPED IN  
2 ACCORDANCE WITH THE TEST BLUEPRINT SUBMITTED WITH THE TRAINING  
3 PROGRAM ACCREDITATION APPLICATION.

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

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

9 (B) THE NAME OF THE PARTICULAR COURSE THAT THE INDIVIDUAL  
10 PASSED.

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

12 (D) EXPIRATION DATE OF COURSE CERTIFICATE, WHICH SHALL BE 6  
13 MONTHS FROM DATE OF COURSE COMPLETION AND PASSAGE.

14 (E) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE TRAINING  
15 PROGRAM.

16 (7) THE TRAINING MANAGER SHALL DEVELOP AND IMPLEMENT A QUAL-  
17 ITY CONTROL PLAN DESIGNED TO MAINTAIN AND IMPROVE THE QUALITY OF  
18 THE TRAINING PROGRAM. THE QUALITY CONTROL PLAN SHALL CONTAIN AT  
19 LEAST BOTH OF THE FOLLOWING ELEMENTS:

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

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

24 (8) THE TRAINING PROGRAM SHALL OFFER COURSES THAT TEACH THE  
25 WORK PRACTICE STANDARDS FOR CONDUCTING LEAD-BASED PAINT ACTIVI-  
26 TIES AND OTHER STANDARDS DEVELOPED BY THE EPA PURSUANT TO TITLE  
27 IV OF THE TSCA AND CONSIDERED APPROPRIATE OR NECESSARY BY THE

1 DEPARTMENT. THE WORK PRACTICE STANDARDS SHALL BE TAUGHT IN THE  
2 APPROPRIATE COURSES TO PROVIDE TRAINEES WITH THE KNOWLEDGE NEEDED  
3 TO PERFORM THE LEAD-BASED PAINT ACTIVITIES.

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

7 (10) THE TRAINING MANAGER SHALL ALLOW THE DEPARTMENT TO  
8 AUDIT THE TRAINING PROGRAM TO VERIFY THE CONTENTS OF THE APPLICA-  
9 TION FOR ACCREDITATION.

10 SEC. 5464. (1) A TRAINING PROGRAM MAY SEEK ACCREDITATION TO  
11 OFFER REFRESHER TRAINING COURSES IN 1 OR MORE OF THE DISCIPLINES  
12 DESCRIBED IN SECTION 5462(1). A TRAINING PROGRAM SHALL MEET  
13 THOSE MINIMUM REQUIREMENTS CONTAINED IN RULES PROMULGATED BY THE  
14 DEPARTMENT IN ORDER TO OBTAIN DEPARTMENT ACCREDITATION.

15 (2) A TRAINING PROGRAM MAY APPLY FOR ACCREDITATION OF A  
16 REFRESHER COURSE CONCURRENTLY WITH ITS APPLICATION FOR ACCREDIT-  
17 ATION OF THE CORRESPONDING TRAINING COURSE PURSUANT TO RULES  
18 PROMULGATED BY THE DEPARTMENT.

19 (3) THE DEPARTMENT SHALL APPROVE AN APPLICATION FOR ACCRED-  
20 ITATION OF A REFRESHER COURSE WITHIN 180 DAYS AFTER RECEIVING A  
21 COMPLETE APPLICATION. UPON APPROVAL, THE DEPARTMENT SHALL SEND A  
22 CERTIFICATE OF ACCREDITATION TO THE APPLICANT. BEFORE DISAPPROV-  
23 AL, THE DEPARTMENT MAY ADVISE THE APPLICANT AS TO SPECIFIC INADE-  
24 QUACIES IN THE APPLICATION FOR ACCREDITATION OR SPECIFIC  
25 INSTANCES WHERE THE CONTINUING EDUCATION COURSE DOES NOT MEET THE  
26 REQUIREMENTS OF THIS PART AND THE RULES PROMULGATED UNDER THIS  
27 PART, OR BOTH. THE DEPARTMENT MAY ALSO REQUEST ADDITIONAL

1 INFORMATION OR MATERIALS RETAINED BY THE TRAINING PROGRAM. IF  
2 THE DEPARTMENT DENIES A TRAINING PROGRAM'S APPLICATION FOR  
3 ACCREDITATION OF A REFRESHER COURSE, THE APPLICANT MAY REAPPLY  
4 FOR ACCREDITATION AT ANY TIME.

5 SEC. 5465. (1) UNLESS REACCREDITED, A TRAINING PROGRAM'S  
6 ACCREDITATION UNDER SECTION 5462, INCLUDING REFRESHER COURSE  
7 TRAINING ACCREDITED UNDER SECTION 5464, EXPIRES 1 YEAR AFTER THE  
8 DATE OF ISSUANCE.

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

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

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

18 SEC. 5466. (1) THE DEPARTMENT MAY, AFTER NOTICE AND AN  
19 OPPORTUNITY FOR HEARING PURSUANT TO THE ADMINISTRATIVE PROCEDURES  
20 ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328, SUSPEND, REVOKE,  
21 OR MODIFY A TRAINING PROGRAM ACCREDITATION OR A REFRESHER COURSE  
22 TRAINING PROGRAM ACCREDITATION IF THE DEPARTMENT DETERMINES THAT  
23 A TRAINING PROGRAM, TRAINING MANAGER, OR OTHER PERSON WITH SUPER-  
24 VISORY AUTHORITY OVER THE TRAINING PROGRAM HAS DONE 1 OR MORE OF  
25 THE FOLLOWING:

1 (A) MISREPRESENTED THE CONTENTS OF A TRAINING COURSE TO THE  
2 DEPARTMENT OR THE TRAINEES ENROLLED IN THE TRAINING PROGRAM, OR  
3 BOTH.

4 (B) FAILED TO SUBMIT REQUIRED INFORMATION OR NOTIFICATIONS  
5 IN A TIMELY MANNER.

6 (C) FAILED TO MAINTAIN REQUIRED RECORDS.

7 (D) FALSIFIED ACCREDITATION RECORDS, STUDENT CERTIFICATES,  
8 INSTRUCTOR QUALIFICATIONS, OR OTHER ACCREDITATION-RELATED INFOR-  
9 MATION OR DOCUMENTATION.

10 (E) FAILED TO COMPLY WITH THE TRAINING STANDARDS AND  
11 REQUIREMENTS OF THIS PART AND THE RULES PROMULGATED UNDER THIS  
12 PART.

13 (F) FAILED TO COMPLY WITH A FEDERAL, STATE, OR LOCAL STAT-  
14 UTE, RULE, OR REGULATION INVOLVING LEAD-BASED PAINT ACTIVITIES.

15 (G) MADE FALSE OR MISLEADING STATEMENTS TO THE DEPARTMENT IN  
16 ITS APPLICATION FOR ACCREDITATION OR REACCREDITATION THAT THE  
17 DEPARTMENT RELIED UPON IN APPROVING THE APPLICATION.

18 (2) IN ADDITION TO AN ADMINISTRATIVE OR JUDICIAL FINDING OF  
19 A VIOLATION, THE EXECUTION OF A CONSENT AGREEMENT IN SETTLEMENT  
20 OF AN ENFORCEMENT ACTION IS CONSIDERED, FOR PURPOSES OF THIS SEC-  
21 TION, EVIDENCE OF A FAILURE TO COMPLY WITH THE STANDARDS AND  
22 REQUIREMENTS OF THIS PART AND THE RULES PROMULGATED UNDER THIS  
23 PART OR OTHER RELEVANT STATUTES OR REGULATIONS INVOLVING  
24 LEAD-BASED PAINT ACTIVITIES.

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

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

3 (B) CURRENT CURRICULUM AND COURSE MATERIALS AND DOCUMENTS  
4 REFLECTING CHANGES MADE TO THESE MATERIALS.

5 (C) THE COURSE TEST BLUEPRINT.

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

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

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

11 (iii) A DESCRIPTION OF THE FACILITIES USED.

12 (iv) THE PASS/FAIL RATE.

13 (v) THE QUALITY CONTROL PLAN.

14 (vi) THE RESULTS OF THE STUDENTS' HANDS-ON SKILLS ASSESS-  
15 MENTS AND COURSE TESTS AND A RECORD OF EACH STUDENT'S PARTICIPA-  
16 TION, INCLUDING NAME, SOCIAL SECURITY NUMBER, AND SCORE, WITHIN  
17 10 CALENDAR DAYS OF THE LAST DAY OF THE COURSE TAKEN.

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

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

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

1        SEC. 5468. (1) AN INDIVIDUAL SEEKING CERTIFICATION BY THE  
2 DEPARTMENT TO ENGAGE IN LEAD-BASED PAINT ACTIVITIES SHALL PAY THE  
3 APPROPRIATE APPLICATION FEE REQUIRED UNDER SECTION 5471 AND  
4 SUBMIT AN APPLICATION TO THE DEPARTMENT DEMONSTRATING EITHER OF  
5 THE FOLLOWING:

6        (A) COMPLIANCE WITH THE REQUIREMENTS OF THIS PART AND THE  
7 RULES PROMULGATED UNDER THIS PART FOR THE PARTICULAR DISCIPLINE  
8 FOR WHICH CERTIFICATION IS SOUGHT.

9        (B) A COPY OF A VALID LEAD-BASED PAINT ACTIVITIES CERTIFICA-  
10 TION OR ITS EQUIVALENT, AS DETERMINED BY THE DEPARTMENT, FROM A  
11 TRAINING PROGRAM THAT HAS BEEN AUTHORIZED BY THE EPA PURSUANT TO  
12 40 C.F.R. PART 745 ALONG WITH PROOF OF THE APPLICANT'S THIRD  
13 PARTY EXAMINATION RESULTS.

14        (2) FOLLOWING THE SUBMISSION OF AN APPLICATION DEMONSTRATING  
15 THAT THE REQUIREMENTS OF THIS PART AND THE RULES PROMULGATED  
16 UNDER THIS PART HAVE BEEN MET, THE DEPARTMENT SHALL CERTIFY AN  
17 APPLICANT IN 1 OR MORE OF THE FOLLOWING DISCIPLINES:

18        (A) INSPECTOR.

19        (B) RISK ASSESSOR.

20        (C) SUPERVISOR.

21        (D) PROJECT DESIGNER.

22        (E) ABATEMENT WORKER.

23        (3) UPON RECEIVING THE DEPARTMENT CERTIFICATION IN 1 OR MORE  
24 OF THE DISCIPLINES DESCRIBED IN SUBSECTION (2), AN INDIVIDUAL  
25 CONDUCTING LEAD-BASED PAINT ACTIVITIES SHALL COMPLY WITH THE WORK  
26 PRACTICE STANDARDS FOR PERFORMING THAT DISCIPLINE AS ESTABLISHED  
27 UNDER THIS PART AND THE RULES PROMULGATED UNDER THIS PART.

1       (4) BEGINNING MARCH 1, 1999, AN INDIVIDUAL SHALL NOT CONDUCT  
2 A LEAD-BASED PAINT ACTIVITY UNLESS THAT INDIVIDUAL IS CERTIFIED  
3 BY THE DEPARTMENT UNDER THIS SECTION IN THE APPROPRIATE  
4 DISCIPLINE.

5       (5) AN INDIVIDUAL SHALL DO ALL OF THE FOLLOWING IN ORDER TO  
6 BECOME CERTIFIED BY THE DEPARTMENT AS AN INSPECTOR, RISK ASSES-  
7 SOR, ABATEMENT WORKER, OR SUPERVISOR:

8       (A) SUCCESSFULLY COMPLETE A COURSE IN THE APPROPRIATE DISCI-  
9 PLINE AND RECEIVE A COURSE COMPLETION CERTIFICATE FROM AN ACCRED-  
10 ITED TRAINING PROGRAM.

11       (B) PASS THE THIRD PARTY EXAM IN THE APPROPRIATE  
12 DISCIPLINE.

13       (C) MEET THE EXPERIENCE OR EDUCATION REQUIREMENTS, OR BOTH,  
14 AS DESCRIBED IN RULES PROMULGATED BY THE DEPARTMENT.

15       (6) AFTER AN INDIVIDUAL PASSES THE APPROPRIATE CERTIFICATION  
16 EXAM AND SUBMITS AN APPLICATION DEMONSTRATING THAT HE OR SHE  
17 MEETS THE APPROPRIATE TRAINING, EDUCATION, AND EXPERIENCE  
18 REQUIREMENTS, THE DEPARTMENT SHALL ISSUE A CERTIFICATE TO THE  
19 INDIVIDUAL IN THE SPECIFIC DISCIPLINE FOR WHICH CERTIFICATION IS  
20 SOUGHT. TO MAINTAIN CERTIFICATION, AN INDIVIDUAL MUST BE RECER-  
21 TIFIED PURSUANT TO THIS PART.

22       (7) AN INDIVIDUAL SHALL TAKE THE THIRD PARTY EXAM WITHIN 6  
23 MONTHS AFTER RECEIVING A COURSE COMPLETION CERTIFICATE OR MUST  
24 AGAIN COMPLETE THE APPROPRIATE COURSE FROM AN ACCREDITED TRAINING  
25 PROGRAM IN ORDER TO BE ELIGIBLE FOR CERTIFICATION. AN INDIVIDUAL  
26 IS NOT ELIGIBLE TO TAKE THE THIRD PARTY EXAM MORE THAN 3 TIMES

1 WITHIN THE 6 MONTHS AFTER RECEIVING A COURSE COMPLETION  
2 CERTIFICATE.

3 (8) AN INDIVIDUAL SHALL DO BOTH OF THE FOLLOWING IN ORDER TO  
4 BECOME CERTIFIED BY THE DEPARTMENT AS A PROJECT DESIGNER:

5 (A) SUCCESSFULLY COMPLETE A COURSE IN THE APPROPRIATE DISCI-  
6 PLINE AND RECEIVE A COURSE COMPLETION CERTIFICATE FROM AN ACCRED-  
7 ITED TRAINING PROGRAM.

8 (B) MEET THE EXPERIENCE OR EDUCATION REQUIREMENTS, OR BOTH,  
9 AS DESCRIBED IN RULES PROMULGATED BY THE DEPARTMENT.

10 (9) AFTER AN INDIVIDUAL HAS SUCCESSFULLY COMPLETED THE  
11 APPROPRIATE TRAINING COURSES, APPLIED TO THE DEPARTMENT, AND MET  
12 THE REQUIREMENTS OF THIS PART AND THE RULES PROMULGATED UNDER  
13 THIS PART, THE DEPARTMENT SHALL ISSUE A CERTIFICATE TO THE INDI-  
14 VIDUAL IN THE DISCIPLINE OF PROJECT DESIGNER. TO MAINTAIN CERTI-  
15 FICATION, THE INDIVIDUAL MUST BE PERIODICALLY RECERTIFIED PURSU-  
16 ANT TO THIS PART.

17 (10) AN INDIVIDUAL WHO RECEIVED TRAINING IN A LEAD-BASED  
18 PAINT ACTIVITY BETWEEN OCTOBER 1, 1990 AND MARCH 1, 1999 AND AN  
19 INDIVIDUAL WHO HAS RECEIVED LEAD-BASED PAINT ACTIVITIES TRAINING  
20 AT AN EPA-AUTHORIZED ACCREDITED TRAINING PROGRAM ARE ELIGIBLE FOR  
21 CERTIFICATION BY THE DEPARTMENT UNDER RULES PROMULGATED BY THE  
22 DEPARTMENT.

23 (11) UNTIL AUGUST 30, 1999, AN INDIVIDUAL MAY APPLY TO THE  
24 DEPARTMENT FOR CERTIFICATION UNDER SUBSECTION (10). BEGINNING  
25 AUGUST 30, 1999, AN INDIVIDUAL SEEKING CERTIFICATION TO ENGAGE IN  
26 LEAD-BASED PAINT ACTIVITIES SHALL APPLY FOR INITIAL CERTIFICATION  
27 UNDER THIS PART.

1       (12) UPON SUBMISSION OF AN APPLICATION AND PAYMENT OF THE  
2 APPROPRIATE FEE, THE DEPARTMENT SHALL ISSUE A CERTIFICATION TO  
3 ENGAGE IN LEAD-BASED PAINT ACTIVITIES TO AN INDIVIDUAL REGISTERED  
4 BY THE DEPARTMENT BY AUGUST 30, 1998 UNDER THE DEPARTMENT'S VOL-  
5 UNTARY REGISTRATION PROGRAM.

6       (13) IN ORDER TO MAINTAIN CERTIFICATION IN A PARTICULAR DIS-  
7 CIPLINE, A CERTIFIED INDIVIDUAL SHALL APPLY TO AND BE RECERTIFIED  
8 IN THAT DISCIPLINE BY THE DEPARTMENT EVERY 3 YEARS.

9       SEC. 5469. (1) BEGINNING AUGUST 30, 1999, A PERSON SHALL  
10 NOT PERFORM OR OFFER TO PERFORM LEAD-BASED PAINT ACTIVITIES WITH-  
11 OUT OBTAINING CERTIFICATION BY THE DEPARTMENT UNDER THIS PART.

12       (2) A PERSON SEEKING CERTIFICATION UNDER SUBSECTION (1)  
13 SHALL SUBMIT TO THE DEPARTMENT A LETTER ATTESTING THAT THE PERSON  
14 SHALL ONLY EMPLOY APPROPRIATELY CERTIFIED EMPLOYEES TO CONDUCT  
15 LEAD-BASED PAINT ACTIVITIES AND THAT THE PERSON AND ITS EMPLOYEES  
16 SHALL FOLLOW THE WORK PRACTICE STANDARDS FOR CONDUCTING  
17 LEAD-BASED PAINT ACTIVITIES AS ESTABLISHED IN RULES PROMULGATED  
18 BY THE DEPARTMENT.

19       (3) A PERSON SEEKING CERTIFICATION UNDER SUBSECTION (1)  
20 SHALL DO ALL OF THE FOLLOWING:

21       (A) COMPLETE THE APPLICATION AND PAY THE APPROPRIATE FEE  
22 ACCOMPANIED BY A CORPORATE IDENTIFICATION NUMBER, CERTIFICATE OF  
23 SOLE PROPRIETORSHIP, OR OTHER BUSINESS ENTITY DOCUMENTATION  
24 ACCEPTABLE TO THE DEPARTMENT.

25       (B) INDICATE WHETHER THE APPLICANT HAS LIABILITY INSURANCE.

26       (C) SUBMIT PROOF OF MICHIGAN WORKERS' DISABILITY  
27 COMPENSATION INSURANCE.

1 (D) SUBMIT PROOF THAT EACH EMPLOYEE OR AGENT INVOLVED IN  
 2 LEAD-BASED PAINT ACTIVITIES HAS RECEIVED TRAINING AND CERTIFICA-  
 3 TION AS REQUIRED BY THIS PART.

4 (E) IF APPLICABLE, SUBMIT THE NAME OF EACH PRINCIPAL PART-  
 5 NER, SHAREHOLDER, MEMBER, OR OWNER.

6 (4) NOT MORE THAN 90 DAYS FROM THE DATE OF RECEIPT OF THE  
 7 PERSON'S COMPLETED APPLICATION, THE DEPARTMENT SHALL APPROVE OR  
 8 DISAPPROVE THE PERSON'S REQUEST FOR CERTIFICATION. WITHIN THAT  
 9 TIME PERIOD, THE DEPARTMENT SHALL RESPOND WITH EITHER A CERTIFI-  
 10 CATE OF APPROVAL OR A LETTER DESCRIBING THE REASONS FOR A  
 11 DISAPPROVAL.

12 (5) A PERSON CERTIFIED BY THE DEPARTMENT UNDER THIS SECTION  
 13 SHALL MAINTAIN ALL RECORDS PURSUANT TO THE REQUIREMENTS IMPOSED  
 14 IN RULES PROMULGATED BY THE DEPARTMENT.

15 SEC. 5470. BEGINNING ON MARCH 1, 1999, ALL LEAD-BASED PAINT  
 16 ACTIVITIES SHALL BE PERFORMED BY AN INDIVIDUAL CERTIFIED IN THE  
 17 APPROPRIATE DISCIPLINE UNDER THIS PART AND PURSUANT TO THE WORK  
 18 PRACTICE STANDARDS PRESCRIBED IN RULES PROMULGATED BY THE  
 19 DEPARTMENT.

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

23	(A) APPLICATION PROCESSING FEE.....	\$100.00.
24	(B) INITIAL ACCREDITATION FEE.....	\$475.00.
25	(C) REACCREDITATION FEE, ANNUAL.....	\$265.00.

1 (2) FEES FOR AN INDIVIDUAL CERTIFIED OR SEEKING  
 2 CERTIFICATION TO ENGAGE IN LEAD-BASED PAINT ACTIVITIES ARE AS  
 3 FOLLOWS:

4 (A) APPLICATION PROCESSING FEE..... \$25.00.  
 5 (B) CERTIFICATION FEE, PER YEAR:  
 6 (i) INSPECTOR..... \$135.00.  
 7 (ii) RISK ASSESSOR..... \$140.00.  
 8 (iii) SUPERVISOR..... \$145.00.  
 9 (iv) PROJECT DESIGNER..... \$155.00.  
 10 (v) ABATEMENT WORKER..... \$40.00.

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

13 (A) APPLICATION PROCESSING FEE..... \$100.00.  
 14 (B) CERTIFICATION FEE, PER YEAR..... \$220.00.

15 (4) AT THE BEGINNING OF EACH STATE FISCAL YEAR, THE DEPART-  
 16 MENT MAY INCREASE THE FEES COLLECTED UNDER THIS SECTION BY A PER-  
 17 CENTAGE AMOUNT EQUAL TO NOT MORE THAN THE AVERAGE PERCENTAGE WAGE  
 18 AND SALARY INCREASE GRANTED FOR THAT FISCAL YEAR TO CLASSIFIED  
 19 CIVIL SERVICE EMPLOYEES EMPLOYED BY THE DEPARTMENT.

20 (5) IF THE DEPARTMENT INCREASES FEES UNDER SUBSECTION (4),  
 21 THE INCREASE SHALL BE EFFECTIVE FOR THAT FISCAL YEAR. THE  
 22 INCREASED FEES SHALL BE USED BY THE DEPARTMENT AS THE BASIS FOR  
 23 CALCULATING FEE INCREASES IN SUBSEQUENT FISCAL YEARS.

24 (6) BY AUGUST 1 OF EACH YEAR, THE DEPARTMENT SHALL PROVIDE  
 25 TO THE DIRECTOR OF THE DEPARTMENT OF MANAGEMENT AND BUDGET AND TO  
 26 THE CHAIRPERSONS OF THE APPROPRIATIONS COMMITTEES OF THE SENATE

1 AND HOUSE OF REPRESENTATIVES A COMPLETE SCHEDULE OF FEES TO BE  
2 COLLECTED UNDER THIS SECTION.

3 SEC. 5472. BEFORE BEGINNING A LEAD-BASED PAINT ACTIVITY, A  
4 PERSON CONDUCTING LEAD-BASED PAINT ACTIVITIES SHALL NOTIFY THE  
5 DEPARTMENT, ON FORMS PROVIDED BY THE DEPARTMENT, REGARDING INFOR-  
6 MATION THE DEPARTMENT, CONSIDERS NECESSARY IN ORDER TO CONDUCT AN  
7 UNANNOUNCED SITE INSPECTION. THE PERSON SHALL SEND NOTIFICATION  
8 NOT LESS THAN 7 CALENDAR DAYS BEFORE COMMENCING THE LEAD-BASED  
9 PAINT ACTIVITY.

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.

17 SEC. 5474. (1) THE DEPARTMENT SHALL ADMINISTER THIS PART  
18 AND PROMULGATE RULES AS MAY BE NECESSARY FOR THE ADMINISTRATION  
19 AND ENFORCEMENT OF THIS PART PURSUANT TO THE ADMINISTRATIVE PRO-  
20 CEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.

21 (2) THE DEPARTMENT MAY AUTHORIZE, COORDINATE, AND CONDUCT  
22 PROGRAMS ON PUBLIC EDUCATION ON THE NATURE AND CONSEQUENCES OF  
23 LEAD-BASED PAINT HAZARDS AND ON THE NEED FOR LEAD-HAZARD REDUC-  
24 TION ACTIVITIES.

25 SEC. 5475. (1) THE DEPARTMENT SHALL RECEIVE OR INITIATE  
26 COMPLAINTS OF ALLEGED VIOLATIONS OF THIS PART OR RULES

1 PROMULGATED UNDER THIS PART AND TAKE ACTION WITH RESPECT TO  
2 ALLEGED VIOLATIONS OR COMPLAINTS AS PRESCRIBED BY THIS PART.

3 (2) THE DEPARTMENT, IN ITS OWN DISCRETION, OR UPON THE WRIT-  
4 TEN COMPLAINT OF AN AGGRIEVED PARTY OR OF A STATE AGENCY OR  
5 POLITICAL SUBDIVISION OF THIS STATE, MAY INVESTIGATE THE ACTS OF  
6 AN ACCREDITED TRAINING PROGRAM OR AN INDIVIDUAL OR OTHER PERSON  
7 CERTIFIED UNDER THIS PART. THE DEPARTMENT MAY DENY, SUSPEND, OR  
8 REVOKE CERTIFICATION OR ACCREDITATION ISSUED UNDER THIS PART IF A  
9 CERTIFIED PERSON, ACCREDITED TRAINING PROGRAM, OR CERTIFIED INDI-  
10 VIDUAL IS FOUND TO BE NOT IN COMPLIANCE WITH THIS PART OR THE  
11 RULES PROMULGATED UNDER THIS PART. IN ADDITION, THE DEPARTMENT  
12 MAY DENY, SUSPEND, OR REVOKE A CERTIFICATION OR ACCREDITATION  
13 ISSUED UNDER THIS PART FOR 1 OR MORE OF THE FOLLOWING:

14 (A) WILLFUL OR NEGLIGENT ACTS THAT CAUSE A PERSON TO BE  
15 EXPOSED TO A LEAD-CONTAINING SUBSTANCE IN VIOLATION OF THIS PART,  
16 THE RULES PROMULGATED UNDER THIS PART, OR OTHER STATE OR FEDERAL  
17 LAW PERTAINING TO THE PUBLIC HEALTH AND SAFETY ASPECTS OF LEAD  
18 ABATEMENT.

19 (B) FALSIFICATION OF RECORDS REQUIRED UNDER THIS PART.

20 (C) CONTINUED FAILURE TO OBTAIN OR RENEW CERTIFICATION OR  
21 ACCREDITATION UNDER THIS PART.

22 (D) DELIBERATE MISREPRESENTATION OF FACTS OR INFORMATION IN  
23 APPLYING FOR CERTIFICATION OR ACCREDITATION UNDER THIS PART.

24 (E) PERMITTING A PERSON WHO HAS NOT RECEIVED THE PROPER  
25 TRAINING AND CERTIFICATION UNDER THIS PART OR OTHER APPLICABLE  
26 STATE OR FEDERAL LAW TO COME IN CONTACT WITH LEAD OR BE  
27 RESPONSIBLE FOR A LEAD ABATEMENT PROJECT.

1       (3) IF THE ACCREDITATION OR THE CERTIFICATION OF A PERSON IS  
 2 DENIED, SUSPENDED, OR REVOKED UNDER THIS SECTION, THE DENIAL,  
 3 SUSPENSION, OR REVOCATION APPLIES TO EACH PARTNER, TRUSTEE,  
 4 DIRECTOR, OFFICER, MEMBER, OR OTHER PERSON EXERCISING CONTROL OF  
 5 THE PERSON.

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

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

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

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

12       (2) IF THE DEPARTMENT HAS REASONABLE CAUSE TO BELIEVE THAT A  
 13 PERSON HAS VIOLATED THIS PART OR A RULE PROMULGATED UNDER THIS  
 14 PART, THE DEPARTMENT MAY ISSUE A CITATION AT THAT TIME OR NOT  
 15 LATER THAN 180 DAYS AFTER DISCOVERY OF THE ALLEGED VIOLATION.  
 16 THE CITATION SHALL BE WRITTEN AND SHALL STATE WITH PARTICULARITY  
 17 THE NATURE OF THE VIOLATION AS PROVIDED FOR BY THE ADMINISTRATIVE  
 18 PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328. AN  
 19 ALLEGED VIOLATOR MAY REQUEST AN ADMINISTRATIVE HEARING PURSUANT  
 20 TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL  
 21 24.201 TO 24.328.

22       SEC. 5477. (1) A PERSON WHO ENGAGES IN A REGULATED ACTIVITY  
 23 AS PROVIDED FOR BY THIS PART OR ANY PERSON WHO VIOLATES THIS PART  
 24 OR ANY RULES PROMULGATED UNDER THIS PART AND WHO FAILS TO CORRECT  
 25 THE VIOLATION AFTER NOTICE FROM THE DEPARTMENT UNDER THIS PART IS  
 26 GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN  
 27 \$5,000.00, AND UPON CONVICTION FOR A SECOND OR SUBSEQUENT

1 OFFENSE, NOT MORE THAN \$10,000.00, OR IMPRISONMENT FOR NOT MORE  
2 THAN 6 MONTHS, OR BOTH. A VIOLATION OF THIS PART MAY BE PROSE-  
3 CUTED BY EITHER THE ATTORNEY GENERAL OR THE PROSECUTING ATTORNEY  
4 OF THE JUDICIAL DISTRICT IN WHICH THE VIOLATION WAS COMMITTED.

5 (2) THE APPLICATION OF SANCTIONS UNDER THIS PART IS NOT  
6 CUMULATIVE AND DOES NOT PRECLUDE THE APPLICATION OF OTHER SANC-  
7 TIONS, PENALTIES, OR PROVISIONS OF ANY OTHER FEDERAL, STATE, OR  
8 POLITICAL SUBDIVISION.