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BILL ANALYSIS

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House Bill 4763 (Substitute S-1 as reported)

Sponsor: Representative Jeff Mayes

House Committee: Health Policy

Senate Committee: Health Policy

## **CONTENT**

The bill would amend the Lead Abatement Act (Part 54A of the Public Health Code) to exclude from the definition of "abatement" certain activities performed by volunteers to reduce or eliminate a lead-based paint hazard on residential dwellings.

The Act requires a person to be certified in the appropriate discipline by the Department of Community Health (DCH) in order to engage in lead-based paint activity, i.e., inspection, risk assessment, and abatement in target housing and child occupied facilities. A person certified or seeking certification must meet minimum training, education, and experience standards, and pay an application processing fee and an annual certification fee.

Under the bill, "abatement" would not include the scraping or removal of paint, painting over paint, or other similar activity that could incidentally result in a reduction or elimination of a lead-based paint hazard, if the activity met all of the following criteria:

- The activity was performed only on residential or multifamily dwellings containing a maximum of four units.
- The activity was coordinated by a nonprofit charitable or volunteer organization that met requirements specified in the bill.
- The activity was performed only by unpaid volunteers and the organization received no remuneration directly from the owner or occupant of the dwelling.
- The activity did not involve the use of a lead-based paint encapsulating product that required certification from the DCH.
- The activity did not involve the use of high-pressure water or compressed air cleaning equipment on, the dry sanding of, or the scraping of, asbestos siding before painting.

Among other things, the organization would have to have written guidelines in place to ensure safe work practices to protect residents and volunteers from hazards, including lead and asbestos exposure; and disclose to the dwelling's owner all of the following: the presence of any known lead-based paint and lead-based paint hazards, information about the Lead Safe Housing Registry maintained by the DCH, and information about the owner's obligations under Federal lead-based paint and paint hazards disclosure regulations.

MCL 333.5453

Legislative Analyst: Julie Cassidy

## **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Date Completed: 2-29-08

Fiscal Analyst: David Fosdick