

**SUBSTITUTE FOR
HOUSE BILL NO. 4763**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 5453 (MCL 333.5453), as amended by 2002 PA 644.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5453. (1) "Abatement", except as otherwise provided in
2 subsection (2), means a measure or set of measures designed to
3 permanently eliminate lead-based paint hazards. Abatement includes
4 all of the following:

5 (a) The removal of lead-based paint and dust lead hazards, the
6 permanent enclosure or encapsulation of lead-based paint, the
7 replacement of lead-painted surfaces or fixtures, the removal or
8 covering of soil lead hazards, and all preparation, cleanup,

1 disposal, and postabatement clearance testing activities associated
2 with such measures.

3 (b) A project for which there is a written contract or other
4 documentation that provides that a person will be conducting
5 activities in or to a residential dwelling or child occupied
6 facility that will result in the permanent elimination of lead-
7 based paint hazards or that are designed to permanently eliminate
8 lead-based paint hazards.

9 (c) A project resulting in the permanent elimination of lead-
10 based paint hazards, conducted by a person certified under this
11 part, except a project that is exempt from this part.

12 (d) A project resulting in the permanent elimination of lead-
13 based paint hazards, conducted by a person who, through their
14 company name or promotional literature, represents, advertises, or
15 holds themselves out to be in the business of performing lead-based
16 paint activities except a project that is exempt from this part.

17 (e) A project resulting in the permanent elimination of lead-
18 based paint hazards that is conducted in response to a state or
19 local government abatement order.

20 (2) Abatement does not include any of the following:

21 (a) Renovation, remodeling, landscaping, or other activity, if
22 the activity is not designed to permanently eliminate lead-based
23 paint hazards, but is instead designed to repair, restore, or
24 remodel a structure, target housing, or dwelling even though the
25 activity may incidentally result in a reduction or elimination of a
26 lead-based paint hazard.

27 (b) An interim control, operation, and maintenance activity,

1 or other measure or activity designed to temporarily, but not
2 permanently, reduce a lead-based paint hazard.

3 (c) Any lead-based paint activity performed by the owner of an
4 owner-occupied residential dwelling or an owner-occupied
5 multifamily dwelling containing 4 or fewer units if the activity is
6 performed only in that owner-occupied unit of the multifamily
7 dwelling.

8 (D) THE SCRAPING OR REMOVAL OF PAINT, PAINTING OVER PAINT, OR
9 OTHER SIMILAR ACTIVITY THAT HAS THE EFFECT OF REDUCING OR
10 ELIMINATING A LEAD-BASED PAINT HAZARD, IF THE ACTIVITY MEETS ALL OF
11 THE FOLLOWING:

12 (i) THE ACTIVITY IS PERFORMED ONLY ON RESIDENTIAL OR
13 MULTIFAMILY DWELLINGS CONTAINING 4 OR FEWER UNITS.

14 (ii) THE ACTIVITY IS COORDINATED BY A NONPROFIT CHARITABLE OR
15 VOLUNTEER ORGANIZATION, WHICH ORGANIZATION IS IN COMPLIANCE WITH
16 THE PROCEDURES ESTABLISHED UNDER SUBPART J OF PART 35 OF TITLE 24
17 OF THE CODE OF FEDERAL REGULATIONS, 24 CFR 35.900 TO 35.940.

18 (iii) THE ACTIVITY IS PERFORMED ONLY BY UNPAID VOLUNTEERS AND
19 THE ORGANIZATION RECEIVES NO REMUNERATION DIRECTLY FROM THE OWNER
20 OR OCCUPANT OF THE RESIDENTIAL DWELLING OR MULTIFAMILY DWELLING.

21 (iv) THE ACTIVITY DOES NOT INVOLVE THE USE OF A LEAD-BASED
22 PAINT ENCAPSULATING PRODUCT THAT REQUIRES CERTIFICATION FROM THE
23 DEPARTMENT.

24 (3) "Accredited training program" means a training program
25 that has been accredited by the department under this part to
26 provide training for individuals engaged in lead-based paint
27 activities.

1 (4) "Adequate quality control" means a plan or design that
2 ensures the authenticity, integrity, and accuracy of a sample
3 including, but not limited to, a dust sample, a soil or paint chip
4 sample, or a paint film sample. Adequate quality control also
5 includes a provision in a plan or design described in this
6 subsection for representative sampling.