

# HOUSE BILL No. 4763

May 15, 2007, Introduced by Rep. Mayes and referred to the Committee on Health Policy.

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,  
9       disposal, and postabatement clearance testing activities associated  
10      with such measures.

11      (b) A project for which there is a written contract or other

1 documentation that provides that a person will be conducting  
2 activities in or to a residential dwelling or child occupied  
3 facility that will result in the permanent elimination of lead-  
4 based paint hazards or that are designed to permanently eliminate  
5 lead-based paint hazards.

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

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

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

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

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

24 (b) An interim control, operation, and maintenance activity,  
25 or other measure or activity designed to temporarily, but not  
26 permanently, reduce a lead-based paint hazard.

27 (c) Any lead-based paint activity performed by the owner of an

owner-occupied residential dwelling or an owner-occupied multifamily dwelling containing 4 or fewer units if the activity is performed only in that owner-occupied unit of the multifamily dwelling.

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

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

(ii) THE ACTIVITY IS COORDINATED BY A NONPROFIT CHARITABLE OR VOLUNTEER ORGANIZATION.

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

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

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

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

1 subsection for representative sampling.