

Act No. 45  
Public Acts of 2008  
Approved by the Governor  
March 27, 2008  
Filed with the Secretary of State  
March 27, 2008  
EFFECTIVE DATE: March 27, 2008

**STATE OF MICHIGAN  
94TH LEGISLATURE  
REGULAR SESSION OF 2008**

**Introduced by Rep. Mayes**

# **ENROLLED HOUSE BILL No. 4763**

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 5453 (MCL 333.5453), as amended by 2002 PA 644.

*The People of the State of Michigan enact:*

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

(a) The removal of lead-based paint and dust lead hazards, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, the removal or covering of soil lead hazards, and all preparation, cleanup, disposal, and postabatement clearance testing activities associated with such measures.

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

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

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

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

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

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

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

(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 may incidentally result in a reduction or elimination of 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 that meets all of the following:

(A) Is in compliance with the procedures established under subpart J of part 35 of title 24 of the code of federal regulations, 24 CFR 35.900 to 35.940.

(B) Has written guidelines in place to ensure safe work practices to protect residents and volunteers from hazards including, but not limited to, lead exposure and asbestos exposure.

(C) In writing, discloses to the owner of the residential or multifamily dwelling all of the following:

(I) The presence of any known lead-based paint and lead-based paint hazards.

(II) Information regarding the lead safe housing registry maintained by the department under section 5474b.

(III) Information regarding the owner's obligations under the federal lead-based paint or lead-based paint hazard disclosure rule under subpart F of part 745 of title 40 of the code of federal regulations, 40 CFR 745.100 to 745.119.

(D) Notifies the department that the residential or multifamily dwelling may be required to be on the lead safe housing registry maintained by the department.

(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.

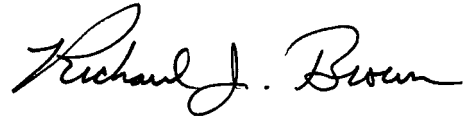
(iv) The activity does not involve the use of a lead-based paint encapsulating product that requires certification from the department.

(v) The activity does not involve the use of high-pressure water or compressed air cleaning equipment on, the dry sanding of, or the scraping of, asbestos siding prior to painting.

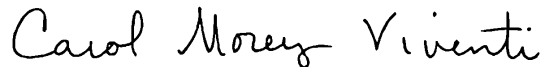
(3) "Accredited training program" means a training program that has been accredited by the department under this part to provide training for individuals engaged in lead-based paint activities.

(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 subsection for representative sampling.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved \_\_\_\_\_

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Governor