

HOUSE BILL NO. 4866

September 11, 2025, Introduced by Reps. McKinney, Rogers, Wozniak, Wilson, Neeley, Hope, Martus, MacDonell, Young, Koleszar, Myers-Phillips, Andrews, Roth, Paiz, McFall, Conlin, Longjohn, Steckloff, Grant, Dievendorf, Mentzer, Scott and Rheingans and referred to Committee on Health Policy.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 54D

RENOVATION, REPAIR, AND PAINTING

Sec. 5494. (1) The department shall administer this part and may promulgate rules for its implementation and enforcement or to adopt revisions of standards adopted by reference under this part.

(2) Except as otherwise modified or rejected by this part or

1 rules promulgated under this part, the standards of 40 CFR 745,
2 subpart E are incorporated by reference.

3 (3) Sections 745.81, 745.87, 745.88(a) and (b), and 745.91 of
4 the standards of 40 CFR 745, subpart E are not incorporated by
5 reference.

6 (4) The following modifications are made to the standards of
7 40 CFR 745, subpart E as incorporated by reference under subsection
8 (2):

9 (a) Where "EPA" or "an EPA authorized state or tribal program"
10 appears, it refers to the department.

11 (b) Where "electronic" or "electronically" appears, omit.

12 (c) On the date the United States Environmental Protection
13 Agency authorizes the department to enforce renovation, repair, and
14 painting under this part, if a firm has an active certification
15 issued by the United States Environmental Protection Agency to
16 train certified renovators or dust sampling technicians or to
17 renovate target housing and child-occupied facilities as those
18 terms are defined in 40 CFR 745.83, that firm may train students or
19 perform renovations under this part until the expiration of that
20 certification. In all other instances, a certification issued by
21 the United States Environmental Protection Agency to train students
22 or renovate target housing and child-occupied facilities as those
23 terms are defined in 40 CFR 745.83 does not allow a firm to perform
24 renovations under this part.

25 (d) Where "dust-lead action levels" appears, it means the
26 following levels of lead in dust on the following surfaces:

27 (i) For floors, not more than 5 micrograms per square foot.

28 (ii) For interior windowsills, not more than 40 micrograms per
29 square foot.

1 (iii) For window troughs, not more than 100 micrograms per
2 square foot.

3 (e) The department may modify the dust-lead action levels
4 under subdivision (d) by rule. If the department modifies the
5 levels by rule, the levels must be at least as protective as dust-
6 lead action levels established by the United States Environmental
7 Protection Agency.

8 (f) Any local standards applicable to dust-lead action levels
9 must be at least as protective as the department's dust-lead action
10 levels.

11 (g) Notwithstanding 40 CFR 745.90(c)(1), when performing
12 optional dust clearance sampling under 40 CFR 745.85(c), a
13 certified dust sampling technician shall do all of the following:

14 (i) After a renovation, perform a visual inspection to
15 determine if deteriorated painted surfaces or visible amounts of
16 dust, debris, or residue are still present. If deteriorated painted
17 surfaces or visible amounts of dust, debris, or residue are
18 present, these conditions must be eliminated before the
19 continuation of the postrenovation testing procedures.

20 (ii) After the visual inspection and any postrenovation cleanup
21 required under subparagraph (i), conduct a postrenovation sampling
22 for lead in dust. Postrenovation sampling may be conducted by
23 employing single-surface sampling techniques.

24 (iii) Collect dust samples in accordance with this subdivision,
25 send the collected samples to a laboratory recognized by the
26 department, and compare the results to the dust-lead action levels
27 under subdivision (d) or (e).

28 (iv) For postrenovation testing, take dust samples using
29 documented methodologies that incorporate adequate quality control

1 procedures.

2 (v) For postrenovation testing, take dust samples not less
3 than 1 hour after completion of final postrenovation cleanup
4 activities.

5 (vi) Conduct the following postrenovation testing activities as
6 appropriate based on the extent and manner of renovation activities
7 conducted on a residential dwelling or child-occupied facility:

8 (A) Samples from the rooms, hallways, or stairwells of the
9 dwelling or facility must be selected according to documented
10 methodologies.

11 (B) Compare the residual lead level, as determined by
12 laboratory analysis, from each single surface dust sample with
13 dust-lead action levels under subdivision (d) or (e) for lead in
14 dust on floors, interior windowsills, and window troughs. If the
15 residual lead level in a single surface dust sample equals or
16 exceeds the applicable dust-lead action level, the components
17 represented by the failed sample must be recleaned and retested.

18 (h) The following training programs and associated fees under
19 40 CFR 745.92 are omitted:

20 (i) Combined renovation and lead-based paint activities firm
21 application.

22 (ii) Combined renovation and lead-based paint activities tribal
23 firm application.

24 (iii) Tribal firm.

25 (i) A training program's accreditation, including a refresher
26 training accreditation, issued in accordance with the standards of
27 40 CFR 745, subpart E incorporated by reference under subsection
28 (2), expires 4 years after the accreditation's date of issuance.

29 Sec. 5495. (1) A person that violates this part or a rule

1 promulgated under this part is subject to an administrative fine
2 that is not greater than the following amounts for each violation
3 or each day that a violation continues:

4 (a) For a first violation, \$5,000.00.

5 (b) For a second violation, \$8,000.00.

6 (c) For a third or subsequent violation, \$13,000.00.

7 (2) If the department has reasonable cause to believe that a
8 person has violated this part or a rule promulgated under this
9 part, the department may issue a citation at that time or not later
10 than 180 days after discovery of the alleged violation. The
11 citation must be written and state with particularity the nature of
12 the violation as provided for by the administrative procedures act
13 of 1969. An alleged violator may request an administrative hearing
14 under the administrative procedures act of 1969.

15 (3) A person that willfully or repeatedly violates this part
16 or a person that fails to correct a violation after notice from the
17 department under this part is guilty of a misdemeanor punishable by
18 a fine of not more than \$5,000.00. For a second or subsequent
19 violation of this subsection, a person is guilty of a misdemeanor
20 punishable by a fine of not more than \$10,000.00, or imprisonment
21 for not more than 6 months, or both.

22 Sec. 5496. The legislature shall annually appropriate to the
23 department an amount sufficient to administer and enforce this
24 part. These funds must be offset by funds received from federal
25 agencies in the form of grants or other funding provisions. All
26 funds generated by this part must be deposited into the general
27 fund to be used exclusively by the department to carry out the
28 duties and responsibilities of this part. The department shall use
29 the fees collected under this part and funds appropriated by the

1 legislature to conduct compliance activities that ensure the
2 quality of training and protection of workers' and public health
3 and safety. Such compliance activities include, but are not limited
4 to, unannounced inspections of renovation project sites.