SENATE BILL NO. 1148

September 09, 2026, Introduced by Senator CHERRY and referred to Committee on Regulatory Affairs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

procedures.

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

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

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

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

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

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

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

(*iii*) Tribal firm.

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

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

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

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

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

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

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

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

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

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