

Subject Lead Poisoning Prevention Act changes

Authors Jordan

Analyst Elisabeth Klarqvist

Date February 8, 2023

Overview

The commissioner of health administers the Lead Poisoning Prevention Act and licenses or certifies individuals and firms to perform certain types of lead work. This bill makes changes to definitions of certain types of lead work in the Lead Poisoning Prevention Act and modifies activities that may be conducted with or without a license or certification to perform lead work. Many of these changes are being made to conform with EPA rules on renovation, repair, and painting (RRP), and others are clarifying and housekeeping changes.

Summary

Section	Description
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1	Lead hazard reduction.
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Amends § 144.9501, subd. 17. Amends the definition of lead hazard reduction in the Lead Poisoning Prevention Act to add swab team services. Also specifies that lead hazard reduction does not include: (1) renovation activity that is primarily intended to repair or restore a structure or dwelling instead of abate or control lead paint hazards; or (2) activities that disturb painted surfaces that total less than 20 square feet on exterior surfaces or less than two square feet in an interior room (an exception similar to the one being added as para. (c) is currently found in the definition of regulated lead work, and that exception is being replaced by the exceptions added to this definition and the definition of renovation).

2	Regulated lead work.
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Amends § 144.9501, subd. 26a. Amends the definition of regulated lead work in the Lead Poisoning Prevention Act, to: (1) add lead hazard reduction to the definition; (2) modify who issues lead orders, to allow them to be issued by the commissioner of health in addition to a community health board as in current law; and (3) strike a paragraph listing actions that do not constitute regulated lead work (this exception is being replaced by exceptions being added to the definitions of lead hazard reduction and renovation in this bill).

Section	Description
3	<p>Renovation.</p> <p>Amends § 144.9501, subd. 26b. Amends the definition of renovation in the Lead Poisoning Prevention Act, to: (1) specify that it means modification made for compensation; and (2) specify that renovation does not include activities that disturb painted surfaces that total less than 20 square feet on exterior surfaces or less than six square feet in an interior room (this exception is replacing the exception currently found in the definition of regulated lead work).</p>
4	<p>Compensation.</p> <p>Adds subd. 33 to § 144.9501. Defines compensation in the Lead Poisoning Prevention Act as money or other mutually agreed upon payment given or received for regulated lead work.</p>
5	<p>Individual.</p> <p>Adds subd. 34 to § 144.9501. Defines individual in the Lead Poisoning Prevention Act as a natural person.</p>
6	<p>Licensing, certification, and permitting.</p> <p>Amends § 144.9505, subd. 1. In para. (d), clarifies that an individual residential property owner who performs regulated lead work on their own residence is exempt from the requirements for licensure and firm certification for regulated lead work (current law allows property owners and relatives to perform any regulated lead work on a property, not just residential property, without being licensed). States this exemption does not apply to renovation performed for compensation, when a child with an elevated blood lead level has been identified in the residence or building, or when the residence is occupied by individuals not related to the property owner.</p> <p>Strikes para (e), which requires a person that employs individuals to perform regulated lead work outside the person's property to be certified as a certified lead firm and requires an individual who performs certain types of lead work to be employed by a certified lead firm.</p>
7	<p>Certified lead firm.</p> <p>Amends § 144.9505, subd. 1g. Expands the persons who must be certified as a lead firm, to include a person who performs regulated lead work (other than renovation). (Current law requires a person who employs individuals to perform regulated lead work other than renovation to be certified as a lead firm.) Also strikes language exempting a person from certification if the regulated lead work is performed on the person's own property.</p>

Section	Description
8	<p>Certified renovation firm.</p> <p>Amends § 144.9505, subd. 1h. Expands the persons who must be certified as a renovation firm, to include a person who performs renovation. (Current law requires a person who employs individuals to perform renovation to be certified as a renovation firm.) Specifies that the renovation work must be performed for compensation, and strikes language exempting a person from certification if the renovation work is performed on the person’s own property.</p>
9	<p>Regulated lead work standards and methods.</p> <p>Amends § 144.9508, subd. 2. In para. (k), requires rules adopted by the commissioner governing renovation of pre-1978 affected properties to be consistent with rules adopted under the federal Toxic Substances Control Act (the EPA’s renovation, repair, and painting rules), and strikes language limiting rules adopted by the commissioner to renovation of pre-1978 properties where a child or pregnant female resides.</p>
10	<p>Repealer.</p> <p>Repeals section 144.9505, subd. 3. This section requires the commissioner to provide health and safety information on lead abatement and lead hazard reduction to all residential building contractors licensed under chapter 326B and specifies what this information must include. (There are now federal regulations that govern residential lead work practices for building contractors.)</p>



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