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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 1046** Session of  
1995

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INTRODUCED BY LAUGHLIN, ITKIN, TRELLO, GAMBLE AND GIGLIOTTI,  
MARCH 6, 1995

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REFERRED TO COMMITTEE ON LABOR RELATIONS, MARCH 6, 1995

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AN ACT

1 Requiring the certification of individuals engaged in lead-based  
2 paint activities; establishing minimum training requirements  
3 for the various occupations that perform lead-based paint  
4 activities; requiring training to be provided by accredited  
5 training programs; establishing standards for performing  
6 lead-based paint activities; providing for the enforcement of  
7 standards; requiring the licensure of lead contractors;  
8 establishing interim regulations; establishing fees for  
9 accreditation, certification and licensure; requiring prior  
10 notification; establishing the Lead-Based Paint Abatement  
11 Advisory Committee; establishing reciprocal arrangements with  
12 other states; further providing for a continuing  
13 appropriation; and making a repeal.

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18 The General Assembly of the Commonwealth of Pennsylvania  
19 hereby enacts as follows:

20 Section 1. Short title.

21 This act shall be known and may be cited as the Lead  
22 Accreditation, Certification and Work Practice Act.

23 Section 2. Legislative findings and intent.

24 (a) Findings.--The General Assembly finds as follows:

25 (1) Lead poisoning is a significant health hazard to the  
26 citizens of this Commonwealth. Lead poisoning is particularly  
27 a hazard to children, who typically are exposed to lead  
28 through environmental sources such as lead-based paint in  
29 housing and lead-contaminated dust and soil. It is the policy  
30 of this Commonwealth to protect the health and welfare of its

1 citizens through reduction of lead in the environment.

2 (2) Improper abatement of lead-based paint hazards  
3 within this Commonwealth constitutes a serious threat to the  
4 public health and safety and to the environment. The handling  
5 of lead-containing substances by inadequately trained  
6 employers, employees and other persons subjects the citizens  
7 of this Commonwealth to the risk of further release of lead  
8 into the environment.

9 (b) Intent.--The General Assembly declares the following to  
10 be the intent of this act:

11 (1) To protect the public health by preventing exposure  
12 to lead through regulation of lead-based paint abatement  
13 activities.

14 (2) To establish a program to train individuals engaged  
15 in lead-based paint abatement activities to insure they have  
16 the necessary skill, training, experience and competence to  
17 perform these activities.

18 (3) To monitor the work practices of those persons  
19 performing lead-based paint abatement activities to insure  
20 the work is performed in accordance with required standards.

21 (4) To insure that the cleanup, disposal and  
22 postabatement clearance testing activities of persons  
23 performing lead-based paint abatement work are performed in  
24 accordance with required standards.

25 Section 3. Definitions.

26 The following words and phrases when used in this act shall  
27 have the meanings given to them in this section unless the  
28 context clearly indicates otherwise:

29 "Abatement." Any set of measures designed to eliminate or  
30 reduce lead-based paint hazards in accordance with standards

1 established by the Department of Labor and Industry. The term  
2 includes all of the following:

3 (1) The removal of lead-based paint and lead-  
4 contaminated dust, the permanent containment or encapsulation  
5 of lead-based paint, the replacement of lead-painted surfaces  
6 or fixtures and the removal or covering of lead-contaminated  
7 soil.

8 (2) All preparation, cleanup, disposal and postabatement  
9 clearance testing activities associated with such measures.

10 (3) Less-than-full abatement whereby the sources of lead  
11 contamination are reduced sufficiently to create a "lead-  
12 safe" environment rather than a "lead-free" environment.

13 "Accessible surface." An interior or exterior surface  
14 painted with lead-based paint that is accessible for a young  
15 child to mouth or chew.

16 "Account." The account established in section 7(c) of the  
17 act of December 19, 1990 (P.L.805, No.194), known as the  
18 Asbestos Occupations Accreditation and Certification Act.

19 "Advisory committee." The Lead-Based Paint Abatement  
20 Advisory Committee established under section 22.

21 "CDC." The United States Centers for Disease Control and  
22 Prevention.

23 "Commercial building." A building constructed for the  
24 purpose of commercial or industrial activity and not primarily  
25 intended for use by the general public, office complexes,  
26 industrial buildings, warehouses, factories and storage  
27 facilities.

28 "De-lead." The removal of lead-based paint and lead-  
29 contaminated dust, the containment or encapsulation of lead-  
30 based paint or the replacement of lead-painted surfaces and

1 fixtures. The term includes preparation, cleanup, disposal and  
2 postabatement clearance testing activities associated with such  
3 measures.

4 "Demolition." The act of pulling down or completely  
5 destroying a building or structure.

6 "Department." The Department of Labor and Industry of the  
7 Commonwealth.

8 "Discipline." A classification for a specific lead-based  
9 paint activity.

10 "EPA." The Environmental Protection Agency.

11 "Friction surface." An interior or exterior surface that is  
12 subject to abrasion or friction. The term includes certain  
13 window, floor and stair surfaces.

14 "Hands-on assessment." An evaluation which tests the  
15 trainees' ability to perform specified work practices and  
16 procedures satisfactorily.

17 "Hands-on training." Instruction during which students  
18 practice skills that they will perform at the work site.

19 "HUD." The Department of Housing and Urban Development.

20 "Impact surface." An interior or exterior surface that is  
21 subject to damage by repeated impacts, for example, certain  
22 parts of door frames.

23 "Inspection."

24 (1) A surface-by-surface investigation to determine the  
25 presence of lead-based paint, as provided in section 302(c)  
26 of the Lead-Based Paint Poisoning Prevention Act (Public Law  
27 91-695, 42 U.S.C. § 4822(c)).

28 (2) The provision of a written report explaining the  
29 results of the investigation.

30 "Inspector-risk assessor." A person trained and certified to

1 perform all activities of the inspector-technician, as well as  
2 to identify the presence of lead-based paint hazards and to  
3 collect additional information designed to assess the level of  
4 risk to residents of target housing.

5 "Inspector-technician." A person trained and certified to  
6 perform inspections solely for the purpose of determining the  
7 presence of lead-based paint through the use of onsite testing,  
8 such as XRF analysis, and the collection of samples for  
9 laboratory analysis.

10 "Lead-based paint." Paint or other surface coatings that  
11 contain lead in excess of 1.0 mg/(cm X cm) or 0.5% by weight or:

12 (1) in the case of paint or other surface coatings on  
13 target housing, such lower level as may be established by the  
14 Secretary of Housing and Urban Development under the Lead-  
15 Based Paint Poisoning Prevention Act (Public Law 91-695, 42  
16 U.S.C. § 4822(c)); or

17 (2) in the case of any other paint or surface coatings,  
18 such other level as may be established by the Department of  
19 Labor and Industry.

20 "Lead-based paint activities."

21 (1) With respect to target housing, the term includes  
22 risk assessment, inspection and abatement.

23 (2) With respect to a public building constructed before  
24 1978 or any commercial building, bridge or other structure or  
25 superstructure, the term includes identification of lead-  
26 based paint and materials containing lead-based paint, de-  
27 leading, removal of lead from bridges and demolition. As used  
28 in this paragraph, the term "de-leading" means activities  
29 conducted by a person who offers to eliminate or reduce lead-  
30 based paint or lead-based paint hazards or to plan such

1 activities.

2 "Lead-based paint hazard." A condition that causes exposure  
3 to lead from lead-contaminated dust, lead-contaminated soil,  
4 lead-contaminated paint that is deteriorated or present in  
5 accessible surfaces, friction surfaces or impact surfaces that  
6 would result in adverse human health effects as established by  
7 the Department of Labor and Industry.

8 "Licensed contractor." A person, firm, company or  
9 institution which has been approved by the Department of Labor  
10 and Industry to perform lead-based paint activities in this  
11 Commonwealth.

12 "OSHA." The Occupational Safety and Health Administration.

13 "Person." Includes a public or municipal corporation or an  
14 agency, bureau, department or instrumentality of State or local  
15 government.

16 "Planner-project designer." A person trained and certified  
17 to plan and design lead-based paint activities.

18 "Public building." Any building constructed prior to 1978  
19 which is generally open to the public or occupied or visited by  
20 children. The term includes schools, day-care centers, museums,  
21 airport terminals, hospitals, stores, restaurants, office  
22 buildings, convention centers and government buildings. The term  
23 excludes target housing.

24 "Residential dwelling."

25 (1) A single-family dwelling including attached  
26 structures such as porches and stoops; or

27 (2) a single-family dwelling unit in a structure that  
28 contains more than one separate residential dwelling unit and  
29 in which each such unit is used or occupied, or intended to  
30 be used or occupied, in whole or in part, as the home or

1 residence of one or more individuals.

2 "Risk assessment." Onsite investigation to determine and  
3 report the existence, nature, severity and location of lead-  
4 based paint hazards in residential dwellings, including all of  
5 the following:

6 (1) Information gathering regarding the age and history  
7 of the housing and occupancy by children under six years of  
8 age.

9 (2) Visual inspection.

10 (3) Limited wipe sampling or other environmental  
11 sampling techniques.

12 (4) Other activity as may be appropriate.

13 (5) Provision of a report explaining the results of the  
14 investigation.

15 "Secretary." The Secretary of Labor and Industry of the  
16 Commonwealth.

17 "Superstructure." A large steel or other structure, such as  
18 a bridge or water tower, which might contain lead-based paint.

19 "Supervisor." A person trained and certified to oversee  
20 lead-based paint activities on target housing and public and  
21 commercial building job sites.

22 "Target housing." Any housing constructed prior to 1978 or  
23 any zero-bedroom dwelling. The term excludes housing for the  
24 elderly or persons with disabilities unless any child who is  
25 less than six years of age resides or is expected to reside in  
26 such housing.

27 "XRF analyzer." A machine that utilizes X-Ray Fluorescence  
28 (XRF) to test for the presence of lead-based paint.

29 Section 4. Regulations.

30 (a) Adoption by department.--The department shall adopt

1 regulations to carry out the provisions of this act.

2 (b) Content.--Regulations adopted under this act shall  
3 include the following:

4 (1) Requirements for accreditation of training  
5 providers.

6 (2) Requirements for the training of individuals to  
7 engage in lead-based paint activities.

8 (3) Requirements for certification of persons to perform  
9 lead-based paint activities.

10 (4) Requirements for licensing of contractors to perform  
11 lead-based paint activities.

12 (5) Requirements for permitting lead-based paint  
13 activities, if the department deems it appropriate.

14 (6) Standards for performing lead-based paint  
15 activities.

16 (7) Reciprocity standards for other states engaged in  
17 similar functions.

18 (8) Such other provisions as may be necessary to  
19 effectuate the purposes of this act.

20 Section 5. Interim regulations.

21 Until such time as the department adopts regulations as  
22 required under this act, the department shall enforce, as  
23 interim regulations, the most current Federal standards  
24 regulating lead-based paint activities.

25 Section 6. Accreditation of training programs.

26 (a) Regulations of department.--The department shall by  
27 regulation establish standards and procedures for the  
28 accreditation of lead occupation training courses. These  
29 regulations shall be at least as stringent as those established  
30 by the EPA under the Toxic Substances Control Act (Public Law

1 94-469, 15 U.S.C. § 2601 et seq.) and shall include, but not be  
2 limited to:

3 (1) Minimum requirements for the accreditation of  
4 training providers.

5 (2) Minimum training curriculum requirements.

6 (3) Minimum training hour requirements.

7 (4) Minimum hands-on training requirements.

8 (5) Minimum trainee competency and proficiency  
9 requirements.

10 (6) Minimum requirements for training program quality  
11 control.

12 (7) Minimum hands-on assessment requirements.

13 (b) Annual initial and renewal accreditation.--In accordance  
14 with the criteria and qualifications established by the  
15 department under subsection (a), the department shall annually  
16 accredit training courses that satisfy initial and renewal  
17 training requirements for certification of persons performing  
18 lead-based paint activities. Each certificate of accreditation  
19 issued to a training provider under this act shall expire one  
20 year after the date of issue. Training providers must apply to  
21 the department for accreditation renewal.

22 (c) Departmental audits.--A person providing lead occupation  
23 training shall make available to the department, at no cost to  
24 the department and at such times as the department may deem  
25 necessary, all course materials and records and access to actual  
26 training sessions.

27 (d) EPA-approved training courses.--All training courses  
28 approved by the EPA on the effective date of this act shall be  
29 deemed to be accredited under this section. However, nothing in  
30 this section shall prohibit the department from requiring any

1 training provider to comply with its renewal requirements in  
2 order to have its accreditation renewed.

3 (e) Revocation or suspension of accreditation.--The  
4 department may revoke or suspend accreditation if a course audit  
5 conducted by the department or its designated representative  
6 indicates a training program is not conducting training or  
7 operating its training program in accordance with the  
8 requirements of this act and regulations promulgated under this  
9 act.

10 (f) Recordkeeping requirements.--The department by  
11 regulation shall establish recordkeeping requirements for  
12 training providers as the department deems necessary to enforce  
13 this act. Requirements under this subsection shall be at least  
14 as stringent as those mandated by the EPA.

15 (g) Notice.--Accredited training providers shall submit to  
16 the department a written notification of their intent to conduct  
17 a training course at least ten days prior to the start of the  
18 training course, in a manner prescribed by the department.

19 Section 7. Certification standards and procedures.

20 (a) Occupation certification requirements.--In order to  
21 engage in lead-based paint activities, a person must be  
22 certified by the department. The department by regulation shall  
23 establish standards and procedures for the certification of  
24 persons to engage in lead-based paint activities. A person  
25 meeting the requirements of the department regulations shall be  
26 certified by the department to perform lead-based paint  
27 activities. The standards and procedures shall include, but not  
28 be limited to, the following requirements:

29 (1) Successful completion of a department-approved  
30 training course provided by a department-accredited training

1 provider. This paragraph includes hands-on assessment.

2 (2) Passing by a score of 70% or better an examination  
3 offered by the department or by an independent authority  
4 approved by the department which tests the person's knowledge  
5 of the content of the course taken and Federal and State laws  
6 as they apply to the person's lead occupation.

7 (3) Establishment of certain experience or education  
8 requirements, or both, in order to become eligible for  
9 certification.

10 (b) Refresher training requirement.--In order to qualify for  
11 annual certification renewal, a person shall successfully  
12 complete a refresher training course approved by the department  
13 and provided by an accredited training provider for each  
14 category of certification.

15 (c) Photo-identification requirement.--All persons  
16 performing lead-based paint activities must have in their  
17 possession or have available at the job site a valid photo-  
18 identification certification card issued by the department.

19 (d) Additional classification.--The department may  
20 promulgate regulations to establish additional certification  
21 classifications in order to carry out the intent of this act.

22 Section 8. Licensure of contractors.

23 (a) Licensing requirements.--In order to perform lead-based  
24 paint activities, a person, firm, company or institution must be  
25 licensed by the department on an annual basis.

26 (b) Written certification requirement.--In order for a  
27 person, firm, company or institution to become eligible for  
28 licensure, it must certify to the department in a manner  
29 prescribed by the department that it will employ only certified  
30 employees to conduct lead-based paint activities.

1 (c) Processing licensure requests.--From the date of  
2 receiving the licensure application, the department shall have  
3 90 days to approve or disapprove the application. In the case of  
4 approval, a license shall be issued by the 90th day. In the case  
5 of a disapproval, a letter describing the reason for disapproval  
6 shall be sent by the 90th day.

7 (d) Recordkeeping requirements.--All licensed persons,  
8 firms, companies and institutions shall keep a record of all  
9 employees' certifications to conduct lead-based paint  
10 activities. All licensed firms, companies and institutions must  
11 also keep a record of the lead-based paint activities performed  
12 by each of their employees.

13 Section 9. Reciprocity.

14 The department may develop reciprocity agreements with other  
15 states or jurisdictions which have established accreditation,  
16 certification or licensure requirements which the department  
17 determines to be substantially as stringent as those set forth  
18 in this act.

19 Section 10. Account.

20 The department shall deposit into the account established in  
21 the State Treasury under section 7(c) of the act of December 19,  
22 1990 (P.L.805, No.194), known as the Asbestos Occupations  
23 Accreditation and Certification Act, any fees, fines or  
24 penalties collected pursuant to this act. Moneys deposited in  
25 such account are hereby appropriated upon approval of the  
26 Governor to the department to carry out the purposes of this act  
27 and the Asbestos Occupations Accreditation and Certification  
28 Act. It is not the intent of the General Assembly that the  
29 deposit of these fees in the account shall conflict with the  
30 provisions of section 7(c) of the Asbestos Occupations

1 Accreditation and Certification Act regarding the deposit and  
2 use of fees.

3 Section 11. Suspension and revocation.

4 The department may reprimand, suspend, deny or revoke any  
5 accreditation, certification or license issued under this act to  
6 any person, training provider or contractor who:

7 (1) Fraudulently or deceptively obtains or attempts to  
8 obtain accreditation, certification or a license.

9 (2) Fails at any time to meet the requirements of this  
10 act or any regulations adopted under this act.

11 (3) Fails to meet any applicable Federal or State  
12 standard relating to lead abatement.

13 (4) Fails to pay any required fee.

14 Section 12. Fees.

15 (a) Schedules.--The department shall establish schedules of  
16 fees for:

17 (1) Certification of persons in the following  
18 disciplines:

19 (i) Target housing and public buildings: inspector  
20 technicians, inspector/risk assessors, supervisors,  
21 planner/project designers and workers.

22 (ii) Commercial buildings and superstructures:  
23 supervisors and workers.

24 (iii) Additional lead occupations identified by the  
25 department in regulations.

26 (2) Accreditation of training courses.

27 (3) Licensing of contractors to perform lead-based paint  
28 activities.

29 (4) Any other fee the department deems appropriate to  
30 carry out the provisions of this act.

1 (b) Payment of fees.--Both initial and renewal fees shall be  
2 paid annually. The fees shall be paid upon application to the  
3 department.

4 (c) Waiver of fees.--Accreditation fees shall not be imposed  
5 on any state, local government or nonprofit training provider;  
6 nor shall certification or license fees be imposed on any state,  
7 local government or nonprofit service provider, as long as  
8 employees of the state, local government or nonprofit service  
9 provider actually perform the lead-based paint activities.

10 (d) Interim fee schedule.--Upon the effective date of this  
11 section, the following fee schedule is adopted as the interim  
12 fee schedule for both initial and renewal fees, to remain in  
13 effect until the department regulates fees as provided in  
14 subsection (a):

15 (1) Target housing and public and commercial buildings:

- 16 (i) Inspector-technician, \$300.
- 17 (ii) Inspector-risk assessor, \$300.
- 18 (iii) Planner-project designer, \$300.
- 19 (iv) Supervisor, \$100.
- 20 (v) Lead abatement worker, \$50.

21 (2) Superstructures:

- 22 (i) Supervisor, \$100.
- 23 (ii) Lead abatement worker, \$50.

24 (3) Training course accreditation:

- 25 (i) Initial accreditation:
  - 26 (A) Initial course, \$1,000 per course.
  - 27 (B) Refresher course, \$500 per course.
- 28 (ii) Renewal accreditation:
  - 29 (A) Initial course, \$500 per course.
  - 30 (B) Refresher course, \$250 per course.

1 (iii) Within any calendar year, cumulative course  
2 accreditation fees shall not exceed \$5,000 for an  
3 individual training provider.

4 (4) Contractor license, \$500.

5 Section 13. Enforcement and penalties.

6 (a) General rule.--A person shall not cause, suffer, permit  
7 or allow a lead-based paint activity to be performed in  
8 violation of any provision of this act or regulations  
9 promulgated under this act; nor shall any person cause, suffer,  
10 permit or allow the performance of any act or operation in  
11 violation of any order issued by the department pursuant to this  
12 act or regulations promulgated under this act.

13 (b) Violations.--The department shall have the power to  
14 issue an order requiring compliance with this act or regulations  
15 promulgated under this act. An order shall be served personally  
16 or by certified mail at the last known address of the person  
17 violating a provision of this act or a regulation promulgated  
18 under this act. In the case of a violation of a lead-based paint  
19 work practice standard, a copy of the order shall also be served  
20 personally or by certified mail at the last known address upon  
21 the property owner and a copy shall be posted on the premises.

22 (c) Hazardous conditions.--If the department determines that  
23 a hazardous condition exists due to the failure to comply with a  
24 provision of this act or a regulation promulgated under this  
25 act, the department, in addition to invoking other sanctions  
26 available to it, may invoke any of the following remedies:

27 (1) Issue an order to immediately correct the hazardous  
28 condition and to cease any other abatement activities until  
29 the condition is corrected.

30 (2) Remove any workers, except those needed to abate the

1 hazard, from the project work area until the condition is  
2 corrected in order to prevent further project activity.

3 (3) Evacuate appropriate portions of the site and  
4 vicinity until the condition is corrected.

5 (4) Certify the existence of a nuisance per se, and  
6 abate and remove the violation or contract for its cleanup  
7 and removal, charge the cost of the cleanup and removal to  
8 the person responsible for the hazardous condition and  
9 collect the cost by lien or any other means as may be  
10 authorized by law.

11 (5) Apply to an appropriate court for relief by  
12 injunction or restraining order against any person  
13 responsible for the hazardous condition.

14 (d) Penalties.--In addition to the sanctions or remedial  
15 orders provided in this section, a person who fails to comply  
16 with a requirement of this act or a regulation promulgated under  
17 this act or who fails to obey an order issued by the department  
18 may be subject to any of the following penalties:

19 (1) Suspension or revocation, or both, of  
20 accreditations, certifications or licenses issued under the  
21 provisions of this act and regulations promulgated under this  
22 act.

23 (2) Imposition of a civil administrative penalty of not  
24 more than \$1,000 for the first offense, not more than \$5,000  
25 for the second offense and not more than \$10,000 for the  
26 third and each subsequent offense.

27 (3) Imprisonment for a period of up to 90 days.

28 (4) Issuance of an order to cease any lead-based paint  
29 activity immediately.

30 (5) Initiation of legal action or proceeding in a court

1 of competent jurisdiction.

2 (e) Continued violations.--Each day a violation continues to  
3 exist shall constitute an additional, separate and distinct  
4 violation for which a separate penalty shall be imposed.

5 Section 14. Appeals and hearings.

6 (a) Filing.--A person aggrieved by an order, decision or  
7 other sanction imposed by the department may file an appeal with  
8 the department within five days after receipt of notice of the  
9 order, decision or sanction. A hearing shall be held promptly on  
10 each appeal filed.

11 (b) Automatic stay.--While an appeal is pending, compliance  
12 with a decision, order or sanction shall not be required unless  
13 the department has determined and certified in writing that the  
14 violation was intentional or that there exists a hazardous  
15 condition that requires immediate compliance with the  
16 department's order to eliminate a public health hazard.

17 Section 15. Work practice standards.

18 (a) Authority to adopt regulations.--The department shall  
19 promulgate regulations that establish standards of acceptable,  
20 safe work practices for licensees and certificate holders  
21 engaged in lead-based paint activities, as well as specific acts  
22 and omissions that constitute grounds for the reprimand of any  
23 licensee or certificate holder, the suspension or revocation of  
24 a license or certificate or the denial of the renewal of a  
25 license or certificate.

26 (b) Interim work practice standards.--Until such time as the  
27 department promulgates regulations which establish standards of  
28 acceptable, safe work practices, the department shall enforce  
29 standards for abatement that include the following:

30 (1) The act of October 5, 1984 (P.L.734, No.159), known

1 as the Worker and Community Right-to-Know Act.

2 (2) 29 CFR 1910.134 (relating to respiratory  
3 protection), 1926.57 (relating to ventilation), 1926.59  
4 (relating to hazard communication) and 1926.62 (relating to  
5 lead) and other applicable OSHA standards.

6 (3) Any current guidelines and regulations of the EPA.

7 (4) Any current guidelines and regulations of HUD.

8 (5) Any other applicable Federal or State regulations  
9 governing the conduct of lead-based paint activities.

10 Section 16. Notification requirements.

11 (a) General rule.--Each licensed contractor must notify the  
12 department of its intention to perform any lead-based paint  
13 abatement. The notification shall be in writing and shall be on  
14 a form prescribed by the department.

15 (b) Time of notice.--The notification under subsection (a)  
16 must be submitted to the department at least ten days prior to  
17 the start of the abatement activity. The department in its  
18 discretion may waive the ten-day notification requirement if it  
19 determines an emergency exists.

20 (c) Contents of notice.--The notice form shall include at  
21 least the following information:

22 (1) The name, address and license number of the  
23 contractor.

24 (2) The name and address of the lead-based paint  
25 abatement project and the political subdivision where it is  
26 located.

27 (3) The name and address of the building owner.

28 (4) The estimated start and completion date of the  
29 project.

30 (5) The name and address of the landfill where the lead

1 will be sent for disposal.

2 Nothing in this section shall prohibit the department from  
3 requiring additional information that is deemed necessary to  
4 develop and maintain information on lead-based paint abatement  
5 activities within this Commonwealth.

6 Section 17. Use of accredited sampling laboratories.

7 (a) General rule.--When analyzing lead in paint, films, soil  
8 and dust samples, persons engaged in lead-based paint activities  
9 shall use only environmental testing laboratories that are part  
10 of an effective, voluntary accreditation program recognized by  
11 the EPA and that are approved pursuant to applicable regulations  
12 promulgated by the Department of Health.

13 (b) Joint oversight.--In accordance with 28 Pa. Code § 5.50  
14 (relating to approval to provide special analytical services),  
15 the Department of Health may establish an approval program for  
16 laboratories analyzing paint, soil or dust samples. The  
17 Department of Health may also enter into cooperative agreements  
18 with the EPA to provide joint oversight for laboratories that  
19 perform those environmental analysis services.

20 Section 18. Data collection program.

21 The department, in cooperation with the Department of Health  
22 and other administrative agencies, may establish a program for  
23 the collection and analysis of data on lead-based paint hazard  
24 detection and reduction activities in this Commonwealth and on  
25 the certification, accreditation and enforcement activities in  
26 the department.

27 Section 19. Public education.

28 (a) General program.--The department, in cooperation with  
29 the Department of Health and other administrative agencies, is  
30 authorized to conduct a program of public education on the

1 nature and consequences of lead hazards and on the need for lead  
2 hazard reduction activities, which (program) is to be conducted  
3 by certified, accredited personnel in order to assure the public  
4 safety. This program shall include, but not be limited to, the  
5 distribution of educational materials to the general public and  
6 to persons living in the vicinity of sites known to pose a lead  
7 exposure hazard.

8 (b) Content.--The department, in conjunction with the  
9 Department of Health and other administrative agencies, shall  
10 develop educational programs and materials. The programs and  
11 materials shall include, but not be limited to, the types of  
12 lead-containing materials, the health effects of lead exposure,  
13 the recognition of lead hazards, proper lead control methods and  
14 procedures for reporting hazardous conditions.

15 (c) Licensed contractors and accredited training  
16 providers.--The department also shall make available lists of  
17 all licensed contractors and accredited training providers.

18 (d) Standards of department.--The department, in cooperation  
19 with the Department of Health and other administrative agencies,  
20 shall also make available to property owners, contractors,  
21 supervisors and workers technical information regarding proper  
22 lead control methods, standards for conducting lead-based paint  
23 abatement activities and other requirements of this act.

24 Section 20. Analysis and reporting of blood-lead test results.

25 Analysis of blood samples must be performed by a laboratory  
26 accredited by CDC or OSHA, as specified in 29 CFR 1910.1025(j)  
27 (relating to lead), and approved by the Bureau of Laboratories  
28 in the Department of Health. Results of blood-lead tests must be  
29 reported by all laboratories to the Department of Health as  
30 required under 28 Pa. Code § 27.4 (relating to noncommunicable

1 diseases and conditions).

2 Section 21. Reporting of hazardous conditions.

3 (a) Reports.--The department shall receive reports of  
4 hazardous conditions relating to lead from the public or  
5 employees. All reports shall be recorded by the department. The  
6 department shall investigate all reports that are reasonably  
7 based in fact. Reports shall be received whether submitted in  
8 writing, by telephone call or through other means.

9 (b) Confidentiality.--Reports of hazardous conditions and  
10 statements made as part of an investigation, including the  
11 identity of the person making the report or statement, are  
12 confidential and shall not be disclosed in any manner to anyone  
13 other than State officials without the prior consent of the  
14 person making the report or statement.

15 Section 22. Lead-Based Paint Abatement Advisory Committee.

16 (a) Advisory committee created.--The Lead-Based Paint  
17 Abatement Advisory Committee is established to advise the  
18 secretary with respect to the regulations to be promulgated  
19 pursuant to this act and to other procedures, standards,  
20 criteria, guidelines and related matters assigned to it by the  
21 secretary.

22 (b) Membership.--The advisory committee shall be composed of  
23 14 members, to be appointed by the secretary, as follows:

24 (1) The secretary or a designee, who shall act as  
25 chairperson.

26 (2) The Secretary of Environmental Resources or a  
27 designee.

28 (3) The Secretary of Health or a designee.

29 (4) The Secretary of Transportation or a designee.

30 (5) The Secretary of Community Affairs or a designee.

1 (6) The Executive Director of the Pennsylvania Housing  
2 Finance Agency or a designee.

3 (7) Two members who shall represent construction  
4 contractors and who shall each have a minimum of two years'  
5 experience in lead-based paint abatement.

6 (8) Two members who shall represent construction unions  
7 whose members are engaged in lead-based paint abatement.

8 (9) Two members who shall represent the public interest  
9 and who shall have expertise on lead-based paint abatement  
10 issues.

11 (10) One member who shall represent building owners.

12 (11) One member who shall be an environmental consultant  
13 and who shall have a minimum of three years' experience in  
14 consulting on lead-based paint abatement.

15 Section 23. Relationship to Federal law.

16 (a) Regulations.--Regulations promulgated by the department  
17 pursuant to this act shall be no less stringent than applicable  
18 minimum standards established under Federal law or regulations.

19 (b) Conflict.--If a provision of this act conflicts with a  
20 Federal law or regulation pertaining to lead-based paint  
21 activities, the provision shall not apply to the extent that it  
22 is preempted by the Federal law or regulation.

23 (c) Nonconformance.--Regulations promulgated pursuant to  
24 this act that are not in conformance with a requirement of  
25 Federal law or regulation shall be regarded as having been  
26 amended in order to bring the regulation into conformance with  
27 Federal law or regulation.

28 Section 24. Severability.

29 The provisions of this act are severable. If any provision of  
30 this act or its application to any person or circumstance is

1 held invalid, the invalidity shall not affect other provisions  
2 or applications of this act which can be given effect without  
3 the invalid provision or application.

4 Section 25. Repeal.

5 The second sentence of section 7(c) of the act of December  
6 19, 1990 (P.L.805, No.194), known as the Asbestos Occupations  
7 Accreditation and Certification Act, is repealed.

8 Section 26. Effective date.

9 This act shall take effect in 180 days.