

SENATE FILE 2301
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2164)

Passed Senate, Date ^(p. 795) 3/14/96 Passed House, Date 4-16-96
Vote: Ayes 29 Nays 19 Vote: Ayes 71 Nays 20
Approved 4/24/96

A BILL FOR

1 An Act relating to lead abatement and inspection, training and
2 certification requirements, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2301

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S.F. 2301

1 Section 1. NEW SECTION. 135.105A LEAD INSPECTOR AND LEAD
2 ABATER TRAINING AND CERTIFICATION ESTABLISHED.

3 1. The department shall establish a program for the
4 training and certification of lead inspectors and lead abaters
5 who provide inspections and abatement for monetary
6 compensation. The department shall maintain a listing,
7 available to the public and to city and county health
8 departments, of lead inspectors and lead abaters who have
9 successfully completed the training program and have been
10 certified by the department. A certified lead inspector is
11 prohibited from also obtaining certification as a lead abater.

12 2. The department shall also establish a program for the
13 training of painting, demolition, and remodeling contractors
14 and those who provide mitigation control services for monetary
15 compensation. The training shall be completed on a voluntary
16 basis.

17 3. A person who owns or manages real property is not
18 required to obtain certification to perform mitigation control
19 or abatement measures of property which the person owns or
20 manages. However, the department shall encourage property
21 owners and managers to complete the training course to ensure
22 the use of appropriate and safe mitigation and abatement
23 procedures.

24 4. Beginning January 1, 1997, a person shall not perform
25 lead abatement or lead inspections for compensation unless the
26 person has completed the departmental training program and has
27 obtained certification. Beginning July 1, 1997, a person who
28 violates this section is subject to a civil penalty not to
29 exceed five thousand dollars for each offense.

30 Sec. 2. NEW SECTION. 135.105B STANDARDS -- HEALTH AND
31 ENVIRONMENTAL MEASURES -- CONFIRMED CASES OF LEAD POISONING.

32 1. The department shall develop standards which may be
33 used to develop and administer local programs to address the
34 health and environmental needs of children who are confirmed
35 as lead poisoned.

1 abatement for monetary compensation beginning July 1, 1997, is
2 subject to a civil penalty not to exceed \$5,000 for each
3 offense.

4 The bill also directs the Iowa department of public health
5 to develop a voluntary training course for painting,
6 demolition, and remodeling contractors and for those who
7 provide mitigation control services for compensation.
8 Training and certification are not required for these
9 individuals under the bill.

10 The bill also provides that real property owners or
11 managers are not required to be certified to perform
12 mitigation or abatement measures on the property that the
13 person owns or manages. However, the bill directs the
14 department to encourage property owners and managers to
15 participate in the training course to ensure the use of
16 appropriate and safe procedures.

17 The bill also directs the Iowa department of public health
18 to develop standards for the development and administration of
19 local programs to address the health and environmental needs
20 of children who are confirmed to be lead poisoned. Local
21 communities are not required to implement their own programs
22 based upon the standards; however, cities and counties may
23 utilize the standards in developing their own programs or may
24 request that the state administer a local program.

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**SENATE FILE 2301
FISCAL NOTE**

A fiscal note for Senate File 2301 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2301 requires the Department of Public Health to establish a certification program for lead inspectors and abaters, develop a voluntary training course, maintain a list of those trained and certified, develop standards available but not mandatory to local communities, and provides a penalty and effective date.

ASSUMPTIONS

1. Federal funds from the United States Environmental Protection Agency (EPA) would continue to be available to fund this Program. The EPA grant would be used for other components of the Program, such as education, if a State certification law is not established.
2. Fees will be established for certification of abatement contractors and lead inspectors. The estimate assumes 75 abatement contractors at a fee of \$250 and 25 lead inspectors at a fee of \$250.
3. The Certification Program would require 4.00 FTE Environmental Specialist positions and support required to administer the Program. The 4.00 FTE positions would be used for other components of the EPA grant, such as education, if State certification law is not established.

FISCAL IMPACT

The fiscal impact of SF 2301 is reflected below (dollars in thousands):

	Fiscal Year 1997			Fiscal Year 1998		
	Current Law	Proposed Law	Increase (Decrease)	Current Law	Proposed Law	Increase (Decrease)
REVENUE						
General Fund \$	0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Federal Funds	200	200	0	200	200	0
Permit Fees	0	0	0	0	50	50
Total	\$ 200	\$ 200	\$ 0	\$ 200	\$ 250	\$ 50
EXPENDITURES						
Salaries (FTE's)	\$ 160 (4.0)	\$ 160 (4.0)	\$ 0 (0.0)	\$ 160 (4.0)	\$ 160 (4.0)	\$ 0 (0.0)
Support	40	40	0	40	90	50
Total	\$ 200	\$ 200	\$ 0	\$ 250	\$ 250	\$ 50
NET EFFECT	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0

SOURCES

Department of Public Health

(LSB 3961SV, MMB)

FILED FEBRUARY 28, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2301

S-5255

- 1 Amend Senate File 2301 as follows:
- 2 1. Page 1, by striking lines 10 and 11, and
3 inserting the following: "certified by the
4 department. A person may be certified as both a lead
5 inspector and a lead abater. However, a person who is
6 certified as both a lead inspector and as a lead
7 abater shall not provide both inspection and abatement
8 services at the same site."
- 9 2. Page 1, line 24, by striking the word
10 "January" and inserting the following: "July".
- 11 3. Page 1, by striking line 26, and inserting the
12 following: "person has completed a training program
13 approved by the department and has".
- 14 4. Page 1, line 27, by striking the word "July"
15 and inserting the following: "December".
- 16 5. Page 1, by striking line 30, and inserting the
17 following:
18 "Sec. 2. NEW SECTION. 135.105B. VOLUNTARY
19 GUIDELINES -- HEALTH AND".
- 20 6. Page 1, by striking line 32, and inserting the
21 following:
22 "1. The department may develop voluntary
23 guidelines which may be".
- 24 7. Page 2, by striking line 1, and inserting the
25 following:
26 "2. The voluntary guidelines may be based upon
27 existing local".
- 28 8. Page 2, by striking line 5, and inserting the
29 following:
30 "3. Following development of the voluntary
31 guidelines, cities or counties may elect to utilize
32 the guidelines in".
- 33 9. Page 2, line 11, by striking the word
34 "standards" and inserting the following:
35 "guidelines".

By ROBERT DVORSKY

S-5255 FILED MARCH 11, 1996

Adopted 3/14/96 (p.794)

H. 3/15/96 Environ.
H. 3/27/96 Do Pass

SENATE FILE **2301**
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2164)

(AS AMENDED AND PASSED BY THE SENATE MARCH 14, 1996)

 - New Language by the Senate

Passed Senate, Date ^{p. 1418} 4/17/96 Passed House, Date ^(p. 1647) 4-16-96
Vote: Ayes 36 Nays 14 Vote: Ayes 71 Nays 20
Approved 4/24/96

A BILL FOR

1 An Act relating to lead abatement and inspection, training and
2 certification requirements, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2301

1 Section 1. NEW SECTION. 135.105A LEAD INSPECTOR AND LEAD
2 ABATER TRAINING AND CERTIFICATION ESTABLISHED.

3 1. The department shall establish a program for the
4 training and certification of lead inspectors and lead abaters
5 who provide inspections and abatement for monetary
6 compensation. The department shall maintain a listing,
7 available to the public and to city and county health
8 departments, of lead inspectors and lead abaters who have
9 successfully completed the training program and have been
10 certified by the department. A person may be certified as
11 both a lead inspector and a lead abater. However, a person
12 who is certified as both a lead inspector and as a lead abater
13 shall not provide both inspection and abatement services at
14 the same site.

15 2. The department shall also establish a program for the
16 training of painting, demolition, and remodeling contractors
17 and those who provide mitigation control services for monetary
18 compensation. The training shall be completed on a voluntary
19 basis.

20 3. A person who owns or manages real property is not
21 required to obtain certification to perform mitigation control
22 or abatement measures of property which the person owns or
23 manages. However, the department shall encourage property
24 owners and managers to complete the training course to ensure
25 the use of appropriate and safe mitigation and abatement
26 procedures.

27 4. Beginning July 1, 1997, a person shall not perform lead
28 abatement or lead inspections for compensation unless the
29 person has completed a training program approved by the
30 department and has obtained certification. Beginning December
31 1, 1997, a person who violates this section is subject to a
32 civil penalty not to exceed five thousand dollars for each
33 offense.

34 Sec. 2. NEW SECTION. 135.105B. VOLUNTARY GUIDELINES --
35 HEALTH AND ENVIRONMENTAL MEASURES -- CONFIRMED CASES OF LEAD

1 POISONING.

2 1. The department may develop voluntary guidelines which
3 may be used to develop and administer local programs to
4 address the health and environmental needs of children who are
5 confirmed as lead poisoned.

6 2. The voluntary guidelines may be based upon existing
7 local ordinances that address the medical case management of
8 children's health needs and the mitigation of the
9 environmental factors which contributed to the lead poisoning.

10 3. Following development of the voluntary guidelines,
11 cities or counties may elect to utilize the guidelines in
12 developing and administering local programs through city or
13 county health departments on a city, county, or multicounty
14 basis or may request that the state develop and administer the
15 local program. However, cities and counties are not required
16 to develop and administer local programs based upon the
17 guidelines.

18 Sec. 3. ADOPTION OF RULES. The department shall adopt
19 rules by October 1, 1996, regarding training, certification,
20 suspension, and revocation requirements and shall implement
21 the training and certification program established in section
22 135.105A no later than December 1, 1996. The department shall
23 seek federal funding and shall establish fees in amounts
24 sufficient to defray the costs of the training and
25 certification program.

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SENATE FILE 2301

H-5722

1 Amend Senate File 2301, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 14, by inserting after the word
4 "site" the following: "unless a written consent or
5 waiver, following full disclosure by the person, is
6 obtained from the owner or manager of the site".

7 2. Page 1, by striking line 27 and inserting the
8 following:

9 "4. A person shall not perform lead".

10 3. Page 1, lines 30 and 31, by striking the words
11 and figures "Beginning December 1, 1997, a" and
12 inserting the following: "A".

13 4. Page 2, line 19, by striking the words and
14 figures "by October 1, 1996,".

15 5. Page 2, line 22, by striking the following:
16 "no later than December 1, 1996".

17 6. Page 2, by inserting after line 25 the
18 following:

19 "Sec. ____ . CONTINGENT EFFECTIVE DATE. This Act
20 takes effect only after the department obtains
21 certification from the United States environmental
22 protection agency as an accredited program to train
23 and certify lead inspectors and abaters. However, the
24 department may establish a temporary program for the
25 voluntary certification of lead inspectors and lead
26 abaters during the period prior to obtaining
27 certification as an accredited program from the United
28 States environmental protection agency."

29 7. Title page, line 2, by striking the words "and
30 providing penalties" and inserting the following:
31 "providing penalties, and providing a contingent
32 effective date".

By RANTS of Woodbury

H-5722 FILED MARCH 28, 1996

adopted

4-16-96

(P. 1646)

SENATE FILE 2301

H-5678

1 Amend Senate File 2301, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 14, by inserting after the word
4 "site" the following: "unless a written consent or
5 waiver, following full disclosure by the person, is
6 obtained from the owner or manager of the site".

7 2. Page 1, by striking line 27 and inserting the
8 following:

9 "4. A person shall not perform lead".

10 3. Page 1, lines 30 and 31, by striking the words
11 and figures "Beginning December 1, 1997, a" and
12 inserting the following: "A".

13 4. Page 2, line 19, by striking the words and
14 figures "by October 1, 1996,".

15 5. Page 2, line 22, by striking the following:
16 "no later than December 1, 1996".

17 6. Page 2, by inserting after line 25 the
18 following:

19 "Sec. ____ . CONTINGENT EFFECTIVE DATE. This Act
20 takes effect only after the department obtains
21 certification from the United States environmental
22 protection agency to train and certify lead inspectors
23 and abaters."

24 7. Title page, line 2, by striking the words "and
25 providing penalties" and inserting the following:
26 "providing penalties, and providing a contingent
27 effective date".

By RANTS of Woodbury

H-5678 FILED MARCH 27, 1996

WITHDRAWN

4-16-96

(p. 164c)

HOUSE AMENDMENT TO
SENATE FILE 2301

S-5789

1 Amend Senate File 2301, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 14, by inserting after the word
4 "site" the following: "unless a written consent or
5 waiver, following full disclosure by the person, is
6 obtained from the owner or manager of the site".

7 2. Page 1, by striking line 27 and inserting the
8 following:

9 "4. A person shall not perform lead".

10 3. Page 1, lines 30 and 31, by striking the words
11 and figures "Beginning December 1, 1997, a" and
12 inserting the following: "A".

13 4. Page 2, line 19, by striking the words and
14 figures "by October 1, 1996,".

15 5. Page 2, line 22, by striking the following:
16 "no later than December 1, 1996".

17 6. Page 2, by inserting after line 25 the
18 following:

19 "Sec. ____ . CONTINGENT EFFECTIVE DATE. This Act
20 takes effect only after the department obtains
21 certification from the United States environmental
22 protection agency as an accredited program to train
23 and certify lead inspectors and abaters. However, the
24 department may establish a temporary program for the
25 voluntary certification of lead inspectors and lead
26 abaters during the period prior to obtaining
27 certification as an accredited program from the United
28 States environmental protection agency."

29 7. Title page, line 2, by striking the words "and
30 providing penalties" and inserting the following:
31 "providing penalties, and providing a contingent
32 effective date".

RECEIVED FROM THE HOUSE

S-5789 FILED APRIL 16, 1996

Senate Concurred
4-17-96
(p. 1418)



Dvorsky
Boettger
Hansen

SSB-2164
Human Resources

Succeeded By
SENATE FILE SF HF 2301
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON SZYMONIAK)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to lead abatement and inspection, training and
2 certification requirements, and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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BY _____ 2

1 Section 1. NEW SECTION. 135.105A LEAD INSPECTOR AND LEAD
2 ABATER TRAINING AND CERTIFICATION ESTABLISHED.

3 1. The department shall establish a program for the
4 training and certification of lead inspectors and lead abaters
5 who provide inspections and abatement for monetary
6 compensation. The department shall maintain a listing,
7 available to the public and to city and county health
8 departments, of lead inspectors and lead abaters who have
9 successfully completed the training program and have been
10 certified by the department. A certified lead inspector is
11 prohibited from also obtaining certification as a lead abater.

12 2. The department shall also establish a program for the
13 training of painting, demolition, and remodeling contractors
14 and those who provide mitigation control services for monetary
15 compensation. The training shall be completed on a voluntary
16 basis.

17 3. A person who owns or manages real property is not
18 required to obtain certification to conduct mitigation control
19 or abatement measures of property which the person owns or
20 manages. However, the department shall encourage property
21 owners and managers to complete the training course to ensure
22 the use of appropriate and safe mitigation and abatement
23 procedures.

24 4. Beginning January 1, 1997, a person shall not perform
25 lead abatement or lead inspections for compensation unless the
26 person has completed the departmental training program and has
27 obtained certification. Beginning July 1, 1997, a person who
28 violates this section is subject to a civil penalty not to
29 exceed five thousand dollars for each offense.

30 Sec. 2. NEW SECTION. 135.105B MINIMUM STANDARDS --
31 HEALTH AND ENVIRONMENTAL MEASURES -- CONFIRMED CASES OF LEAD
32 POISONING.

33 1. The department shall develop minimum standards which
34 may be used to develop and administer local programs to
35 address the health and environmental needs of children who are

1 confirmed as lead poisoned.

2 2. The minimum standards shall be based upon existing
3 local ordinances that address the medical case management of
4 children's health needs and the mitigation of the
5 environmental factors which contributed to the lead poisoning.

6 3. Following development of the minimum standards, cities
7 and counties are not required to develop and administer local
8 programs based upon the standards. However, a city or county
9 may elect to utilize the standards in developing and
10 administering local programs through city or county health
11 departments on a city, county, or multicounty basis or may
12 request that the state develop and administer the local
13 program.

14 Sec. 3. ADOPTION OF RULES. The department shall adopt
15 rules by October 1, 1996, regarding training, certification,
16 suspension, and revocation requirements and shall implement
17 the training and certification program established in section
18 135.105A no later than December 1, 1996. The department shall
19 seek federal funding and shall establish fees in amounts
20 sufficient to defray the costs of the training and
21 certification program.

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EXPLANATION

23 This bill requires the Iowa department of public health to
24 establish a training and certification program for lead
25 inspectors and persons who perform lead abatement for monetary
26 compensation. The department is required to adopt rules for
27 the program by October 1, 1996, and to implement the program
28 by December 1, 1996. A person is prohibited from
29 certification as both a lead inspector and a lead abater. The
30 department is to maintain a listing available to the public
31 and to city and county health departments of lead inspectors
32 and lead abaters who have successfully completed the training
33 program and have been certified. Beginning January 1, 1997, a
34 lead inspector or lead abater is prohibited from performing
35 lead inspections or lead abatement if the person is not

1 certified. A person who is not certified to perform
2 inspections or abatement and who performs inspections or
3 abatement for monetary compensation beginning July 1, 1997, is
4 subject to a civil penalty not to exceed \$5,000 for each
5 offense.

6 The bill also directs the Iowa department of public health
7 to develop a voluntary training course for painting,
8 demolition, and remodeling contractors and for those who
9 provide mitigation control services for compensation.
10 Training and certification are not required for these
11 individuals under the bill.

12 The bill also provides that real property owners or
13 managers are not required to be certified to perform
14 mitigation or abatement measures on the property that the
15 person owns or manages. However, the bill directs the
16 department to encourage property owners and managers to
17 participate in the training course to ensure the use of
18 appropriate and safe procedures.

19 The bill also directs the Iowa department of public health
20 to develop minimum standards for the development and
21 administration of local programs to address the health and
22 environmental needs of children who are confirmed to be lead
23 poisoned. Local communities are not required to implement
24 their own programs based upon the minimum standards; however,
25 cities and counties may utilize the minimum standards in
26 developing their own programs or may request that the state
27 administer a local program based upon standards that meet or
28 exceed the minimum standards.

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SENATE FILE 2301

AN ACT
RELATING TO LEAD ABATEMENT AND INSPECTION, TRAINING AND
CERTIFICATION REQUIREMENTS, PROVIDING PENALTIES, AND
PROVIDING A CONTINGENT EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 135.105A LEAD INSPECTOR AND LEAD
ABATER TRAINING AND CERTIFICATION ESTABLISHED.

1. The department shall establish a program for the training and certification of lead inspectors and lead abaters who provide inspections and abatement for monetary compensation. The department shall maintain a listing, available to the public and to city and county health departments, of lead inspectors and lead abaters who have successfully completed the training program and have been certified by the department. A person may be certified as both a lead inspector and a lead abater. However, a person who is certified as both a lead inspector and as a lead abater shall not provide both inspection and abatement services at the same site unless a written consent or waiver, following full disclosure by the person, is obtained from the owner or manager of the site.

2. The department shall also establish a program for the training of painting, demolition, and remodeling contractors and those who provide mitigation control services for monetary compensation. The training shall be completed on a voluntary basis.

3. A person who owns or manages real property is not required to obtain certification to perform mitigation control or abatement measures of property which the person owns or manages. However, the department shall encourage property owners and managers to complete the training course to ensure

the use of appropriate and safe mitigation and abatement procedures.

4. A person shall not perform lead abatement or lead inspections for compensation unless the person has completed a training program approved by the department and has obtained certification. A person who violates this section is subject to a civil penalty not to exceed five thousand dollars for each offense.

Sec. 2. NEW SECTION. 135.105B VOLUNTARY GUIDELINES --
HEALTH AND ENVIRONMENTAL MEASURES -- CONFIRMED CASES OF LEAD
POISONING.

1. The department may develop voluntary guidelines which may be used to develop and administer local programs to address the health and environmental needs of children who are confirmed as lead poisoned.

2. The voluntary guidelines may be based upon existing local ordinances that address the medical case management of children's health needs and the mitigation of the environmental factors which contributed to the lead poisoning.

3. Following development of the voluntary guidelines, cities or counties may elect to utilize the guidelines in developing and administering local programs through city or county health departments on a city, county, or multicounty basis or may request that the state develop and administer the local program. However, cities and counties are not required to develop and administer local programs based upon the guidelines.

Sec. 3. ADOPTION OF RULES. The department shall adopt rules regarding training, certification, suspension, and revocation requirements and shall implement the training and certification program established in section 135.105A. The department shall seek federal funding and shall establish fees in amounts sufficient to defray the costs of the training and certification program.

Sec. 4. CONTINGENT EFFECTIVE DATE. This Act takes effect only after the department obtains certification from the United States environmental protection agency as an accredited program to train and certify lead inspectors and abaters. However, the department may establish a temporary program for the voluntary certification of lead inspectors and lead abaters during the period prior to obtaining certification as an accredited program from the United States environmental protection agency.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2301, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved 4/24, 1996

TERRY E. BRANSTAD
Governor