

Reprinted

4/4/95 Motion to Rk by Donsky - Passed
4/5/95 Motion to Rk by Donsky - Passed

FILED MAR 21 1995

SENATE FILE **453**
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 147)

Failed (P.1024)
Passed Senate, Date 4/4/95
Vote: Ayes 12 Nays 37

Passed House, Date _____
Vote: Ayes _____ Nays _____

Approved _____
Passed 4-5-95
Vote 49-0

A BILL FOR

1 An Act relating to public health by providing for measures
2 related to lead inspection and abatement, and providing a
3 penalty.

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

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S.F. 453

1 Section 1. Section 135.104, subsection 3, Code 1995, is
2 amended to read as follows:

3 3. A screening program for children, with emphasis on
4 children less than five six years of age.

5 Sec. 2. Section 135.105, Code 1995, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 3. Develop rules by January 1, 1996, and
8 adopt rules by July 1, 1996, to provide for lead hazard
9 inspections and the required mitigation of lead hazards in the
10 case of a lead-poisoned child. The department shall consult
11 with federal, state, and local governments and agencies in
12 developing the rules. The rules shall be consistent with the
13 recommendations of the centers for disease control and
14 prevention of the United States department of health and human
15 services. The rules adopted, however, shall not establish
16 requirements which would preclude the transfer of real estate
17 or rental of a dwelling unit contingent upon the mitigation or
18 abatement of lead hazards.

19 Sec. 3. NEW SECTION. 135.105A LEAD INSPECTOR AND LEAD
20 ABATER TRAINING AND CERTIFICATION ESTABLISHED.

21 The department shall establish a program for the training
22 and certification of lead inspectors and lead abaters. The
23 department shall consult with federal, state, and local
24 governments and agencies in developing the training and
25 certification program. The department shall maintain a
26 listing, available to the public and to local health
27 departments, of lead inspectors and lead abaters who have
28 successfully completed the training program and have been
29 certified by the department. The department shall develop
30 rules by January 1, 1996, and adopt rules by July 1, 1996,
31 regarding training, certification, suspension, and revocation
32 requirements and shall establish fees in amounts sufficient to
33 defray the costs of the training and certification program.
34 The rules shall also prohibit a certified lead inspector from
35 also obtaining certification as a lead abater. The programs

1 shall be implemented no earlier than July 1, 1996.

2 Sec. 4. NEW SECTION. 135.105B DEVELOPMENT OF STANDARDS
3 FOR LEAD INSPECTION AND ABATEMENT.

4 1. The department shall develop standards by January 1,
5 1996, and adopt standards by July 1, 1996, regarding
6 inspection for lead-based paint and lead hazards and for
7 abatement of lead hazards, including lead-based paint and lead
8 hazards found in privately owned homes and rental property.
9 The standards shall include but are not limited to definitions
10 of "interim controls", "lead abatement", "lead hazard", "lead
11 inspection", "lead-based paint", and "lead-poisoned child".
12 The department shall consult with federal, state, and local
13 governments and agencies in developing the standards.

14 2. The methods developed for lead inspections and
15 abatement shall include, but are not limited to, the
16 following:

17 a. Performance of lead inspections that are sufficient to
18 detect the presence of lead-based paint and lead hazards. The
19 methods shall provide for the use of laboratories, approved by
20 the department, for any lead inspection which necessitates the
21 use of a laboratory to detect the presence of lead in samples
22 of substances from premises.

23 b. Techniques approved by the department to abate lead
24 hazards, with consideration of reliability, effectiveness, and
25 affordability. The standards shall include provisions for the
26 protection of personal health and safety, hazard awareness,
27 proper cleanup procedures, and other measures necessary to
28 protect residents and workers.

29 c. Procedures for follow-up inspections and recordkeeping
30 to ensure that abatement is completed.

31 Sec. 5. NEW SECTION. 135.105C REQUIREMENTS -- PROVISIONS
32 -- PENALTY.

33 1. Beginning July 1, 1996, a person shall not do any of
34 the following:

35 a. Train lead inspectors or lead abaters unless the person

1 is trained and certified in accordance with the rules
2 established for training and certification by the department
3 and unless the training program has been approved by the
4 department.

5 b. Perform lead abatement work for compensation unless the
6 person is certified as a lead abater. A person shall not
7 perform lead inspections for compensation unless the person is
8 certified as a lead inspector. Certification is not required
9 for persons who perform lead abatement work or lead
10 inspections without compensation. For the purposes of this
11 subsection, "compensation" means monetary compensation.

12 2. If federal funding is received, beginning January 1,
13 1997, a person who violates this section is subject to a civil
14 penalty not to exceed five thousand dollars for each offense.

15 Sec. 6. CONTINGENCY. Implementation of sections 3 through
16 5 of this Act is contingent upon the receipt of federal
17 funding specifically for the implementation of a program to
18 train and certify lead inspectors and lead abaters.

19 EXPLANATION

20 This bill authorizes the Iowa department of public health
21 to develop rules for the inspection and mitigation of lead
22 hazards in the case of lead-poisoned children. The department
23 is also required to establish a training and certification
24 program for lead inspectors and lead abaters contingent upon
25 receipt of federal funding.

26 Section 1 expands the lead screening program to apply to
27 children from less than age five to children less than age
28 six.

29 Section 2 requires the department to adopt rules by July 1,
30 1996, for the inspection and mitigation of lead hazards in
31 cases of lead-poisoned children. The rules are not to
32 preclude the transfer of real estate or rental of a dwelling
33 unit contingent upon the mitigation or abatement of lead
34 hazards.

35 Section 3 creates a lead inspector and abater certification

1 program.

2 Section 4 requires the department to adopt standards for
3 inspection for lead hazards and the abatement of lead hazards
4 including lead hazards found in privately owned homes and
5 rental property.

6 Section 5 prohibits individuals from training lead
7 inspectors and abaters, conducting lead inspections for
8 monetary compensation, or abating lead hazards for monetary
9 compensation unless certified, beginning July 1, 1996. The
10 bill imposes a civil penalty of up to \$5,000 per violation
11 beginning January 1, 1997.

12 Section 6 specifies that implementation of sections 3
13 through 5 of the bill is contingent on the receipt of federal
14 funds specifically available to implement these sections.

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**SENATE FILE 453
FISCAL NOTE**

A fiscal note for Senate File 453 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 453 authorizes the Department of Public Health to develop rules for the inspection and mitigation of lead hazards in the case of lead-poisoned children and to establish a training and certification program, including fees, for lead inspectors and abators, and provides penalties.

ASSUMPTIONS:

1. Approximately \$200,000 in federal Environmental Protection Agency (EPA) Funds previously used for lead inspections will be available for this program.
2. Fees for certification of abatement contractors and lead inspectors will be established by the Department in amounts sufficient to defray the costs of the training and certification program.
3. The Department estimates that 150 abatement contracts and 50 lead inspectors will be charged a fee of \$250. This results in additional revenue of approximately \$50,000.
4. Will require four environmental specialists (\$160,000) and support costs (\$40,000).
5. It is unknown if any violation will result in civil action. The average cost of a civil action is \$7,600 which would be partially offset by the maximum fine of \$5,000 specified in the bill.

FISCAL IMPACT:

The first year estimated cost under SF 453 is \$200,000, which will be funded from federal EPA Funds. Second year costs are estimated to be \$250,000. Funding will be from federal funds (\$200,000) and fees collected (\$50,000).

SOURCE:

Department of Public Health
Judicial Department

(LSB 2191SV, MME)

FILED MARCH 23, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 453

S-3355

1 Amend Senate File 453 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 135.104, subsection 3, Code
5 1995, is amended to read as follows:

6 3. A screening program for children, with emphasis
7 on children less than ~~five~~ six years of age.

8 Sec. 2. LEAD-POISONED PERSONS -- STUDY. The Iowa
9 department of public health shall organize a coalition
10 to consider federal requirements concerning lead
11 poisoning and develop recommendations for submission
12 to the general assembly on or before January 1, 1996,
13 for proposed legislation regarding lead-poisoned
14 persons. The coalition formed shall include, but is
15 not limited to, representatives of real estate agents,
16 landlords, painting contractors, lead inspectors,
17 local public health officials, and consumers."

18 2. Title page, by striking lines 2 and 3, and
19 inserting the following: "involving lead poisoning
20 screening and requiring a study of lead poisoning by
21 the Iowa department of public health."

By ROBERT DVORSKY
BRAD BANKS

S-3355 FILED APRIL 5, 1995
ADOPTED

SENATE FILE 453
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 147)

(AS AMENDED AND PASSED BY THE SENATE APRIL 5, 1995)

ALL New Language by the Senate

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

A BILL FOR

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2 involving lead poisoning screening and requiring a study of
3 lead poisoning by the Iowa department of public health.

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Dvorsky
Kramer
Hammond

SSB-147

Human Resources

Succeeded By

SENATE FILE 453

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON SZYMONIAK)

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