

# Senate Study Bill 147

## Conference Committee Text

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1 1 Section 1. Section [135.104](#), subsection 3, Code 1995, is  
1 2 amended to read as follows:  
1 3 3. A screening program for children, with emphasis on  
1 4 children less than

~~five~~

- ~~six~~ years of age.

1 5 Sec. 2. Section [135.105](#), Code 1995, is amended by adding  
1 6 the following new subsection:

1 7 **NEW SUBSECTION.** 3. Develop rules by January 1, 1996, and  
1 8 adopt rules by July 1, 1996, to provide for lead hazard  
1 9 inspections and the required mitigation of lead hazards in the  
1 10 case of a lead-poisoned child. The department shall consult  
1 11 with federal, state, and local governments and agencies in  
1 12 developing the rules. The rules shall be consistent with the  
1 13 recommendations of the centers for disease control and  
1 14 prevention of the United States department of health and human  
1 15 services.

1 16 Sec. 3. **NEW SECTION.** 135.105A LEAD INSPECTOR AND LEAD  
1 17 ABATER TRAINING AND CERTIFICATION ESTABLISHED.

1 18 The department shall establish a program for the training  
1 19 and certification of lead inspectors and lead abaters. The  
1 20 department shall consult with federal, state, and local  
1 21 governments and agencies in developing the training and  
1 22 certification program. The department shall maintain a  
1 23 listing, available to the public and to local health  
1 24 departments, of lead inspectors and lead abaters who have  
1 25 successfully completed the training program and have been  
1 26 certified by the department. The department shall develop  
1 27 rules by January 1, 1996, and adopt rules by July 1, 1996,  
1 28 regarding training, certification, suspension, and revocation  
1 29 requirements and shall establish fees in amounts sufficient to  
1 30 defray the costs of the training and certification program.  
1 31 The rules shall also prohibit a certified lead inspector from  
1 32 also obtaining certification as a lead abater. The programs  
1 33 shall be implemented no earlier than July 1, 1996.

1 34 Sec. 4. **NEW SECTION.** 135.105B DEVELOPMENT OF STANDARDS  
1 35 FOR LEAD INSPECTION AND ABATEMENT.

2 1 1. The department shall develop standards by January 1,  
2 2 1996, and adopt standards by July 1, 1996, regarding  
2 3 inspection for lead-based paint and lead hazards and for  
2 4 abatement of lead hazards, including lead-based paint and lead  
2 5 hazards found in privately owned homes and rental property.  
2 6 The standards shall include but are not limited to definitions  
2 7 of "interim controls", "lead abatement", "lead hazard", "lead  
2 8 inspection", "lead-based paint", and "lead-poisoned child".  
2 9 The department shall consult with federal, state, and local  
2 10 governments and agencies in developing the standards.

2 11 2. The methods developed for lead inspections and  
2 12 abatement shall include, but are not limited to, the  
2 13 following:

2 14 a. Performance of lead inspections that are sufficient to  
2 15 detect the presence of lead-based paint and lead hazards. The  
2 16 methods shall provide for the use of laboratories, approved by  
2 17 the department, for any lead inspection which necessitates the  
2 18 use of a laboratory to detect the presence of lead in samples

2 19 of substances from premises.

2 20 b. Techniques approved by the department to abate lead  
2 21 hazards, with consideration of reliability, effectiveness, and  
2 22 affordability. The standards shall include provisions for the  
2 23 protection of personal health and safety, hazard awareness,  
2 24 proper cleanup procedures, and other measures necessary to  
2 25 protect residents and workers.

2 26 c. Procedures for follow-up inspections and recordkeeping  
2 27 to ensure that abatement is completed.

2 28 Sec. 5. NEW SECTION. 135.105C REQUIREMENTS &dash; PROVISIONS  
2 29 &dash; PENALTY.

2 30 1. Beginning July 1, 1996, a person shall not do any of  
2 31 the following:

2 32 a. Train lead inspectors or lead abaters unless the person  
2 33 is trained and certified in accordance with the rules  
2 34 established for training and certification by the department  
2 35 and unless the training program has been approved by the  
3 1 department.

3 2 b. Perform lead abatement work for compensation unless the  
3 3 person is certified as a lead abater. A person shall not  
3 4 perform lead inspections for compensation unless the person is  
3 5 certified as a lead inspector. Certification is not required  
3 6 for persons who perform lead abatement work or lead  
3 7 inspections without compensation.

3 8 2. If federal funding is received, beginning January 1,  
3 9 1997, a person who violates this section is subject to a civil  
3 10 penalty not to exceed five thousand dollars for each offense.

3 11 Sec. 6. CONTINGENCY. Implementation of sections 3 through  
3 12 5 of this Act is contingent upon the receipt of federal  
3 13 funding specifically for the implementation of a program to  
3 14 train and certify lead inspectors and lead abaters.

3 15 EXPLANATION

3 16 This bill authorizes the Iowa department of public health  
3 17 to develop rules for the inspection and mitigation of lead  
3 18 hazards in the case of lead-poisoned children. The department  
3 19 is also required to establish a training and certification  
3 20 program for lead inspectors and lead abaters contingent upon  
3 21 receipt of federal funding.

3 22 Section 1 expands the lead screening program to apply to  
3 23 children from less than age five to children less than age  
3 24 six.

3 25 Section 2 requires the department to adopt rules by January  
3 26 1, 1996, for the inspection and mitigation of lead hazards in  
3 27 cases of lead-poisoned children.

3 28 Section 3 creates a lead inspector and abater certification  
3 29 program.

3 30 Section 4 requires the department to adopt standards for  
3 31 inspection for lead hazards and the abatement of lead hazards  
3 32 including lead hazards found in privately owned homes and  
3 33 rental property.

3 34 Section 5 prohibits individuals from training lead  
3 35 inspectors and abaters, conducting lead inspections for  
4 1 compensation, or abating lead hazards for compensation unless  
4 2 certified, beginning July 1, 1996. The bill imposes a civil  
4 3 penalty of up to \$5,000 per violation beginning January 1,  
4 4 1997.

4 5 Section 6 specifies that implementation of sections 3  
4 6 through 5 of the bill is contingent on the receipt of federal  
4 7 funds specifically available to implement these sections.

4 8 LSB 2191SC 76

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