

By: Ellington

To: Conservation and
Water Resources

HOUSE BILL NO. 1176

1 AN ACT TO AMEND SECTION 49-17-509, MISSISSIPPI CODE OF 1972,
2 TO REVISE EXCLUSIONS UNDER THE LEAD-BASED PAINT ACTIVITY
3 ACCREDITATION AND CERTIFICATION ACT TO BE CONSISTENT WITH FEDERAL
4 REQUIREMENTS; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 49-17-509, Mississippi Code of 1972, is
7 amended as follows:[BD1]

8 49-17-509. (1) The commission shall adopt regulations for
9 accreditation of lead-based paint activity training programs.
10 Accredited training programs shall ensure the availability of, and
11 provide adequate facilities for, the delivery of lectures, course
12 tests, hands-on training and assessment activities. This includes
13 providing training equipment that reflects current work practices
14 and maintaining or updating the equipment and facilities as
15 needed. The training program shall offer courses which teach work
16 practice standards for conducting lead-based paint activities as
17 adopted by the United States Environmental Protection Agency or
18 the commission under Sections 49-17-501 through 49-17-531. These
19 standards shall be taught in the appropriate courses to provide
20 trainees with the knowledge needed to perform the lead-based paint
21 activities they are responsible for. The commission also may
22 adopt accreditation requirements for training programs providing
23 refresher training programs.

24 (2) The commission shall adopt regulations establishing work
25 practice standards for performing lead-based paint activities in
26 target housing and child-occupied facilities. These standards may
27 include appropriate documented methodologies, clearance levels and

28 requirements for lead hazard screens, risk assessments, abatement
29 activities, sample collection and analysis and record keeping.
30 Beginning on August 31, 1998, all lead-based paint activities
31 shall be performed in accordance with work practice standards
32 adopted under Sections 49-17-501 through 49-17-531. The
33 commission shall implement a compliance monitoring program to
34 ensure compliance with the work practice standards.

35 (3) The commission shall adopt regulations for certification
36 of lead-based paint risk assessors, project designers,
37 supervisors, inspectors and workers.

38 (4) Applicants for the issuance or reissuance of
39 certificates required under Sections 49-17-511 through 49-17-519
40 shall submit to the commission, on forms prepared by the
41 commission, an application. In addition, the applicant shall
42 submit documentation deemed appropriate by the commission
43 providing the educational background and demonstrating
44 satisfactory completion of the applicable training programs and
45 shall pay the applicable fee.

46 (5) The commission shall require certificates issued under
47 Sections 49-17-511 through 49-17-521 to be reissued annually.

48 (6) Except as otherwise required by Sections 49-17-501
49 through 49-17-531, regulations adopted under Sections 49-17-501
50 through 49-17-531 shall be no more stringent than federal
51 regulations for lead-based paint activities.

52 (7) Sections 49-17-501 through 49-17-531 do not apply to a
53 person who is performing lead-based paint activities or abatement
54 of lead-based paint hazards in a residential dwelling owned by
55 that person, unless the residential dwelling is occupied by a
56 person or persons other than the owner or owner's immediate family
57 while these activities are being performed, or a child residing in
58 the building has been identified as having an elevated blood lead
59 level.

60 SECTION 2. This act shall take effect and be in force from
61 and after its passage.