

By: Dearing

To: Environment Prot,
Cons and Water ResSENATE BILL NO. 2877
(As Passed the Senate)

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; TO CREATE SECTION 49-17-533, MISSISSIPPI CODE OF
5 1972, TO PROVIDE FOR THE REPEAL OF THE LEAD-BASED PAINT ACTIVITY
6 ACCREDITATION AND CERTIFICATION ACT; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 49-17-509, Mississippi Code of 1972, is
9 amended as follows:[CRG1]

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

26 (2) The commission shall adopt regulations establishing work
27 practice standards for performing lead-based paint activities in
28 target housing and child-occupied facilities. These standards may

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

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

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

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

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

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

62 SECTION 2. This section shall be codified as Section
63 49-17-533, Mississippi Code of 1972:

64 49-17-533. Sections 49-17-501 through 49-17-531, Mississippi
65 Code of 1972, shall stand repealed on July 1, 2002.

66 SECTION 3. This act shall take effect and be in force from
67 and after its passage.