

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



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|-------------|
| ROLL NUMBER |
|-------------|

DESCRIPTION

2124

2001 SENATE HUMAN SERVICES

SB 2124

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2124

Senate Human Services Committee

Conference Committee

Hearing Date January 16, 2001

| Tape Number | Side A | Side B | Meter # |
|--|--------|--------|---------|
| 1 | X | | 40 |
| 1/17/01 1 | | X | 50 |
| Committee Clerk Signature <i>David Kalodziejchuk</i> | | | |

Minutes:

The hearing was opened by SENATOR LEE.

JEFF BURGESS, Director of the ND Department of Health, Division of Air Quality, introduced the bill and supports it. (Written testimony) SENATOR LEE: Do we have to send testing to Minnesota. Do we have any labs here? MR. BURGESS: We have the capability. The state lab does testing; our problem is not having enough trained people to inspect homes. SENATOR KILZER: Do we have any cases of lead poisoning in the state? MR. BURGESS: We do have elevated lead count in children. SENATOR KILZER: What are the levels. MR. BURGESS: Anything greater than 10 micrograms is a concern. SENATOR KILZER: Is this primarily from eating? MR. BURGESS: Yes, from ingestion.. Repainting over surfaces is a safeguard until it starts flaking. There are several abatement techniques: removal, temporary recapping - any way to prevent lead from getting into children There are different methods being tested.

MICHAEL SPLETTO, HOME Program Manager with the ND Division of Community Services, supports bill (written testimony). SENATOR POLOVITZ: What happens if you don't meet the deadline? MR. SPLETTO: Programs will be halted or reduced 50-60%. SENATOR ERBELE: What triggers an inspection? MR. SPLETTO: The likelihood of a child living there. SENATOR ERBELE: How do you know what to inspect? MR. SPLETTO: Low income families, rental units. SENATOR MATHERN: What prevented us from doing this years ago? MR.. SPLETTO: Without legislation we cannot inspect. The Safeguard Policy is in place; no child has been tested for lead.

CLAUS LEMBKE, Realtors, supports bill (written testimony)

KRISTI PFLIGER KELLER supports bill. There is definitely a shortage of workers. The state has the best interest in protect our children.

The hearing was closed on SB 2124

Discussion was resumed on 1/17/01, Tape 1, Side B, Meter 50. Tape 2

SENATOR MATHERN moved a DO PASS and rerefer to Apporpriations Committee.

SENATOR KILZER seconded it. Roll call vote carried 6-0. SENATOR LEE will carry the bill.

FISCAL NOTE
 Requested by Legislative Council
 03/29/2001

Bill/Resolution No.:

Amendment to: Engrossed
 SB 2124

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 1999-2001 Biennium | | 2001-2003 Biennium | | 2003-2005 Biennium | |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | \$117,000 | | \$121,150 |
| Expenditures | | | | \$130,000 | | \$130,000 |
| Appropriations | | | | \$117,000 | | \$130,000 |

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| 1999-2001 Biennium | | | 2001-2003 Biennium | | | 2003-2005 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| | | | | | | | | |

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The lead-based paint program is a new program which will require lead-based paint contractors and workers to be licensed. Start-up costs will be required from the general fund for the 2001-2003 biennium and used to match U.S. EPA funds at 90% federal / 10% matching funds. **The amendments in the House have removed the general funds.** In subsequent bienniums, general funds will be offset by fees collected from certification of workers and licensing of contractors and were expected to be sufficient to meet the state's portion of matching fund requirements. **Amendments in the House have established a fee schedule of \$100 for contractors and \$25 for each worker.** Operating costs for the program are expected to be \$130,000 per biennium with \$117,000 coming from federal funds and \$13,000 from matching funds. This program will require one additional FTE (full time employee).

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

For the 2001-2003 biennium, \$117,000 will come from federal funds and will be matched with \$13,000 from general funds. **Amendments made in the House have removed the general funds.** For the 2003-2005 biennium, \$117,000.00 will come from federal funds and matching funds will come from fees.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

In order to carryout this program, the program will require one additional FTE. Expenses are estimated at \$130,000.00 per biennium and include salary, fringe, travel, training and general operating expenses.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The lead-based paint program is a new program and start-up costs will be required from the general fund for the 2001-2003 biennium to match U.S. EPA funds at 90% federal / 10% matching funds. After the 2001-03 biennium, fees collected from certification of workers and licensing of contractors were expected to be sufficient to meet the matching portion. This program will require one additional FTE. This program is not included in the Department's current appropriation bill SB 2004.

| | | | |
|----------------------|----------------|-----------------------|----------------------|
| Name: | Kathy J. Albin | Agency: | Department of Health |
| Phone Number: | 328-2392 | Date Prepared: | 03/29/2001 |

FISCAL NOTE
 Requested by Legislative Council
 12/26/2000

Bill/Resolution No.: SB 2124

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 1999-2001 Biennium | | 2001-2003 Biennium | | 2003-2005 Biennium | |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | \$117,000 | | \$130,000 |
| Expenditures | | | \$13,000 | \$117,000 | | \$130,000 |
| Appropriations | | | \$13,000 | \$117,000 | | \$130,000 |

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

| 1999-2001 Biennium | | | 2001-2003 Biennium | | | 2003-2005 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| | | | | | | | | |

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The lead-based paint program is a new program which will require lead-based paint contractors and workers to be licensed. Start-up costs will be required from the general fund for the 2001-2003 biennium and used to match U.S. EPA funds at 90% federal / 10% matching funds. In subsequent bienniums, general funds will be offset by fees collected from certification of workers and licensing of contractors and should be sufficient to meet the state's portion of matching fund requirement. Operating costs for the program are expected to be \$130,000 per biennium with \$117,000 coming from federal funds and \$13,000 from matching funds. This program will require one additional FTE (full time employee).

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

For the 2001-2003 biennium, \$117,000 will come from federal funds and will be matched with \$13,000 from general funds. For the 2003-2005 biennium, \$117,000.00 will come from federal funds and matching funds of \$13,000 will come from fees.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

In order to carryout this program, the program will require one additional FTE. Expenses are estimated at \$130,000.00 per biennium and include salary, fringe, travel, training and general operating expenses.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The lead-based paint program is a new program and start-up costs will be required from the general fund for the 2001-2003 biennium to match U.S. EPA funds at 90% federal / 10% matching funds. After the 2001-03 biennium, fees collected from certification of workers and licensing of contractors should be sufficient to meet the matching portion. This program will require one additional FTE. This program is not included in the Department's current appropriation bill SB 2004.

| | | | |
|----------------------|-------------------|-----------------------|------------|
| Name: | Robert A. Barnett | Agency: | Health |
| Phone Number: | 328-2392 | Date Prepared: | 01/03/2001 |

REPORT OF STANDING COMMITTEE (410)
January 17, 2001 4:06 p.m.

Module No: SR-08-1164
Carrier: Lee
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2124: Human Services Committee (Sen. Lee, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2124 was rereferred to the Appropriations Committee.

2001 SENATE APPROPRIATIONS

SB 2124

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2124

Senate Appropriations Committee

Conference Committee

Hearing Date January 30, 2001

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|------------|
| Tape #1 | x | | 0.0 - 22.4 |
| | | | |
| | | | |
| Committee Clerk Signature <i>Donnie Petch</i> | | | |

Minutes:

Senator Nething, Chair; opened the hearing on SB2124.

Jeff Burgess, Director of the North Dakota Department of Health, Division of Air Quality, testified in favor of SB2124 (a copy of his written testimony is attached).

Senator Andrist: Does this involve the EPA? Do they police it now as they do asbestos problem?

Jeff Burgess: This involves primarily the low-income housing; those eligible for assistance; they need to comply with lead-based standards. Additional personnel from the Department are here to assist in the answers (Ken Wangler, Francis Schwindt).

Ken Wangler, North Dakota Department of Health: The rules are not as strict as those involving asbestos; certified workers are required.

Senator Andrist: For any project? Only for the low-income housing? Is there a need to call ahead and see if there is a lead problem?

Ken Wangler: Low-income residents who are receiving assistance are required. Individuals not on assistance who are doing general upkeep are not regulated.

Senator Thane: Did this come too late to be included in governor's budget?

Francis Schwindt: Too late into the process when the decision was made on this project.

Senator Bowman: No additional funds after this biennium? Grants come and do this to us -- what's the cost 10 years from now? Have you checked this out?

Francis Schwindt: It's only been in existence 3 to 4 years at the most. One of the reasons we have a fee system set up so we will have the match for federal funds. Records indicate that the EPA funds haven't disappeared in the past; so no need to think they will now.

Senator Solberg: 13 thousand in your testimony -- 130 thousand on the bill -- 13 thousand correct?

Jeff Burgess: Yes. It is a 90-10 match.

Senator Thane: Is lead-based solder a reality? Scare tactic?

Francis Schwindt: It exists; 6-8 years ago the EPA drinking water standards established.

Senator Andrist: As owner -- what's my responsibility?

Francis Schwindt: You need a certified contractor only if you are renovating or remodeling the premises -- disturbing the paint already there.

Senator Andrist: What if doing a window replacement?

Francis Schwindt: Your own home -- nothing. Federally subsidized housing needs a certified contractor.

Senator Andrist: Could mean bringing a specialist 250 miles?

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Senate Appropriations Committee
Bill/Resolution Number SB2124
Hearing Date January 30, 2001

Francis Schwindt: Yes, with the division of services amount of dollars isn't going to go very far -- requirements were set September 2000 -- enforced by federal regulations would not allow the department of health to enforce and be eligible for the dollars.

Senator Andrist: What if one didn't know about or hear about the regulation?

Francis Schwindt: State would have the enforcement right.

Senator Heitkamp: Working with water systems -- we've put in many dollars along the way to protect our users -- has there been progress after these expenses? Is the lead count down in people?

Francis Schwindt: We don't routinely test lead levels; some testing is done by health officials when children are taken for checkups.

Senator Heitkamp: The assault of lead on people's lives is not new -- does our investment pay?

Francis Schwindt: National studies have been done - regarding blood lead levels; lead in gasoline.

Senator Lindaas: Years ago we had toothpaste in lead containers. ..factor?

Francis Schwindt: Not aware of data that speaks to this -- there is lead in crystal which might leak out to wine in certain goblets -- the amount in the toothpaste incidents would be insignificant.

Senator Andrist: Contractors -- how much time, how many dollars -- would be required to become certified?

Francis Schwindt: EPA had one training session this year. Our department hopes to do several, with greater accessibility.

Senator Andrist: One day session?

Francis Schwindt: Week.

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Senate Appropriations Committee
Bill/Resolution Number SB2124
Hearing Date January 30, 2001

Jeff Burgess: EPA has 500 dollar contract license fee. We hope to have 250 dollars.

Claus H. Lembke (registered lobbyist #151, North Dakota Association of Realtors), testified in support of SB2124. He indicated that all Realtors are required by law to distribute notices to all homes built prior to 1978. It contains information regarding potential problems, and the effect it may have on the individual -- especially children. Over time our bodies may eliminate potential problems -- but the lead paint disclosure is mandated by law.

Senator Andrist: If it only effects children, why apply this to senior citizens who are most often living in low-income housing?

Claus Lembke: Applies only to housing with children.

Jeff Burgess: HUD requires it. Senior housing is exception.

No additional requests to testify - for or against; hearing closed by Senator Nething.

Senator Nething assigned SB2124 to the Health Department Subcommittee:

Senator Andrist, Chair; Senator Grindberg and Senator Robinson.

2-7-01

Full Committee: February 7, 2001 (Tape 1, Side B; Meter No. 39.9-49.9)

Senator Nething reopened the hearing on SB2124.

Senator Andrist, Chair of the Health Subcommittee, presented proposed amendments (180259.0101).

Senator Andrist moved for the adoption of the amendment. Senator Holmberg seconded the motion. Motion carried.

Senator Andrist reviewed the proposed changes.

No questions or discussion.

Senator Andrist moved a DO PASS AS AMENDED; seconded by Senator Robinson. Roll call vote: 11 yes; 0 no; 3 absent and not voting. Senator Andrist accepted the floor assignment.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2124

Page 1, line 15, replace "15 U.S.C.A. 2601" with "title 40, Code of Federal Regulations, part 745, sections 220, 223, 225, 226, 227, and 233."

Page 1, remove line 16

Page 2, line 12, after "abatement" insert "in accordance with title 40, Code of Federal Regulations, part 745, sections 220, 223, 225, 226, 227, and 233"

Page 3, line 9, after the second comma insert "the sum of \$13,000, or so much of the sum as may be necessary,"

Page 3, line 10, replace "\$130,000" with "\$117,000"

Renumber accordingly

Date: 2-7-01

Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2124

Senate Appropriations Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 18259.0101

Action Taken As passed as amended

Motion Made By Sen Andrist Seconded By Sen Rasmussen

| Senators | Yes | No | Senators | Yes | No |
|----------------------------|-----|----|----------|-----|----|
| Dave Nething, Chairman | ✓ | | | | |
| Ken Solberg, Vice-Chairman | ✓ | | | | |
| Randy A. Schobinger | ✓ | | | | |
| Elroy N. Lindaas | ✓ | | | | |
| Harvey Tallackson | ✓ | | | | |
| Larry J. Robinson | ✓ | | | | |
| Steven W. Tomac | | | | | |
| Joel C. Heitkamp | ✓ | | | | |
| Tony Grindberg | ✓ | | | | |
| Russell T. Thane | | | | | |
| Ed Kringstad | | | | | |
| Ray Holmberg | ✓ | | | | |
| Bill Bowman | ✓ | | | | |
| John M. Andrist | ✓ | | | | |

Total Yes 11 No 0

Absent 3

Floor Assignment Senator Andrist

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 7, 2001 2:13 p.m.

Module No: SR-22-2621
Carrier: Andrist
Insert LC: 18259.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2124: Appropriations Committee (Sen. Nothing, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2124 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "15 U.S.C.A. 2601" with "title 40, Code of Federal Regulations, part 745, sections 220, 223, 225, 226, 227, and 233."

Page 1, remove line 16

Page 2, line 12, after "abatement" insert "in accordance with title 40, Code of Federal Regulations, part 745, sections 220, 223, 225, 226, 227, and 233"

Page 3, line 9, after the second comma insert "the sum of \$13,000, or so much of the sum as may be necessary,"

Page 3, line 10, replace "\$130,000" with "\$117,000"

Renumber accordingly

2001 HOUSE HUMAN SERVICES

SB 2124

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2124

House Human Services Committee

Conference Committee

Hearing Date February 20, 2001

| Tape Number | Side A | Side B | Meter # |
|--|--------|--------|------------------|
| Tape 1 | | | Tape didn't work |
| | | | |
| | | | |
| Committee Clerk Signature <i>Cornie Pastor</i> | | | |

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosch, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig

Chairman Price: Open hearing on SB 2124.

Jeff Burgess: Director of the N.D. Department of Health, Division of Air Quality. (See written testimony.) The bill would authorize a program to ensure that individuals engaged in lead-based paint risk assessments, inspections and abatement are properly trained and certified, that contractors are licensed, and that training programs are accredited. Passage of this bill would make the state eligible to apply for up to \$2,000,000 annually of federal money for home rehabilitation and other lead-based paint activities. It would enable the state to be in a better position to mitigate the hazards of lead-based paint and provide a more health future for our children.

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House Human Services Committee

Bill/Resolution Number SB 2124

Hearing Date February 20, 2001

Ken Wangler: Division of Air Quality. Discussed request for FTE.

Chairman Price: What would your FTE employee be involved in?

Ken Wangler: We will have an inspector - very similar to our asbestos program. It will be an inspector position.

Chairman Price: Will this employee be involved regarding inspection of the demolition of old buildings?

Ken Wangler: They will apply to lead abatement practice.

Rep. Porter: How many FTEs do you have working in the asbestos program - how many certified workers?

Ken Wangler: 50 contractors and 300 certified workers.

Rep. Porter: Do you see cross training going on between the two departments?

Ken Wangler: We have an extensive cross training program going on right now.

Rep. Klein: What are the procedures and who do we pay?

Ken Wangler: WE are not intimately familiar with this regulation.

Rep. Galvin: In the process of removing paint, wouldn't it be like removing asbestos? There is the hazard situation - if they hadn't disturbed this there wouldn't have been a hazard.

Ken Wangler: Yes. That is one of the reasons they are properly trained.

Michael Spletto: HOME Program Manager, N.D. Division of Community Services. (See written testimony.) This bill would authorize a program to ensure that individuals engaged in lead-based paint risk assessments, inspections and abatement are properly trained, that contractors are certified, and that training programs are accredited. Moreover, training and certification is to ensure the proficiency of individuals who offer to conduct lead-based paint inspections, risk assessments or abatement services. Accreditation requirements are to ensure

that training programs provide quality instruction. Work practice standards ensure that lead-based paint activities are conducted safely, reliably and effectively. When the regulations become effect, the Division of Community Services has estimated a need for up to 85 persons trained in interim controls, at least 40 persons certified as clearance technicians, and at least 25 persons certified as risk assessors. We need these positions filled soon. The rule has taken effect on September 15, 2000. At this point, the state has submitted a letter of inadequate capacity and a transition plan to HUD demonstrating the need for additional time to comply with the new regulation. It is anticipated that the Division of Community Services will request an additional six month extension on this rule so that September 15, 2001 will be the effective date for all HUD programs. With this time extension and the passage of this legislation, the Division of Community Services believes that the Residential Lead-Based Paint Hazard Reduction Act of 1992 can more easily be complied with. State control will surely speed up this process that will reduce the risk of lead poisoning in our families.

Rep. Niemeier: Would federal grant award be a sure thing if this bill was passed?

Michael Spletto: No, we have to apply.

Rep. Weiler: What types of problems do people have with lead poisoning?

Michael Spletto: It can cause death, respiratory problems, mental retardation, nervous system disorders. Very little lead has to be present in order for someone to inhale it.

Mary Splichal: Vice Chairman of the N. D. Association of Realtors Political Affairs Committee.

(See written testimony.) It is our belief that we will have an ever-increasing need for trained professionals with expertise in lead base paint issues. Since this bill will transfer the responsibility of training inspectors and contractors from the EPA to our State Health

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House Human Services Committee
Bill/Resolution Number SB 2124
Hearing Date February 20, 2001

Department, we feel that this is a benefit for North Dakota. It is my pleasure to ask for your support and passage of SB 2124 on behalf of our Association.

Chairman Price: Close hearing on SB 2124.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2124A

House Human Services Committee

Conference Committee

Hearing Date March 7, 2001

| Tape Number | Side A | Side B | Meter # |
|-------------|--------|--------|----------|
| Tape 3 | X | | 0 to 460 |
| | | | |
| | | | |

Committee Clerk Signature *Connie Easton*

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosh, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig

Chairman Price: Opened discussion on SB 2124.

Tim O'Keefe: Attorney, City of Fargo. You should have a two page summary of what we are trying to accomplish with this amendment. This bill is very similar to a bill that was taken up in 1993. Our amendment would allow a four year statute in which to bring a claim and to clarify that claims are not prohibited by any current statutes of limitations on the books. Our concerns about lead based paint are somewhat relevant to SB 2124, is addressed already in that bill, and this is probably a vehicle for bringing this amendment. We think we are prohibitive from bringing claims without this bill passing and then there is still a problem of determining who is going to pay for the removal of the lead based paint. When that becomes an issue, or if it is an

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House Human Services Committee

Bill/Resolution Number SB 2124

Hearing Date March 7, 2001

issue. should that be the tax payers of North Dakota or various cities or school districts, or should the responsibility lie with the manufacturers who participate in the removal. There is currently litigation of this nature going on in other states, so we think now is the time to do this and clarify this situation.

Chairman Price: What is the chapter that is dealing with asbestos? This mirrors it?

Tim O'Keefe: This mirrors it. What we did with the asbestos bill the limitation was set where claims must commence prior to August 1, 1997. The bill was introduced in 1993. So it essentially set a four year period for the public to commence litigation and limited it to that time period. What we did with this bill was model it after the asbestos bill and put a four year limitation period on the commencement of the law suit. I think it is a straight forward situation. Lead based paint is as harmful a product as asbestos, especially in children under the age of eight. It has a tendency to cause a lower IQ and various other health problems. Really what this does is clarifies the ability to bring a claim to assist in the payment of removal or compensation for removal. It gets the responsible parties to pay so the taxpayers won't have to foot the bill.

Francis Schwindt: Department of Health. We certainly don't have any objection to the proposed language. Our only concern would be that by throwing this on it might jeopardize the whole bill to establish the lead base program in the state. That would be our only concern.

Chairman Price: Close discussion on SB 2124.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2124 B

House Human Services Committee

Conference Committee

Hearing Date March 14, 2001

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|-------------|
| Tape 2 | | X | 645 to 3200 |
| | | | |
| | | | |
| Committee Clerk Signature <i>Corinne Easton</i> | | | |

Minutes:

COMMITTEE WORK:

CHAIRMAN PRICE: SB 2124. (Discussion amendments.) Just a show of hands - how many are interested in adding the Fargo amendment?

REP. WEISZ: Motioned to change language to make language more clear.

REP. PORTER: Second.

CHAIRMAN PRICE: 13 Yes, 0 No, 1 Absent.

REP. DOSCH: I suggest up \$250.

CHAIRMAN PRICE: So your motion is to establish an annual renewal fee for licensing asbestos contractors and lead-based contractors up \$250 and \$100 for the workers?

REP. DOSCH: That is correct.

REP. POLLERT: Second.

CHAIRMAN PRICE: Discussion? All those in favor signify by saying Aye (13 Yes, 0 No,

Page 2

House Human Services Committee

Bill/Resolution Number SB 2124

Hearing Date March 14, 2000

1 Absent). Any other proposed amendments?

REP. WEISZ: I will move a Do Pass as amended.

REP. WEILER: Second.

CHAIRMAN PRICE: Any other discussion. The clerk will take the roll on a **DO PASS** as amended and rerefer to Appropriations.

13 YES 0 NO 1 ABSENT CARRIED BY REP. PORTER

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2124

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "23-25-03" insert ", and a new section to chapter 28-01"

Page 1, line 3, after "abatement" insert "and limitation of actions for lead-based paint claims"

Page 3, after line 9, insert:

"SECTION 5. A new section to chapter 28-01 of the North Dakota Century Code is created and enacted as follows:

Limitation of action for lead-based paint claims.

1. The legislative assembly finds that it is in the best interests of the general public, particularly those persons who may bring claims regarding lead-based paint in public buildings and those against whom the claims may be brought, to set a specific date by which public building owners must bring a cause of action for removal or other abatement costs associated with the presence of lead-based paint in their buildings. By enactment of this statute of limitations, the legislative assembly does not imply that suits would otherwise be barred by an existing limitations period.
2. Notwithstanding any other provision of law, an action to recover costs for removal of lead-based paint from a public building; recover costs for other measures taken to locate, correct, or ameliorate a problem relating to lead-based paint in a public building; or for reimbursement for removal, correction, or amelioration of a lead-based paint problem in a public building must be commenced before August 1, 2005. An action that would otherwise be barred before August 1, 2005, as a result of expiration of the applicable period of limitation, is revived or extended. An action relating to lead-based paint revived or extended under this subsection must be commenced before August 1, 2005.
3. For purposes of this section, "public building" means a building owned by a county, city, township, school district, park district, or any other unit of local government or the state or an agency, industry, institution, board, or department of the state."

Renumber accordingly

VK
3/16/01

HOUSE AMENDMENTS TO SB 2124

HOUSE HS

3-19-01

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "23-25-03" insert ", and a new subsection to section 23-25-05"

Page 1, line 3, remove "and subsection 1 of"

Page 1, line 4, remove "section 23-25-05"

HOUSE AMENDMENTS TO SB 2124

HOUSE HS

3-19-01

Page 2, line 18, after "fees" insert ", not to exceed two hundred fifty dollars for each contractor,"

Page 2, line 20, after "fees" insert ", not to exceed one hundred dollars for each worker,"

HOUSE AMENDMENTS TO SB 2124

HOUSE HS

3-19-01

Page 3, line 1, replace "AMENDMENT. Subsection 1 of" with "A new subsection to"

Page 3, line 2, replace "amended and reenacted" with "created and enacted"

Page 3, replace lines 3 through 9 with:

"For the purpose of ascertaining the state of compliance with this chapter and any applicable rules, any duly authorized officer, employee, or agent of the department may enter and inspect, at any reasonable time, any property, premises, or place on or at which a lead-based paint remediation activity is ongoing. If requested, the department shall provide to the owner or operator of the premises a report that sets forth all facts found which relate to compliance status."

Renumber accordingly

Date: 3-14-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2124

House Human Services Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Motion to change language - make language more clear.

Motion Made By Rep. Weisz Seconded By Rep. Porter

| Representatives | Yes | No | Representatives | Yes | No |
|------------------------------|-----|----|-----------------|-----|----|
| Clara Sue Price - Chairman | | | Audrey Cleary | | |
| William Devlin - V. Chairman | | | Ralph Metcalf | | |
| Mark Dosch | | | Carol Niemeier | | |
| Pat Galvin | | | Sally Sandvig | | |
| Frank Klein | | | | | |
| Chet Pollert | | | | | |
| Todd Porter | | | | | |
| Wayne Tieman | | | | | |
| Dave Weiler | | | | | |
| Robin Weisz | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 13 No 0

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 3-14-01
 Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2124

House Human Services Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken move to cut amount at \$250 for Contractors
and \$100 for workers

Motion Made By _____ Seconded
 By _____

| Representatives | Yes | No | Representatives | Yes | No |
|------------------------------|-----|----|-----------------|-----|----|
| Clara Sue Price - Chairman | ✓ | | Audrey Cleary | ✓ | |
| William Devlin - V. Chairman | ✓ | | Ralph Metcalf | ✓ | |
| Mark Dosch | ✓ | | Carol Niemeier | ✓ | |
| Pat Galvin | ✓ | | Sally Sandvig | | ✓ |
| Frank Klein | ✓ | | | | |
| Chet Pollert | ✓ | | | | |
| Todd Porter | ✓ | | | | |
| Wayne Tieman | ✓ | | | | |
| Dave Weiler | ✓ | | | | |
| Robin Weisz | ✓ | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 13 No _____

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 3-14-01
Roll Call Vote #: 3

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2124

House Human Services Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS as amended & refer to Appropriations

Motion Made By Rep. Weisz Seconded By Rep. Weiler

| Representatives | Yes | No | Representatives | Yes | No |
|------------------------------|-----|----|-----------------|-----|----|
| Clara Sue Price - Chairman | ✓ | | Audrey Cleary | ✓ | |
| William Devlin - V. Chairman | ✓ | | Ralph Metcalf | ✓ | |
| Mark Dosch | ✓ | | Carol Niemeier | ✓ | |
| Pat Galvin | ✓ | | Sally Sandvig | ✓ | |
| Frank Klein | ✓ | | | | |
| Chet Pollert | ✓ | | | | |
| Todd Porter | ✓ | | | | |
| Wayne Tieman | ✓ | | | | |
| Dave Weiler | | | | | |
| Robin Weisz | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Porter

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2124, as engrossed and amended: Human Services Committee (Rep. Price, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2124, as amended, was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "23-25-03" insert ", and a new subsection to section 23-25-05"

Page 1, line 3, remove "and subsection 1 of"

Page 1, line 4, remove "section 23-25-05"

Page 2, line 18, after "fees" insert ", not to exceed two hundred fifty dollars for each contractor,"

Page 2, line 20, after "fees" insert ", not to exceed one hundred dollars for each worker,"

Page 3, line 1, replace "AMENDMENT. Subsection 1 of" with "A new subsection to"

Page 3, line 2, replace "amended and reenacted" with "created and enacted"

Page 3, replace lines 3 through 9 with:

"For the purpose of ascertaining the state of compliance with this chapter and any applicable rules, any duly authorized officer, employee, or agent of the department may enter and inspect, at any reasonable time, any property, premises, or place on or at which a lead-based paint remediation activity is ongoing. If requested, the department shall provide to the owner or operator of the premises a report that sets forth all facts found which relate to compliance status."

Renumber accordingly

2001 HOUSE APPROPRIATIONS

SB 2124

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2124

House Appropriations Committee

Conference Committee

Hearing Date **March 26, 2001**

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|-------------|
| 2 | x | | 2192 - 6177 |
| | | | |
| | | | |
| Committee Clerk Signature <i>L. J. Danher</i> | | | |

Minutes:

HOUSE APPROPRIATIONS COMMITTEE HEARING ON SB2124:

Rep. Timm: Is anybody here to testify on SB2124?

Ken Wangler, Manger of the ND Department of Health: (Followed written testimony and then answered questions following his testimony.)

Rep. Timm: How are people going to know whether they have lead based paint in their home or not, how do you tell?

Mr. Wangler: This bill would provide for certification of people to conduct the inspections and hazard assessments, there will not be a requirement for the average homeowner to conduct an inspection of his home unless the home is being rehabilitated with the use of federal money and then only if the home is called a target home which is a home built prior to 1978.

Rep. Timm: What your saying is that you can go to somebody that's in a home prior to 1978 and force them to be a part of this program?

Mr. Wangler: No, there will not be a requirement for the average homeowner to conduct an inspection unless they are being provided federal money for a rehabilitation in that home and then it is our understanding that only that affected part of the home would need to be inspected.

Rep. Wald: It is my understanding that in most communities particularly those that have multiple listing service, when the Realtor lists that home that is built prior to 1978, does that Realtor have to get an inspection from somebody to certify that there is lead paint in that house or there isn't, am I correct?

Mr. Wangler: It is not my understanding that it is required unless that is required by the lending institution perhaps, I know of no federal or state law that requires inspection of a home during a real estate transaction and I see that Mr. Claus Lembke with the ND Realtors Association is here as well.

Rep. Wald: My second question would be, on the bottom of your handout, "properly trained and certified" what kind of training program is this and how long does it take to get certified? What's involved?

Mr. Wangler: The training programs will vary in length depending on the discipline and will be between three and five days long depending on whether an individual is wanting to be certified as an inspector or risk assessor or actually do the removal. The courses that they will take have to be accredited or approved, this bill would authorize North Dakota to become an accrediting agency, we already have one accredited trainer in the state and that is the University of North Dakota. I don't anticipate very many more, perhaps one or two more in the state and then there are a number of accredited training providers in other states.

Rep. Wald: Is this a six month course or six weeks course or six day course, what is it?

Mr. Wangler: Three to Five days.

Rep. Timm: The appropriation out of the general fund is \$13,000, You can't find that in your budget now?

Mr. Wangler: That is not something that we had budgeted for in our budget, we submitted our budget before the department decided to submit this legislation and so we felt that we needed to ask for that additional \$13,000 for the next biennium.

Rep. Gulleason: Does the State Health Department, have they done routine or non routine blood testing to establish a base line for the amount of lead that we have in our state. Have they done more testing of the children or others?

Mr. Wangler: There has been some blood lead screening done in the state, it has not been done for the purpose of determining the amount of children that we have with elevated blood lead, but we have taken the data from those studies, we assimilated data from about 5 or 6 studies and what we find based on that data is that we have an average that we consider to be very close to the national average which is approximately 3 to 4% of the children under the age 6 with elevated blood lead. That again was not a study for the purpose of determining that but based on the numbers that we have that's what we have found, we are in the process right now of applying for additional funding from the federal government both through the EPA and the center for disease control in the long term to conduct additional studies to see just what kind of problems we do have in North Dakota , but we anticipate that they are pretty close to the federal levels of 3 to 4 %.

Rep. Carlisle: I have a question for Rep.Svedjan, Do you have the Health Department budget in your committee now? Yes, that is correct. Relative to Rep. Timm's question about finding \$13,000, how big is their proposed budget? Answer: The general fund portion of that is \$15 million.

Rep. Delzer: You have in your testimony rules coming in that the state can't get anymore of this HUD money or whatever, what kind of level of money have they gotten in the past few years?

Mr. Wangler: There has been no money's brought into the state specifically for the purpose of lead based paint abatement including inspection, hazard assessment or removal, and up until September of last year there was not a requirement to implement those procedures on federally funded housing projects. After September of last year the state has mandated to perform inspections and assessments on federally funded housing and the division of community services has estimated that it will cost approximately \$2 million additional dollars for housing rehabilitation based on the amount of housing that they currently rehabilitate every year, but because North Dakota does not have an authorized program they are not eligible to apply for those additional \$2000 dollars, so there has been no money coming in directly for lead based paint abatement, and Mike Spletto with the division of community services is also here and will testify later, but he may be able to answer that question better than I can.

Rep. Skarphol: The fees that you have in here for the certification of a contractor and of the employee are they comparable to what your currently charging for the asbestos program.

Mr. Wangler: These fees are higher than what we are charging for asbestos, the fees that we are projecting here, just to give you a comparison, we are anticipating on charging contractors \$200 and workers \$100, in asbestos we charge contractors \$100 and workers \$25, our fees for asbestos have not been raised in over 11 years. We feel that based on the projected number of people that we will have in this industry, we need to charge these kind of fees to support the program to meet the 10% match requirement in order to run the program without any general fund money. These are only projected figures that we would or need to charge, we did not anticipate those numbers being put into the bill specifically, that was done in a recent amendment, we hope we can operate

in those constraints, I can tell you that EPA's fees are considerably higher. Which for the individual is anywhere from \$280 to \$520 for people that want to be certified in North Dakota and the license fee is \$500 compared to our \$250.

Rep. Koppleman: There has been some discussion in this session about the issue you mentioned in response to Rep. Delzer's question regarding lead based paint abatement and the statute of limitations and so on relative to political subdivisions, Does this bill deal with that at all or do you know of any legislation pending on that?

Mr. Wangler: I don't know too much about the statute of limitations extension that was floated, I know where it originated from, at least I think I do and I think it was looked at as being an attachment to this bill as an amendment and apparently it failed in the house human services committee. The Health Department was not a part of the consideration of that amendment, and I think it was very similar to the one done for asbestos a number of years ago and the Health Department did testify on behalf of that amendment in the house human services committee.

Rep. Wald: Explain to me the process in implementing lead based paint remediation, do you just paint over it, do you scrape it off the walls, how do you satisfy EPA?

Mr. Wangler: I have to say that I don't know all of those answers. This regulation has been in the works for some time but we have not had it at the state level and have not gone into detail in studying and understanding all the abatement procedures, we have not been trained on it formally nor have we taken the time in our office to study the regulation in depth, it is not something that we have been assigned to do at all. I guess I can tell you that there are as I understand it various levels of abatement, a true abatement is designed to be a twenty year fix and so they do allow things like covering with impermeable material such as paneling or covering over with new

wallboard. I know that for a short term fix that painting is acceptable but I don't understand all the fine details of the regulation.

Rep. Timm: Any other questions of Mr. Wangler?

Mike Spleto, Home Program Manger for the Division of Community Services: I was not planning on making formal testimony today so I don't have anything written for you, but I was hoping to answer a few more of the questions that were brought up a few minutes earlier and bring perhaps a little more light for those questions.

Rep. Wald: If May 15th is the deadline to apply shouldn't we put the emergency clause in this bill?

Mr. Spleto: What we can do is if this thing is passed both the senate and the house, there is a clause within the grant that says that even though were not in effect until August we still have the right to apply for the funds in May.

Rep. Gulleason: How do you rehab a home? Do you have the answer? Do you repaint it or do you tear that stuff out or what do you do?

Mr. Spleto: There are several different ways to do rehabilitation on homes depending on the dollar limit according to HUD regulations, with \$5000 and \$25,000 you can do different types which are called interim type controls, those interim controls include encapsulation or enclosure of those things. Now if your going to paint over it, there are certain types of paint on the market that you can actually use to paint over lead based paint, these paints have a label on them that they will protect lead for twenty years or more and so your basic latex paint down at Menard's would not suffice for taking care of lead based paints in the house.

Rep. Timm: What is the situation that if a house is an older house its had lead based paint on it before and then other people have moved in and put one or two coats of paint on it over the years over that lead based paint, is that lead based paint still dangerous then?

Mr. Spleto: The answer to that is really the cleaning that the family does within that unit, if the house is taken care of quite well and the children aren't chewing on the walls to expose the under lead the painting that the family did should be OK as long as the lead based paint is not exposed.

Rep. Heuther: If there are no children in the house does that make a difference on what qualifies?

Mr. Spleto: In 1992 the answer to that would have been yes, because back then the law said no child under seven lives in the house, and later it was changed to six, we wouldn't have to worry about these rules. The rules were changed to say that if the likelihood of a child would ever live in that house, then we have a risk.

Rep. Wald: It is pretty hard for a kid to be chewing on the window sill on a two story house.

Rep. Svedjan: Is the grant that you have referenced here, is that a one year grant renewable or is it a two year grant?

Mr. Spleto: The grant that we applied for will last over a three year period, your not allowed to apply for it on your second year, but on your third year you could reapply.

Rep. Timm: Any other questions? Any other testimony?

Mr. Claus Lembke, Representing the North Dakota Association of Realtors: (Followed written testimony and answered questions after his testimony if asked)

Rep. Timm: Any other testimony in support of SB2124? Any opposition to SB2124? Hearing none we will close the hearing on SB2124.

House Appropriations Committee closed the hearing on SB2124.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2124

House Appropriations Committee

Conference Committee

Hearing Date March 28, 2001

| Tape Number | Side A | Side B | Meter # |
|--|----------------------|-----------|---------|
| 03-28-01 tape #1 | 2433-3850 | 2433-3850 | |
| | | | |
| | | | |
| Committee Clerk Signature <i>Kathleen Hall</i> | | | |

Minutes:

The committee was called to order, and opened committee work on SB 2124.

Rep. Delzer: Had amendment 18259.0301, handed them out and explained the amendment. Moves to adopt the amendment. Seconded by Rep. Skarphol.

(general committee discussion, questions and answers).

Voice vote adopted the amendment.

Rep. Wald: Moves DO PASS AS AMENDED. Seconded by Rep. Monson.

Vote on Do Pass as Amended : 17 yes, 3 no, 1 absent and not voting.

Rep. Kempenich is assigned to carry the bill to the floor.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2124

In lieu of the amendments adopted by the House as printed on page 982 of the House Journal, Engrossed Senate Bill No. 2124 is amended as follows:

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "23-25-03" insert ", and a new subsection to section 23-25-05"

Page 1, line 3, remove "and subsection 1 of"

Page 1, line 4, remove "section 23-25-05"

Page 2, line 18, after "fees" insert ", not to exceed one hundred dollars for each contractor,"

Page 2, line 20, after "fees" insert ", not to exceed twenty-five dollars for each worker,"

Page 3, line 1, replace "AMENDMENT. Subsection 1 of" with "A new subsection to"

Page 3, line 2, replace "amended and reenacted" with "created and enacted"

Page 3, replace lines 3 through 9 with:

"For the purpose of ascertaining the state of compliance with this chapter and any applicable rules, any duly authorized officer, employee, or agent of the department may enter and inspect, at any reasonable time, any property, premises, or place on or at which a lead-based paint remediation activity is ongoing. If requested, the department shall provide to the owner or operator of the premises a report that sets forth all facts found which relate to compliance status."

Page 3, line 10, remove "out of any moneys in the"

Page 3, remove line 11

Page 3, line 12, remove "of the sum as may be necessary, and"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 301 - Department of Health - House Action

The amendment removes the general fund appropriation and establishes the maximum annual fees and renewal fees for asbestos and lead-based paint contractors (\$100) and examination fees for workers (\$25).

Date: 3-28-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB2124

House APPROPRIATIONS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 18259.0301

Action Taken Moves to adopt amendment

Motion Made By Rep. Delzer Seconded By Rep. Skarphol

| Representatives | Yes | No | Representatives | Yes | No |
|----------------------|-----|----|-----------------|-----|----|
| Timm - Chairman | | | | | |
| Wald - Vice Chairman | | | | | |
| Rep - Aarsvold | | | Rep - Koppelman | | |
| Rep - Boehm | | | Rep - Martinson | | |
| Rep - Byerly | | | Rep - Monson | | |
| Rep - Carlisle | | | Rep - Skarphol | | |
| Rep - Delzer | | | Rep - Svedjan | | |
| Rep - Glassheim | | | Rep - Thoreson | | |
| Rep - Gulleason | | | Rep - Warner | | |
| Rep - Huether | | | Rep - Wentz | | |
| Rep - Kempenich | | | | | |
| Rep - Kerzman | | | | | |
| Rep - Kliniske | | | | | |

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

adopted

Date: 3-28-01
Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2124

House APPROPRIATIONS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 18259.0301

Action Taken Do Pass As Amended

Motion Made By Rep. Wald Seconded By Rep. Monson

| Representatives | Yes | No | Representatives | Yes | No |
|----------------------|-----|----|-----------------|-----|----|
| Timm - Chairman | ✓ | | | | |
| Wald - Vice Chairman | ✓ | | | | |
| Rep - Aarsvold | | ✓ | Rep - Koppelman | ✓ | |
| Rep - Boehm | ✓ | | Rep - Martinson | ✓ | |
| Rep - Byerly | ✓ | | Rep - Monson | ✓ | |
| Rep - Carlisle | ✓ | | Rep - Skarphol | ✓ | |
| Rep - Delzer | ✓ | | Rep - Svedjan | | |
| Rep - Glassheim | | ✓ | Rep - Thoreson | ✓ | |
| Rep - Gulleason | ✓ | | Rep - Warner | ✓ | |
| Rep - Huether | ✓ | | Rep - Wentz | ✓ | |
| Rep - Kempenich | ✓ | | | | |
| Rep - Kerzman | | ✓ | | | |
| Rep - Kliniske | ✓ | | | | |

Total (Yes) 17 No 2

Absent 1

Floor Assignment Rep. Kempenich

If the vote is on an amendment, briefly indicate intent:

JOURNAL OF THE HOUSE

Senate Bill No. 2001 - Legislative Council - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|--------------------------------|------------------|----------------|---------------|---------------|
| Operating expenses | \$4,594,446 | \$4,594,446 | | \$4,594,446 |
| Equipment | 2,192,656 | 2,192,656 | | 2,192,656 |
| Information technology program | 383,300 | 383,300 | (835,000) | 148,300 |
| | 240,000 | 240,000 | | 240,000 |
| Total all items | \$7,208,402 | \$7,208,402 | (835,000) | \$7,173,402 |
| Less estimated income | | | | |
| General fund | \$7,208,402 | \$7,208,402 | (835,000) | \$7,173,402 |
| FTE | 33.00 | 33.00 | 0.00 | 33.00 |

Dept. 160 - Legislative Council - Detail of House Changes

| | REDUCE EQUIPMENT | TOTAL HOUSE CHANGES |
|--------------------------------|------------------|---------------------|
| Subtract and weight | (835,000) | (835,000) |
| Operating expenses | | |
| Information technology program | (835,000) | (835,000) |
| Total all items | (835,000) | (835,000) |
| Less estimated income | | |
| General fund | (835,000) | (835,000) |
| FTE | 0.00 | 0.00 |

REPORT OF STANDING COMMITTEE

SB 2005: Appropriations Committee (Rep. Timm, Chairman) recommends DO PASS (17 YEARS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2005 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2006: Appropriations Committee (Rep. Timm, Chairman) recommends DO PASS (20 YEARS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2006 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2010, as engrossed: Appropriations Committee (Rep. Timm, Chairman) recommends DO PASS (16 YEARS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2010 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2033, as reengrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends AMENDMENTS AS FOLLOWS AND when so amended, recommends DO PASS (13 YEARS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2033 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "and"
Page 1, line 6, after "use" insert "; and to provide for an application date"

Page 3, line 9, after "57-38" insert "and includes a partnership, subchapter S corporation, limited partnership, limited liability company, or any other pass-through entity"

Page 5, line 24, after "investment" insert "if the cost of a new business purchase or expansion of an existing business, approved as a zone project, exceeds seventy-five thousand dollars, and the business is located in a city with a population of not more than two thousand five hundred, an individual taxpayer may, in lieu of the exemption provided in subsection 2, elect to take an income tax exemption of up to two thousand dollars of personal income tax liability as determined under section 57-38-29 or 57-38-30.3. The election must be made on the taxpayer's zone project application. The election is irrevocable and binding for the duration of the exemptions provided in subsection 2 or 3. If no election is made on the zone project application, the taxpayer is only eligible for the exemption provided in subsection 2" and remove the overstrike over the period

Page 5, line 25, remove the overstrike over "4."

Page 7, line 7, replace "on improvements made" with "retabulated"

Page 7, line 23, after "year" insert ", up to a maximum of two hundred thousand dollars"

Page 7, line 25, remove "up to a maximum of two hundred fifty thousand dollars"

Page 8, line 11, after "cities" insert "and to make investments in businesses within a city's zone"

Page 8, line 12, overstrike "zone"

Page 8, line 13, overstrike ", including projects"

Page 8, after line 17, insert:

3. A renaissance fund organization that is established by a city may provide financing to businesses within the city's zone and may provide financing to zone-approved projects throughout the state.

Page 8, line 18, remove the overstrike over "4." and remove "3."

Page 8, line 19, after the period insert "An exemption under this section may be passed through to any shareholder, partner, and owner if the renaissance fund organization is a pass-through entity for tax purposes."

Page 8, line 25, remove the overstrike over "5." and remove "4."

Page 9, line 1, remove the overstrike over "6." and remove "5."

Page 9, line 4, remove the overstrike over "7." and remove "6."

Page 9, line 11, remove the overstrike over "8." and remove "7."

Page 9, line 14, remove the overstrike over "9." and remove "8."

Page 9, line 22, remove the overstrike over "10." and remove "9."

Page 10, after line 26, insert:

"SECTION 12. APPLICATION. Sections 4 and 5 of this Act apply to zone projects approved after December 31, 1999, and section 6 of this Act applies to zone projects approved after July 31, 2001."

Re-number accordingly
SB 2090, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends AMENDMENTS AS FOLLOWS AND when so amended, recommends DO PASS (15 YEARS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2090 was placed on the Sixth order on the calendar.

Page 1, line 11, after the semicolon insert "to direct the securities commissioner to review policies and procedures regarding financing for North Dakota companies and to report to the legislative council;"

Page 22, after line 2, insert:

"SECTION 15. SECURITIES COMMISSIONER REVIEW OF POLICIES AND PROCEDURES. During the 2001-02 interim, the securities commissioner shall conduct a review of policies and procedures relating to access to capital for North Dakota companies, with the goal of increasing North Dakota companies' access to capital investment. Before August 1, 2002, the securities commissioner shall report the commissioner's findings and any recommendations to the legislative council."

Page 22, line 3, replace "Section" with "Sections 6 and" and replace "is" with "are"
Re-number accordingly

REPORT OF STANDING COMMITTEE
SB 2124, as engrossed: Appropriations Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS

(17 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2124 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 982 of the House Journal, Engrossed Senate Bill No. 2124 is amended as follows:

Page 1, line 1, replace the second "and" with a comma.

Page 1, line 2, after "23-25-05" insert ", and a new subsection to section 23-25-05"

Page 1, line 3, remove "and subsection 1 of"

Page 1, line 4, remove "section 23-25-05"

Page 2, line 18, after "fees" insert ", not to exceed one hundred dollars for each contractor."

Page 2, line 20, after "fees" insert ", not to exceed twenty-five dollars for each worker."

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Page 3, line 2, replace "amended and retracted" with "created and enacted"

Page 3, replace lines 3 through 9 with:

"For the purpose of ascertaining the state of compliance with this chapter and any applicable rules, any duly authorized officer, employee, or agent of the department may enter and inspect, at any reasonable time, any property, premises, or place on or at which a lead-based paint remediation activity is ongoing. If requested, the department shall provide to the owner or operator of the premises a report that sets forth all facts found which relate to compliance status."

Page 3, line 10, remove "out of any moneys in the"

Page 3, remove line 11

Page 3, line 12, remove "of the sum as may be necessary, and"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 301 - Department of Health - House Action

The amendment removes the general fund appropriation and establishes the maximum annual fees and renewal fees for asbestos and lead-based paint contractors (\$100) and examination fees for workers (\$25).

REPORT OF STANDING COMMITTEE (MAJORITY)

SB 2124, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) A MAJORITY of your committee (Reps. Berg, Ekstrom, Froelich, Frosen, Jensen, N. Johnson, M. Klein, Koppang, Pletsch, Thorpe) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 1, line 1, after "08.1-02" insert "and a new section to chapter 6-08.1."

Page 1, line 2, after "institutions" insert "and notification of privacy policies"

Page 1, line 4, after the second semicolon insert "to provide an expiration date."

Page 2, after line 23, insert:

"SECTION 3. A new section to chapter 6-08.1 of the North Dakota Century Code is created and enacted as follows:

agricultural and commercial accounts:

1. A financial institution shall notify the financial institution's agricultural and commercial customers in this state of the financial institution's privacy policies and practices relating to agricultural and commercial accounts.

2. If the financial institution discloses nonpublic information about agricultural or commercial accounts to nonaffiliated third parties, the financial institution shall annually allow agricultural and commercial customers to not agree to disclosing that information. An agricultural or commercial customer also may agree to the disclosure of nonpublic information.

3. The exceptions in section 502(b)(2) of the Gramm Leach Bliley Financial Service Modernization Act [Pub. L. 106-102; 113 Stat. 1437-15 U.S.C. 5802] and section 6-08.1-02 apply to agricultural and commercial accounts.

Page 2, after line 24, insert:

"SECTION 5. EXPIRATION DATE. Section 3 of this Act is effective through July 31, 2003, and after that date is ineffective."

Renumber accordingly

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF STANDING COMMITTEE (MINORITY)

SB 2191, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) A MINORITY of your committee (Reps. Keiser, Kasper, Lemieux, Rudy) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 1, line 1, after "enact" insert "two new subsections to section 6-08.1-01," and after "6-08.1-02" insert ", a new section to chapter 10-04, and a new section to chapter 26.1-02"

Page 1, line 2, after "Code" insert "and to create and enact a new section to Senate Bill No. 2127, as approved by the fifty-seventh legislative assembly" and after "institutions" insert "and the effective date of section 1 of Senate Bill No. 2127"

Page 1, line 4, replace "definition of a customer and" with "definitions relating to disclosure of" and after "date" insert "; to provide an expiration date"

Page 1, line 10, remove ", with respect to a financial institution," and remove the overstrike over "person-who-has"

Page 1, remove the overstrike over line 11

Page 1, line 12, remove "individual or authorized representative of an individual to whom"

Page 1, line 13, remove the overstrike over "-or-for-whom-a-financial-institution-has-acted" and remove "provides a product or"

Page 1, line 14, remove "service for personal, family, or household use, including that of acting"

Page 1, line 15, remove the overstrike over "with-respect-to-trust-property"

Page 1, line 19, after "subsection" insert "any" and after "nonpublic" insert ", personally identifiable financial information of a customer which is obtained by the financial institution by any means, except for information that is otherwise publicly available"

Page 1, remove lines 20 and 21

Page 1, line 22, remove "customer of the financial institution and is identified with the customer"

Page 2, line 3, overstrike "means any of the following" and insert immediately thereafter "includes"

Page 2, overstrike lines 16 and 17

Page 2, after line 17, insert:

"SECTION 2. Two new subsections to section 6-08.1-01 of the 1999 Supplement to the North Dakota Century Code are created and enacted as follows

2001 SENATE HUMAN SERVICES

CONFERENCE COMMITTEE

SB 2124

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. CC SB 2124

Senate Human Services Committee

Conference Committee

Hearing Date April 13, 2001

| Tape Number | Side A | Side B | Meter # |
|--|--------|--------|---------|
| 1 | X | | |
| | | | |
| | | | |
| Committee Clerk Signature <i>Carol Kalodziejchuk</i> | | | |

Minutes:

The conference committee of SENATOR ERBELE, SENATOR LEE, SENATOR POLOVITZ, REPRESENTATIVE PORTER, REPRESENTATIVE GALVIN, REPRESENTATIVE NIEMEIER was called to order by SENATOR ERBELE, Chairperson. REPRESENTATIVE PORTER explained House amendments. The House felt the department was charging excessive fees charged for asbestos and lead base paint contractors. We put a cap on the dollars of the fees. REPRESENTATIVE NIEMEIER: The removal of the \$13,000 was because the Health Department had an overage of funds to help cover this and then fees would kick in. SENATOR POLOVITZ asked if the fees would cover. REPRESENTATIVE PORTER: We don't want a shortage of contractors because the fees were too excessive. The original fees were \$300 for a contractor and for a worker it was \$100. Substantially higher than charging now for asbestos. SENATOR LEE: Would there be a chance to put asbestos and paint together in a pool so all would be sharing in a cost? REPRESENTATIVE PORTER: That is what we've done in

Section 5. They do have different training courses. They are separate, but are cross trained to be more efficient. Not one fee for both certifications; they are too separate things. SENATOR LEE said she had a hard time putting fees in statute. That should be in rule. REPRESENTATIVE PORTER: We had a problem that the dollar amount was too high coming from the department. We wanted it to be lower than we set as cap, but we did not want to leave the workers not able to make that much money to get their money back with number of jobs they have to do. There are enough general funds in the Health Department to get grant money and then \$13,000 can go back into the general fund. REPRESENTATIVE GALVIN agreed with SENATOR LEE. This should be in rule rather than statute, but these amendments don't set any specific amounts so I think it is different. SENATOR LEE: In a report from Mr. Schwindt there are 50 contractors at \$100 apiece and 478 workers at \$25. Apiece (asbestos); Lead based paint, 12 contractors and 35 workers is a guess. No authorization for the FTE to conduct training, inspections and licensing that are a part of the program. There are the funds but not the authorization. Need at least one FTE in the amendment. REPRESENTATIVE PORTER: There are enough FTE to move into the department to help with training. REPRESENTATIVE NIEMEIER: We need to protect our children. Discussion proceeded on why should fees limit be set in statute? Should be in rules. SENATOR LEE moved for House to Recede and amend with 18259.0205. .

REPRESENTATIVE PORTER seconded the motion. Discussion. Roll call vote carried 6-0-0. SENATOR LEE will carry the bill on the Senate floor and REPRESENTATIVE PORTER will carry the bill on the House floor. The committee was adjourned.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2124

In lieu of the amendments adopted by the House as printed on page 982 of the House Journal, Engrossed Senate Bill No. 2124 is amended as follows:

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "23-25-03" insert ", and a new subsection to section 23-25-05"

Page 1, line 3, remove "and subsection 1 of"

Page 1, line 4, remove "section 23-25-05"

Page 2, line 18, after "fees" insert ", not to exceed one hundred dollars for each contractor."

Page 2, line 20, after "fees" insert ", not to exceed twenty-five dollars for each worker."

Page 3, line 1, replace "AMENDMENT. Subsection 1 of" with "A new subsection to"

Page 3, line 2, replace "amended and reenacted" with "created and enacted"

Page 3, replace lines 3 through 9 with:

"For the purpose of ascertaining the state of compliance with this chapter and any applicable rules, any duly authorized officer, employee, or agent of the department may enter and inspect, at any reasonable time, any property, premises, or place on or at which a lead-based paint remediation activity is ongoing. If requested, the department shall provide to the owner or operator of the premises a report that sets forth all facts found which relate to compliance status."

Page 3, line 10, remove "out of any moneys in the"

Page 3, remove line 11

Page 3, line 12, remove "of the sum as may be necessary, and"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 301 - Department of Health - House Action

The amendment removes the general fund appropriation and establishes the maximum annual fees and renewal fees for asbestos and lead-based paint contractors (\$100) and examination fees for workers (\$25).

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2124

That the House recede from its amendments as printed on pages 1070 and 1071 of the Senate Journal and pages 1151 and 1152 of the House Journal and that Engrossed Senate Bill No. 2124 be amended as follows:

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "23-25-03" insert ", and a new subsection to section 23-25-05"

Page 1, line 3, remove "and subsection 1 of"

Page 1, line 4, remove "section 23-25-05"

Page 2, line 21, after the second period insert "The annual, renewal, and examination fees for lead-based contractors and workers may not exceed those charged to asbestos contractors and workers."

Page 3, line 1, replace "**AMENDMENT.** Subsection 1 of" with "A new subsection to"

Page 3, line 2, replace "amended and reenacted" with "created and enacted"

Page 3, replace lines 3 through 9 with:

"For the purpose of ascertaining the state of compliance with this chapter and any applicable rules, any duly authorized officer, employee, or agent of the department may enter and inspect, at any reasonable time, any property, premises, or place on or at which a lead-based paint remediation activity is ongoing. If requested, the department shall provide to the owner or operator of the premises a report that sets forth all facts found which relate to compliance status."

Page 3, line 10, remove "out of any monies in the"

Page 3, remove line 11

Page 3, line 12, remove "of the sum as may be necessary, and"

Re-number accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2124, as engrossed: Your conference committee (Sens. Erbele, Lee, Polovitz and Reps. Porter, Galvin, Niemeier) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1070-1071, adopt amendments as follows, and place SB 2124 on the Seventh order:

That the House recede from its amendments as printed on pages 1070 and 1071 of the Senate Journal and pages 1151 and 1152 of the House Journal and that Engrossed Senate Bill No. 2124 be amended as follows:

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "23-25-03" insert ", and a new subsection to section 23-25-05"

Page 1, line 3, remove "and subsection 1 of"

Page 1, line 4, remove "section 23-25-05"

Page 2, line 21, after the period insert "The annual, renewal, and examination fees for lead-based contractors and workers may not exceed those charged to asbestos contractors and workers."

Page 3, line 1, replace "**AMENDMENT.** Subsection 1 of" with "A new subsection to"

Page 3, line 2, replace "amended and reenacted" with "created and enacted"

Page 3, replace lines 3 through 9 with:

"For the purpose of ascertaining the state of compliance with this chapter and any applicable rules, any duly authorized officer, employee, or agent of the department may enter and inspect, at any reasonable time, any property, premises, or place on or at which a lead-based paint remediation activity is ongoing. If requested, the department shall provide to the owner or operator of the premises a report that sets forth all facts found which relate to compliance status."

Page 3, line 10, remove "out of any moneys in the"

Page 3, remove line 11

Page 3, line 12, remove "of the sum as may be necessary, and"

Renumber accordingly

Engrossed SB 2124 was placed on the Seventh order of business on the calendar.

2001 TESTIMONY

SB 2124

TESTIMONY
NORTH DAKOTA SENATE HUMAN SERVICES COMMITTEE

January 16, 2001

Madam Chairman, and members of the committee, my name is Jeff Burgess. I am the Director of the North Dakota Department of Health, Division of Air Quality and I am here today to speak in favor of Senate Bill 2124.

When people talk about lead poisoning, they may say, "it's not a problem in our city." Unfortunately, there are homes with lead-based paint in every city. Because of this almost one million children in this country under the age of six have elevated levels of lead in their blood, usually from lead-based paint in their home. Most homes built prior to 1978 contain some lead-based paint and the older the home, the more likely lead-based paint will be present. In North Dakota 83 percent of all homes were built before 1978.

Under the Residential Lead-Based Paint Hazard Reduction Act of 1992, the U.S. Department of Housing and Urban Development (HUD) is not allowed to award grants for lead-based paint hazard evaluation or reduction to states that do not have an authorized program pursuant to section 404 of the Toxic Substances Control Act. To become authorized, a state must demonstrate to the U.S. Environmental Protection Agency (EPA) that it will administer and enforce a lead-based paint abatement program that is at least as protective of human health and the environment as EPA's program under 40 CFR Part 745. The rule went into effect September 15, 2000. Thirty-six states already have an EPA approved program or have sought authorization for such a program. Since North Dakota is not an authorized state, the North Dakota Division of Community Services (DCS) is not eligible to apply for an estimated **\$2,000,000** for lead-based paint hazard evaluation and abatement. **These are funds the DCS would receive from HUD to provide to communities for home rehabilitation and other lead-based paint activities.**

In essence, the bill would authorize a program to ensure that individuals engaged in lead-based paint risk assessments, inspections and abatement are properly trained, that contractors are certified (licensed), and that training programs are accredited. This is very similar to the asbestos control program we are currently implementing. These lead-based paint requirements are already in place and are enforced federally by the EPA. This legislation would allow for transfer of

regulatory authority to the state. We feel the state can enforce these regulations more effectively, economically, and fairly than the EPA.

A grant would be available from the EPA to assist the state's effort in the administration of the program. This grant must be matched at a 10 percent level and the program would require state general funds for the first biennium. This bill includes contractor licensing and certification fees that would provide approximately \$13,000 per biennium to the North Dakota program. The fees collected would appear to meet the federal grant match requirement.

Passage of this bill would make the state eligible to apply for up to \$2,000,000 of federal money for home rehabilitation and other lead-based paint activities. It would enable the state to be in a better position to mitigate the hazards of lead-based paint and provide for a more healthy future for our children.

TESTIMONY ON SB2124

NORTH DAKOTA HUMAN SERVICE COMMITTEE

January 16, 2001

Madam Chairman, and members of the committee, my name is Michael Spletto, HOME Program Manager with the North Dakota Division of Community Services, and I am here today to speak in favor of Senate Bill 2124.

When people talk about lead poisoning, they may say, "it's not a problem in our city." Unfortunately, there are homes with lead-based paint in every city. Because of this, almost one million children in this country under the age of six have elevated levels of lead in their blood, usually from lead-based paint in their home. The U.S. Department of Housing and Urban Development estimates that 83 percent of private housing and 85 percent of public housing built prior to 1978 contain some lead-based paint (LBP). In North Dakota 83 percent of all homes were built before 1978. The 1990 census states that there are 240,878 households in North Dakota. Of these homes, the calculated estimates show there could be as many as 170,000 homes in North Dakota that contain LBP.

Under the Residential Lead-Based Paint Hazard Reduction Act of 1992, the U.S. Department of Housing and Urban Development (HUD) is not allowed to award grants for lead-based paint hazard evaluation or reduction to states that do not have an authorized program pursuant to Section 404 of the Toxic Substances Control Act. To become authorized, a state needs to demonstrate to the U.S. Environmental Protection Agency (EPA) that it will administer and enforce a lead-based paint abatement program that is at least as protective of human health and environment as EPA's program under 40 CFR Part 745. The rule went into effect September 15, 2000. Thirty-six states already have an EPA approved program or have sought authorization for such a program. Since North Dakota is not an authorized state, the North Dakota Division of Community Services (DCS) was not eligible to apply for lead-based paint hazard evaluation and abatement funds. There was 59 million dollars available in FY 2000 for states. These are funds the DCS would have applied to HUD on behalf of ND communities. Some eligible activities for these funds included: inspections, risk assessments, testing, hazard screens, blood lead testing of children, interim controls, hazard abatement, temporary relocations, and other LBP activities.

The State of North Dakota disburses over 5,000 tenant-based rental assistance vouchers/certificates each year. The Community Development Block Grant and HOME programs in ND project to rehabilitate over 300 units annually, and the HOME program will provide assistance to another 400 units annually with security deposits or down payment and closing costs assistance. The new LBP regulations will effect over 12,000 HUD units annually. It is estimated that the new LBP regulations could reduce up to thirty (30) percent of the HUD units that are rehabilitated annually.

Other Federal agencies such as USDA and private home sales will also be affected by this legislation. If any of these units contain lead, a risk assessor and clearance technician may be needed. At this time, the costs for these inspections and clearance tests will add a tremendous

burden on to the new owner, seller or landlord. If a person wants to become EPA certified, they must first take the course work then apply to EPA for certification. This certification process has taken up to six months and can cost in excess of \$2,000. Because of this time and cost burden, many children may become at risk. The State should be able to reduce the time it takes to become certified and the costs for certifications should be less. This legislation can help. The legislation will give the State control rather than Federal control.

In essence, this bill would authorize a program to ensure that individuals engaged in lead-based paint risk assessments, inspections and abatement are properly trained, that contractors are certified (licensed), and that training programs are accredited. Moreover, training and certification is to ensure the proficiency of individuals who offer to conduct lead-based paint inspections, risk assessments or abatement services. Accreditation requirements are to ensure that training programs provide quality instruction. Work practice standards ensure that lead-based paint activities are conducted safely, reliably and effectively.

When the regulations become effective, the Division of Community Services has estimated a need for up to 85 persons trained in interim controls, at least 40 persons certified as clearance technicians, and at least 25 persons certified as risk assessors (see attachment submitted to HUD on December 6, 2000). We need these positions filled soon. As stated earlier, the rule has taken effect on September 15, 2000. At this point, the State has submitted a letter of inadequate capacity and a transition plan to HUD demonstrating the need for additional time to comply with the new regulation. It is anticipated that the Division of Community Services will request an additional six month extension on this rule so that September 15, 2001 will be the effective date for all HUD programs. With this time extension and the passage of this legislation, the Division of Community Services believes that the Residential Lead-Based Paint Hazard Reduction Act of 1992 can more easily be complied with. State control will surely speed up this process that will reduce the risk of lead poisoning in our families.



North Dakota ASSOCIATION of REALTORS®

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2000-2001

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January 16, 2001

Claus Lembkes Testimony before the
Senate Human Services Committee
SB 2124

Madam Chairman, Members of the Committee, my name is Claus Lembke. I represent the North Dakota Association of REALTORS®, a statewide trade association with approximately 1,050 members.

We support this bill because it takes some control out of the area of EPA back into North Dakota.

More and more financing programs and eventually more transferees will require lead-base paint inspections. The problem, as we see it, is that there will not be enough inspectors or contractors to address this issue. By placing the jurisdiction of training and certifying inspectors or contractors within the State Health Department means local control. We have worked for years on other environmental issues with the State Health Department and find them to be very cooperative and understanding of issues unique to North Dakota.

We urge your support for this legislation.



Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards Pursuant to 42 U.S.C. 4852(d)

Lead Warning Statement

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

Seller's Disclosure (Initial)

_____ (a) Presence of lead-based paint and/or lead-based paint hazards (check one below):

Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

_____ (b) Records and reports available to the seller (check one below):

Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Purchaser's Acknowledgment (Initial)

_____ (c) Purchaser has received copies of all information listed above.

_____ (d) Purchaser has received the pamphlet *Protect Your Family from Lead in Your Home*.

_____ (e) Purchaser has (check one below):

Received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or

Waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

Agent's Acknowledgment (Initial)

_____ (f) Agent has informed the seller of the seller's obligations under 42 U.S.C. 4852(d) and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information provided by the signatory is true and accurate.

Seller Date

Seller Date

Agent Date

Agent Date

Purchaser Date

Purchaser Date

**Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards
Pursuant to 42 U.S.C. 4852(d)**

Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not taken care of properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, landlords must disclose the presence of known lead-based paint and lead-based paint hazards in the dwelling. Tenants must also receive a Federally approved pamphlet on lead poisoning prevention.

Lessor's Disclosure (initial)

_____ (a) Presence of lead-based paint or lead-based paint hazards (check one below):

Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

_____ (b) Records and reports available to the lessor (check one below):

Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Lessee's Acknowledgment (initial)

_____ (c) Lessee has received copies of all information listed above.

_____ (d) Lessee has received the pamphlet *Protect Your Family from Lead in Your Home*.

Agent's Acknowledgment (initial)

_____ (e) Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4582(d) and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information provided by the signatory is true and accurate.

Lessor Date

Lessor Date

Lessee Date

Lessee Date

Agent Date

Agent Date



North Dakota Division of Community Services

A Division of the Office of Management and Budget

14th Floor - State Capitol
600 East Boulevard Avenue - Dept. 105
Bismarck, ND 58505-0170
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(701) 328-2404 TDD



December 6, 2000

David B. Jacobs, Director
Office of Lead Hazard Control
U.S. Department of Housing and Urban Development
451 7th Street SW, Room P-3206
Washington, DC 20410

RE: Amended Transition Plan for the State of North Dakota to include the State's HUD Programs and the State's Housing Authorities

Dear Mr. Jacobs:

On August 22, 2000 I submitted to your office a copy of the State of North Dakota's Letter of Inadequate Capacity (LIC) and Transition Implementation Plan (TIP). As the State's designated Certifying Officer for the Consolidated Plan, I directed Michael Spletto to lead the state's LBP efforts and to amend the TIP to include the requirements in the September regulations. He was also requested to partner with the State's Housing Authorities to assure both our interest were being met. This letter and attached matrix is the amendment to our TIP. Michael has coordinated with John Loerch with the Morton County Housing Authority who has been designated as the lead for the Housing Authorities in LBP.

As you can see from the matrix and attached "Lead Listings" the State of North Dakota only has one entity at this time that is certified to conduct Risk Assessments and Inspections. Michael has contacted them (AEC, P.C) and they stated that they have two staff persons certified at this time. Due to the fact that they do not own an XRF machine, they verbally quoted Michael a price up to \$2,000 per household for a Risk Assessment (depending on several unknown variables). All the other certified agencies are outside of ND and are sure to be more expensive due to travel.

Training is a must for this State. At this time, we have spent several thousand dollars putting on a workshop for the required class work for the inspector and risk assessor training (see August 22 memo). To date, no one from that training has completed their EPA Certification. Our greatest need in training is for persons to become qualified in Interim Control measures. We estimated that we would like to train approximately 85 - 100 individuals in this field. The State has 32 Housing Authorities and we would like to have at least one person from each HA trained in this field along with several other contractors. Our second greatest need would be to have EPA Certified Inspectors and Risk Assessors. Our state is broken up into 8 different planning regions. We believe that we would like to have a minimum of 2- 3 persons in each region to be certified by EPA. This would also be the case for Clearance Technicians. Abatement supervisors and abatement workers would also be needed as illustrated in the matrix.

We believe that training needs are ongoing. We anticipate to begin training for Interim controls by February 2001. We are working with the University of North Dakota, who is a certified EPA training institute, to complete this training. We would greatly appreciate funding assistance for this training. We will also need to begin the EPA certifications courses as soon as money is made available for those who have previously taken the EPA course work. By March of 2001, we hope to have approximately 4 additional persons certified by EPA for inspections and risk assessments. In April of 2001 we would like to hold additional Inspector, Risk Assessors and Supervisor training courses. It will take from four to six months after those courses are completed to become EPA certified. The State of North Dakota is considering legislation this year for the State to take on the EPA role as required in 40 CFR 745.325 and 327. If this passes, we hope to speed up the certifications process and have the ability to request additional LBP funds from HUD.

Prioritizing housing will be a continuous struggle in ND. Due to the fact that we only have two inspectors or risk assessors, they will be used when a child under six is living in a unit that is to be abated. Until we get sufficient number of LBP professionals, our priority housing will be rehabilitating units built after 1978 or units with only elderly living in them. To our knowledge, the Housing Authorities have already inspected their project based units and have replaced the few items that did contain LBP. Caution will be used in the tenant based programs to complete an accurate site inspection for cracking or peeling paint to reduce the risk of LBP poisoning.

This amended TIP should now meet the September regulations. The State of North Dakota's HUD programs, along with the States Housing Authorities, will continue training activities to comply with the new LBP regulations. We are formally requesting financial assistance from HUD to help in defraying the costs of these training. We would also like to recommend that HUD work with the University of North Dakota Environmental Training Institute to complete the required training in North Dakota.

If you have any questions, please give myself or Michael Spletto a call.

Sincerely,



Dina Butcher

MS/pma

Enc.

cc: Michael Spletto, HOME Program Manager
Bonnie Malo, CDBG Program Manager
Tran Doan, ESGP Program Manager
Karen Clark, HUD CPD
Vern Dander, US EPA Region 8
John Loerch, Morton County Housing Authority
Bill Wocken, City of Bismarck
Howard Kutzer, Environmental Specialist, HUD

NEEDS ASSESSMENT MATRIX FOR TRANSITION IMPLEMENTATION PLAN

For each type of assistance indicate the number of current and needed trained and/or certified personnel.

| | Intentionally Disturbed Areas (Subpart G) | | Publicly Owned Land (Subpart H) | | Rehabilitation Areas (Subpart I) | | Other Areas (Subpart J) | | Total | | | |
|--|---|--------|---------------------------------|--------|----------------------------------|--------|-------------------------|--------|---------|--------|-------|----|
| | Current | Needed | Current | Needed | Current | Needed | Current | Needed | Current | Needed | | |
| Number of Assisted Units Affected | 1,500 | | 3,146 | | 300 | | 200 | | 1,913 | | 5,284 | |
| Trained Lead-Safe Practices persons for Interim Controls | 0 | 25 | 0 | 85 | 0 | 25 | 0 | 16 | 0 | 16 | 0 | 32 |
| On-Going Maintenance, Paint stabilization | 0 | 16 | 0 | 40 | 0 | 25 | 0 | 16 | 0 | 16 | 0 | 25 |
| Sampling Technicians or other certified persons For Clearance | 2 | 10 | 2 | 16 | 2 | 25 | 2 | 16 | 2 | 2 | 2 | 25 |
| Certified LBP inspectors & risk assessors For inspections and risk assessments | 0 | 5 | 0 | 5 | 0 | 16 | 0 | 5 | 0 | 5 | 0 | 5 |
| Certified LBP Abatement supervisors For Abatements | 0 | 30 | 0 | 30 | 0 | 30 | 0 | 30 | 0 | 30 | 0 | 30 |
| Other Specify | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

* Numbers may not be exclusive of each other

Tentative Time Schedule for Training Courses

- Activity
- 1 Inspector/Risk Assessor Course
 - 2 EPA Certification Testing for Inspector/Risk Assessor Courses
 - 3 Supervisor and Worker Courses
 - 4 EPA Certification Testing for Supervisor and Workers Courses
 - 5 Interim Control Courses

| Activity | June 2000 | July | August | Sept. | Oct. | Nov. | Dec. | January 2001 | Feb. | March | April | May | June | July | August | |
|----------|-----------|------|--------|-------|------|------|------|--------------|------|-------|-------|-----|------|------|--------|--|
| 1 | | | | | | | | | | | | | | | | |
| 2 | | | | | | | | | | | | | | | | |
| 3 | | | | | | | | | | | | | | | | |
| 4 | | | | | | | | | | | | | | | | |
| 5 | | | | | | | | | | | | | | | | |

HUD DATA

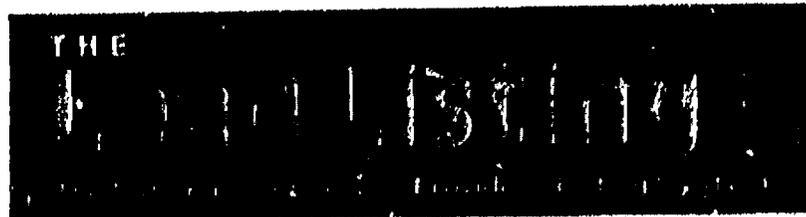
HUD Provides Data On Location Of Federally Assisted Units

THE CHART BELOW provides the location and numbers of federally assisted housing throughout the United States and Puerto Rico.

Public housing accounts for 1.3 million units; Section 8 certificates and vouchers assist almost 1.4 million families; Section 8 New construction and Substantial Rehab projects house nearly 900,000 families. According to HUD's data the Low Income Housing Tax Credit program has developed 332,085 units.

The Geographic Distribution of Federally Assisted Housing Units: 1998

| State | Total Includes programs not shown separately | Public Housing | Section 8 Certificate & Vouchers | Section 8 Construction & Substantial Rehab | Low-Income Housing Tax Credits |
|-------------------|--|----------------|--|--|--------------------------------------|
| United States | 4,838,857 | 1,300,493 | 1,391,526 | 894,330 | 332,085 |
| Alabama | 95,466 | 44,592 | 19,831 | 13,748 | 8,738 |
| Alaska | 12,297 | 1,629 | 2,642 | 892 | 387 |
| Arizona | 51,040 | 7,046 | 15,183 | 6,199 | 2,857 |
| Arkansas | 52,309 | 15,156 | 18,656 | 7,861 | 3,734 |
| California | 411,768 | 45,707 | 204,339 | 61,028 | 15,189 |
| Colorado | 53,565 | 9,109 | 17,364 | 11,787 | 3,011 |
| Connecticut | 81,433 | 18,321 | 24,541 | 16,046 | 2,261 |
| Delaware | 12,660 | 3,373 | 2,733 | 3,830 | 1,299 |
| Dist. of Columbia | 34,180 | 11,267 | 5,943 | 6,190 | 1,157 |
| Florida | 184,820 | 43,852 | 61,758 | 25,756 | 14,144 |
| Georgia | 135,546 | 54,998 | 31,150 | 17,242 | 10,525 |
| Guam | 2,229 | 751 | 1,423 | 50 | 0 |
| Hawaii | 19,562 | 5,262 | 7,208 | 2,591 | 651 |
| Idaho | 13,836 | 831 | 4,093 | 3,497 | 2,394 |
| Illinois | 219,268 | 77,835 | 42,047 | 47,047 | 17,067 |
| Indiana | 94,452 | 17,976 | 25,386 | 21,251 | 4,015 |
| Iowa | 38,329 | 4,797 | 13,671 | 11,668 | 2,927 |
| Kansas | 39,790 | 9,358 | 7,567 | 9,082 | 6,660 |
| Kentucky | 80,722 | 24,198 | 20,940 | 18,259 | 3,781 |
| Louisiana | 93,056 | 31,515 | 23,656 | 11,789 | 11,164 |
| Maine | 27,526 | 4,154 | 9,454 | 7,304 | 2,606 |
| Maryland | 97,584 | 24,662 | 22,440 | 17,870 | 9,219 |
| Massachusetts | 158,750 | 34,478 | 41,399 | 36,171 | 8,857 |
| Michigan | 148,892 | 26,697 | 28,134 | 40,604 | 10,903 |
| Minnesota | 95,033 | 21,684 | 25,243 | 23,841 | 6,877 |
| Mississippi | 55,289 | 15,483 | 13,812 | 11,932 | 4,922 |
| Missouri | 105,083 | 20,088 | 32,897 | 21,151 | 12,384 |
| Montana | 19,309 | 2,068 | 3,923 | 2,621 | 998 |
| Nebraska | 31,054 | 7,413 | 10,176 | 5,606 | 3,786 |
| Nevada | 20,672 | 4,579 | 5,715 | 2,234 | 2,301 |
| New Hampshire | 19,134 | 4,345 | 6,172 | 4,938 | 1,060 |
| New Jersey | 148,237 | 45,235 | 39,630 | 36,780 | 3,957 |
| New Mexico | 28,874 | 4,917 | 10,199 | 3,173 | 2,708 |
| New York | 492,394 | 197,021 | 141,826 | 81,455 | 6,498 |
| North Carolina | 123,498 | 39,436 | 39,491 | 20,969 | 8,071 |
| North Dakota | 15,999 | 1,913 | 5,284 | 3,146 | 1,046 |
| Ohio | 223,876 | 56,145 | 54,877 | 45,368 | 16,905 |
| Oklahoma | 69,800 | 13,187 | 18,090 | 6,709 | 7,755 |
| Oregon | 50,402 | 6,171 | 22,371 | 7,364 | 7,237 |
| Pennsylvania | 218,186 | 78,654 | 49,633 | 45,714 | 13,290 |



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Providers Who Offer Lead Evaluation Services in ND

[The U.S. Environmental Protection Agency (EPA) certifies lead service providers in states that do not operate their own EPA-authorized lead program. Consumers should confirm that the service providers they hire have current applicable certifications for the work they are to perform. See Part 6 of the Reference Guide for additional information.]

[Note that certified Risk Assessors can also perform Lead Inspections.]

| | |
|--|--|
| AEC, P.C. Phone:(701) 775-2468 Fax: (701) 775-2632 Location of Telephone Number: ND | |
| Lead Services Provided | State(s) where Certifications are held by Provider |
| Inspector | ND, SD |
| Risk Assessor | MN, ND, SD |
| Mircon, Inc. d/b/a Connor Environmental Services & Engineering Assessments Phone:(800) 296-7971, (410) 296-7971 Fax: (410) 296-3419 Location of Telephone Number: MD | |
| Lead Services Provided | State(s) where Certifications are held by Provider |
| Inspector | AK, AZ, CA, DC, DE, FL, GA, IL, MD, MT, NC, ND, NE, NJ, NM, NV, NY, PA, SC, SD, TN, TX, VA, WA, WY |
| Risk Assessor | AK, AZ, CA, DC, DE, FL, GA, IL, MD, MT, NC, ND, NE, NJ, NM, NV, NY, PA, SC, SD, TN, VA, WA, WY |
| Arc Environmental, Inc. Phone:(410) 659-9971 Fax: (410) 962-1065 Location of Telephone Number: MD | |
| Lead Services Provided | State(s) where Certifications are held by Provider |
| Inspector | MD, VA |
| Risk Assessor | MD, VA |
| Schweiger & Associates, Inc Phone:(770) 640-8595 Fax: (770) 640-8655 Location of Telephone Number: GA | |
| Lead Services Provided | State(s) where Certifications are held by Provider |
| Inspector | GA, TN |
| Risk Assessor | GA, TN |

American Lead Services, Inc
 Phone:(800) 264-5323, (703) 264-5900
 Fax: (703) 264-9825
 Location of Telephone Number: VA

| | |
|------------------------|--|
| Lead Services Provided | State(s) where Certifications are held by Provider |
| Inspector | MD, VA |
| Risk Assessor | MD, VA |

Lead Based Paint Detection Corp
 Phone:(713) 850-8633, (800) 503-5323
 Fax: (713) 850-0516
 Location of Telephone Number: TX

| | |
|------------------------|--|
| Lead Services Provided | State(s) where Certifications are held by Provider |
| Inspector | TX |
| Risk Assessor | TX |

Northwest Environmental Services Inc
 Phone:(215) 549-4246, (215) 549-3586
 Fax: (215) 549-4246
 Location of Telephone Number: PA

| | |
|------------------------|--|
| Lead Services Provided | State(s) where Certifications are held by Provider |
| Inspector | PA |
| Risk Assessor | PA |

Certified Environmental Group, Inc
 Phone:(609) 401-0300, (800) 750-7013
 Fax: (609) 401-0303
 Location of Telephone Number: NJ

| | |
|------------------------|--|
| Lead Services Provided | State(s) where Certifications are held by Provider |
| Inspector | NJ |
| Risk Assessor | NJ |

Hygela of New York Inc.
 Phone:(315) 733-0191
 Fax: (315) 735-4922
 Location of Telephone Number: NY

| | |
|------------------------|--|
| Lead Services Provided | State(s) where Certifications are held by Provider |
| Inspector | NY |
| Risk Assessor | NY |

AMI Group
 Phone:(402) 397-5001, (800) 828-8487
 Fax: (402) 397-3313
 Location of Telephone Number: NE

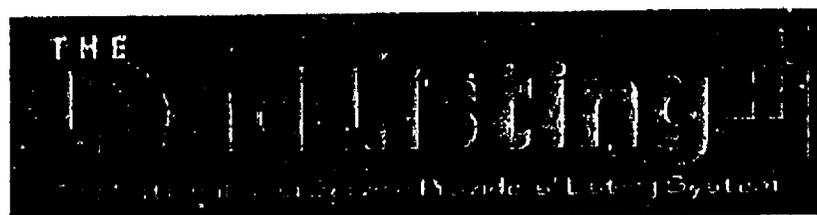
| | |
|------------------------|--|
| Lead Services Provided | State(s) where Certifications are held by Provider |
| Inspector | IA |
| Risk Assessor | IA |

Barr & Clark Environmental
 Phone:(310) 517-0805

| | |
|---|--|
| Fax: (310) 517-0922 Location of Telephone Number: CA | |
| Lead Services Provided | State(s) where Certifications are held by Provider |
| Inspector | CA |
| Risk Assessor | CA |
| HTS, Inc. Consultants Phone:(713) 692-8378, (800) 692-8378 Fax: (713) 692-8502 Location of Telephone Number: TX | |
| Lead Services Provided | State(s) where Certifications are held by Provider |
| Inspector | TX |
| Risk Assessor | TX |
| Allied Environmental Services Phone:(818) 781-2490 Fax: (818) 781-2496 Location of Telephone Number: CA | |
| Lead Services Provided | State(s) where Certifications are held by Provider |
| Inspector | CA |
| Risk Assessor | CA |

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Lead-Trained Renovator(s) for the State of ND

No Renovators are currently listed for this state.

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Providers Who Offer Lead hazard Control Services in ND

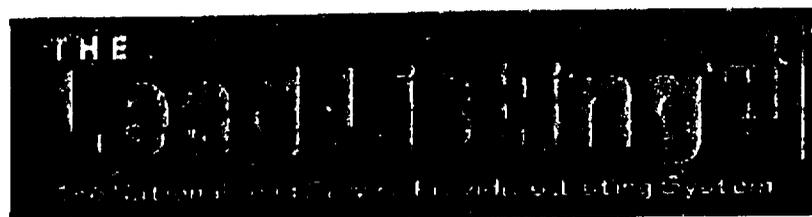
[The U.S. Environmental Protection Agency (EPA) certifies lead service providers in states that do not operate their own EPA-authorized lead program. Consumers should confirm that the service providers they hire have current applicable certifications for the work they are to perform. See Part 6 of the Reference Guide for additional information.]

| | |
|--|--|
| PDG Environmental Inc, Enviro-Tech Abatement Services(FL) | |
| Phone:(954) 979-7077 | |
| Fax: (954) 979-7079 | |
| Location of Telephone Number: FL | |
| Lead Services Provided | State(s) where Certifications are held by Provider |
| Supervisor (Contractor) | FL, GA, IL, MO, NJ, PA, SC, TN, WV |
| Project Designer | |
| Certified Environmental Group, Inc | |
| Phone:(609) 401-0300, (800) 750-7013 | |
| Fax: (609) 401-0303 | |
| Location of Telephone Number: NJ | |
| Lead Services Provided | State(s) where Certifications are held by Provider |
| Supervisor (Contractor) | NJ |
| Project Designer | |
| Allied Environmental Services | |
| Phone:(818) 781-2490 | |
| Fax: (818) 781-2496 | |
| Location of Telephone Number: CA | |
| Lead Services Provided | State(s) where Certifications are held by Provider |
| Supervisor (Contractor) | CA |
| Project Designer | |
| LVI Environmental Services Group Inc | |
| Phone:(888) 584-2677, (212) 951-3660 | |
| Fax: (212) 481-9895 | |
| Location of Telephone Number: NY | |
| Lead Services Provided | State(s) where Certifications are held by Provider |
| Supervisor (Contractor) | DC, GA, IL, MA, MD, MI, MS, NJ, OK, PA, WV |
| Project Designer | |
| HTS, Inc. Consultants | |
| Phone:(713) 692-8378, (800) 692-8378 | |
| Fax: (713) 692-8502 | |
| Location of Telephone Number: TX | |

| | |
|--|--|
| Lead Services Provided | State(s) where Certifications are held by Provider |
| Supervisor (Contractor) | TX |
| Project Designer | |
| Natlons Environmental Services, Inc. Phone:(804) 788-4220 Fax: (804) 788-4506 Location of Telephone Number: VA | |
| Lead Services Provided | State(s) where Certifications are held by Provider |
| Supervisor (Contractor) | VA |
| Project Designer | |
| LVI Environmental Services, Inc Phone:(405) 273-4800 Fax: (405) 275-4848 Location of Telephone Number: OK | |
| Lead Services Provided | State(s) where Certifications are held by Provider |
| Supervisor (Contractor) | DC, GA, IL, MA, MD, MI, MS, NJ, OK, PA, TX, WV |
| Project Designer | |

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Lead Analysis Laboratories Accredited for ND

No documents found

| LABORATORIES ACCREDITED UNDER THE EPA NATIONAL LABORATORY ACCREDITATION PROGRAM AS OF October, 2000 | | | | | |
|--|----------|---------------------------|-------------------|------|---------------|
| Company Name City Phone Number | Lab Type | Commercially Available | Matrix Recognized | | |
| | | | Paint Chips | Soil | Dust Wipes |
| | | | | | |

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TESTIMONY
NORTH DAKOTA HOUSE HUMAN SERVICES COMMITTEE
SENATE BILL 2124

February 20, 2001

Madam Chairman, and members of the committee, my name is Jeff Burgess. I am the Director of the North Dakota Department of Health, Division of Air Quality and I am here today to speak in favor of Senate Bill 2124.

When people talk about lead poisoning, they may say, "it's not a problem in our city." Unfortunately, there are homes with lead-based paint in every city. Because of this almost one million children in this country under the age of six have elevated levels of lead in their blood, usually from lead-based paint in their home. Most homes built prior to 1978 contain some lead-based paint and the older the home, the more likely lead-based paint will be present. In North Dakota 83 percent of all homes were built before 1978 (1990 housing census).

Under the Residential Lead-Based Paint Hazard Reduction Act of 1992, the U.S. Department of Housing and Urban Development (HUD) is not allowed to award grants for lead-based paint hazard evaluation or reduction to states that do not have an authorized program. To become authorized, a state must demonstrate to the U.S. Environmental Protection Agency (EPA) that it will administer and enforce a lead-based paint abatement program that is at least as protective of human health and the environment as EPA's program. The rule went into effect September 15, 2000. Thirty-six states already have an EPA approved program or have sought authorization for such a program. Since North Dakota is not an authorized state, the North Dakota Division of Community Services (DCS) is **not** eligible to apply for an estimated **\$2,000,000** annually for lead-based paint hazard evaluation and abatement. **These are funds the DCS would receive from HUD to provide to communities for home rehabilitation and other lead-based paint activities.**

The bill would authorize a program to ensure that individuals engaged in lead-based paint risk assessments, inspections and abatement are properly trained and certified, that contractors are licensed, and that training programs are accredited. This is very similar to the asbestos control program we currently implement. These lead-based paint requirements are already in place and are enforced federally by the EPA. This legislation would allow for transfer of regulatory authority to

the state. We feel the state can enforce these regulations more effectively, economically, and fairly than the EPA. Transfer of this authority will result in reduced licensing and certification fees for contractors and a larger work force for the industry.

A grant requiring a ten percent match is available from the EPA to assist the state for setup and administration of the program. The Department is requesting one full-time employee position and the state general funds to provide the match requirement for the first biennium. This bill gives the Department authority to collect licensing and certification fees that should provide approximately \$13,000 per biennium to the North Dakota program once the program is implemented. These fees would provide the state match for the federal grant in future years. No additional general funds are anticipated after the first biennium.

Passage of this bill would make the state eligible to apply for up to \$2,000,000 annually of federal money for home rehabilitation and other lead-based paint activities. It would enable the state to be in a better position to mitigate the hazards of lead-based paint and provide a more healthy future for our children.

At this time, I'd be willing to answer any questions.

Testimony on SB 2124

By Mary Splichal

Vice Chair of NDAR Political Affairs Committee

ND Association of REALTORS®

February 20, 2001

Madam Chair and Members of the House Human Services Committee, my name is Mary Splichal. I am the current Vice Chair of the North Dakota Association of REALTORS® Political Affairs Committee. Our Executive Officer could not be here today because of a scheduling conflict. Therefore, it is my pleasure to ask for your support and passage of SB 2124 on behalf of our ND Association of REALTORS®.

It is our belief that we will have an ever-increasing need for trained professionals with expertise in lead base paint issues. Since this bill will transfer the responsibility of training inspectors and contractors from the Federal Environmental Protection Agency (EPA) to our State Health Department, we feel that this is a benefit for North Dakota.

Our Association has had many years of cooperative experience in other environmental areas with our State Health Department. We have found them to be very knowledgeable and dedicated people. All of our dealings with them have been positive for our industry and North Dakota consumers as well.

Therefore we urge your support for SB 2124.

"Timothy M. O'Keeffe"
<to'keeffe@solbergla
w.com>

03/13/2001 08:23 AM

To: "ssandvig@state.nd.us" <ssandvig@state.nd.us>,
"rdisrud@state.nd.us" <rdisrud@state.nd.us>,
"acarlson@state.nd.us" <acarlson@state.nd.us>,
"bgrande@state.nd.us" <bgrande@state.nd.us>,
"bclark@state.nd.us" <bclark@state.nd.us>, "bthoreso@state.nd.us"
<bthoreso@state.nd.us>, "rberg@state.nd.us" <rberg@state.nd.us>,
"lbernte@state.nd.us" <lbernte@state.nd.us>,
"khawken@state.nd.us" <khawken@state.nd.us>,
"jkasper@state.nd.us" <jkasper@state.nd.us>

CC:

Subject: Lead Based Paint -- SB 2124 Amendment

Representatives--

Currently, there is a proposed amendment before the House Human Services committee regarding a statute of limitations for public entities to bring claims regarding lead-based paint. This legislation is similar to the asbestos legislation you passed in 1993. The City of Fargo has evaluated this problem and feels now is the time to pass the legislation and pursue reimbursement.

What we have found is that litigation against the lead paint industry is starting to take off; statewide class actions for public entities in California; State of Rhode Island; Cities of St. Louis and Milwaukee; major school districts in Texas; City of New York; and others have already commenced. This litigation is directly analogous to the asbestos litigation that prompted the ND legislature to act once before. If ND does not act, the litigation might pass it by and by the time ND does act its ability to recover money damages might be limited.

To the extent ND is concerned about presence of lead, experts agree that lead is present in virtually all pre-1978 vintage structures and many contend that the appropriate solution is removal, an expensive proposition. HUD, OSHA, and the EPA have web sites devoted to lead that will help back up our contention that lead is a real problem. see www.hud.gov/offices/lead/

One argument the industry uses is that there simply is no problem. The HUD site and others help disprove this.

Again, the bottom-line is that there is no downside: ND doesn't have to risk anything, unless we fail to pass this legislation, during this session.

Thank you for your time.

Tim O'Keeffe



4-2-01

#2

Vision

The North Dakota Healthcare Association will take an active leadership role in major healthcare issues.

Mission

The North Dakota Healthcare Association exists to advance the health status of persons served by the membership.

March 14, 2001

Representative Todd Porter
House of Representatives
State Capital
Bismarck, ND

Dear Representative Porter,

Thank you for the opportunity to review your proposed amendments (18259.0201) to SB 2124. These amendments would:

1. Establish an x-ray operator panel to advise the department in rulemaking regarding x-ray operators;
2. Authorize the state health council to adopt rules establishing licensure fees and training and education requirements for x-ray operators;
3. Impose licensure fees upon x-ray operators; and
4. Create a two-tiered licensure structure (general and specific) for x-ray operators.

The NDHA does not support the passage of these amendments for the following reasons:

- 1. Establishment of an x-ray operator panel to advise the department in rulemaking regarding x-ray operators.**

The Department of Health already has the authority to establish advisory groups. Under this authority the department has formed a task force and charged it with

developing recommendations regarding the establishment of training and education requirements for x-ray operators.

2. Authorizing the state health council to adopt rules establishing licensure fees and training and education requirements for x-ray operators.

NDCC 23-20.1-04.5 already permits the department to set fees sufficient to carry out its regulatory functions.

The department already has the authority to form, and in fact has formed, a task force charged with developing proposed rules for the education and training of non-certified x-ray operators.

When the task force completes the development of proposed rules, it is expected that the department will pursue the adoption of rules governing the education and training of non-certified x-ray operators.

3. Imposing licensure fees upon x-ray operators.

NDCC 23-20.1-04.5 already permits the department to impose fees upon the license holder of x-ray equipment to defray costs incurred by the department in fulfilling its regulatory functions. These costs include the departments assessment of the safe operation of the equipment

If the department is unable to fulfill its regulatory functions within its current level of appropriations, it may seek a fee increase through already existing mechanisms.

March 14, 2001

Page 3

Imposing licensure fees on the holders of x-ray equipment to support departmental regulatory oversight for the purpose of ensuring the machine's safe operation continues to be appropriate. Creating a new and additional licensure fee and imposing it upon x-ray operators for the same purpose is neither appropriate nor necessary.

4. Creating a two-tiered licensure structure (general and specific) for x-ray operators.

A national certification system for x-ray operators already exists. This certification recognizes training and education levels achieved by individuals graduating from formal training programs in radiologic technology. We see little value in duplicating this recognition of achievement with a license at the state level.

Hospitals, as holders of licenses to operate x-ray equipment, rely extensively upon national certification of x-ray operators as evidence of an operator's knowledge level and skills to operate radiologic equipment.

Training and skill requirements may vary for x-ray personnel not eligible for national certification.

The department's task force charge is to identify and promote training and education standards that recognize this diversity of x-ray operator training needs in North Dakota, while ensuring availability of safe and useful radiologic services for diagnostics purposes.

March 14, 2001

Page 4

We need a program in place that individuals make take equipping them with necessary skills to safely operate x-ray equipment. We prefer the flexibility of an individual demonstrating their competence through work product, training accomplishments, and physician oversight rather than restricted licensure.

We do believe that x-ray equipment license holders should be required to show proof of skill attainment appropriate to the services being provided by x-ray personnel during the normal regulatory survey process conducted by the department. Rather than state licensure, the national certification program and completion of a state recognized training program support this objective when the state conducts its on site evaluations.

The task force is already developing the curriculum for operators who are not nationally certified to acquire the skills necessary to operate x-ray machines and to demonstrate that they have acquired those skills.

Hospital holders of equipment licensure will, when surveyed, be able to demonstrate that their non-certified x-ray equipment operators are sufficiently trained to perform their assigned functions.

We believe this training program, once approved by the health council, augmented by current operator oversight by physicians, will address any concerns regarding the ability of non-nationally certified personnel to safely operate x-ray machines.

March 14, 2001

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Again, we appreciate the opportunity to review your proposed amendments. At this point, however, we believe that the efforts of the task force should be supported and that the task force should be allowed to complete its work in developing training and education recommendations for operators of x-ray equipment not eligible for national certification.

Sincerely,



Arnold R. Thomas
President

3/26/01

SB 2124

TESTIMONY
NORTH DAKOTA HOUSE APPROPRIATIONS COMMITTEE
SENATE BILL 2124

March 26, 2001

Mister Chairman, and members of the committee, my name is Ken Wangler. I am the Manager of the North Dakota Department of Health, Radiation, Asbestos and Indoor Air Quality Programs and I am here today to speak in favor of Senate Bill 2124.

When people talk about lead poisoning, they may say, "it's not a problem in our city." Unfortunately, there are homes with lead-based paint in every city. Because of this almost one million children in this country under the age of six have elevated levels of lead in their blood, usually from lead-based paint in their home. Most homes built prior to 1978 contain some lead-based paint and the older the home, the more likely lead-based paint will be present. In North Dakota 83 percent of all homes were built before 1978 (1990 housing census).

Under the Residential Lead-Based Paint Hazard Reduction Act of 1992, the U.S. Department of Housing and Urban Development (HUD) is not allowed to award grants for lead-based paint hazard evaluation or reduction to states that do not have an authorized program. To become authorized, a state must demonstrate to the U.S. Environmental Protection Agency (EPA) that it will administer and enforce a lead-based paint abatement program that is at least as protective of human health and the environment as EPA's program. The rule went into effect September 15, 2000. Thirty-six states already have an EPA approved program or have sought authorization for such a program. Since North Dakota is not an authorized state, the North Dakota Division of Community Services (DCS) is not eligible to apply for an estimated \$2,000,000 annually for lead-based paint hazard evaluation and abatement. **These are funds the DCS would receive from HUD to provide to communities for home rehabilitation and other lead-based paint activities.**

The bill would authorize a state program to ensure that individuals engaged in lead-based paint risk assessments, inspections and abatement are properly trained and certified, that contractors are licensed, and that training programs are accredited. This is very similar to the asbestos control program we currently implement. These lead-based paint requirements are already in place and are enforced federally by the EPA. This legislation would allow for transfer of regulatory authority to

the state. We feel the state can enforce these regulations more effectively, economically, and fairly than the U.S. EPA. Transfer of this authority will result in reduced licensing and certification fees for contractors and a larger work force for the industry.

A grant requiring a ten percent match is available from the EPA to assist the state for setup and administration of the program. The Department is requesting one full-time employee position and the state general funds to provide the match requirement for the first biennium. This bill gives the Department authority to collect licensing and certification fees that should provide approximately \$13,000 per biennium to the North Dakota program once the program is implemented. These fees would provide the state match for the federal grant in future years. No additional general funds are anticipated after the first biennium.

Passage of this bill would make the state eligible to apply for up to \$2,000,000 annually of federal money for home rehabilitation and other lead-based paint activities. It would enable the state to be in a better position to mitigate the hazards of lead-based paint and provide a more healthy future for our children.

At this time, I'd be willing to answer any questions.

3/26/01



North Dakota ASSOCIATION of REALTORS®

318 WEST APOLLO AVENUE • BISMARCK, NORTH DAKOTA 58503-1412
PHONE: (701) 355-1010 or 1-800-279-2381 • FAX: 701-258-7211
e-mail: realtors@ndtla.com • Website: www.ndrealtors.com

2000-2001

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House Appropriations Committee

Testimony on SB 2124

By Claus Lembke, Executive Vice President

ND Association of REALTORS®

March 26, 2001

Mr. Chairman and Committee Members, my name is Claus Lembke and on behalf of the North Dakota Association of REALTORS® I am here to ask for your support and passage of SB 2124.

It is our belief that we will have an ever-increasing need for trained professionals with expertise in lead base paint issues. Since this bill will transfer the responsibility of training inspectors and contractors from the Federal Environmental Protection Agency (EPA) to our State Health Department we feel that this is a benefit for North Dakota.

Our Association has had many years of cooperative experience in other environmental areas with our State Health Department. We found them to be very knowledgeable and dedicated professionals. All of our dealings with them have been positive for our industry and North Dakota consumers as well.

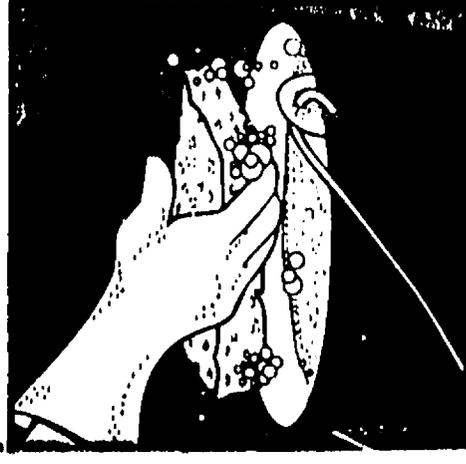
Therefore we urge your support for SB 2124.



Simple Steps To Protect Your Family From Lead Hazards

If you think your home has high levels of lead:

- ◆ Get your young children tested for lead, even if they seem healthy.
- ◆ Wash children's hands, bottles, pacifiers, and toys often.
- ◆ Make sure children eat healthy, low-fat foods.
- ◆ Get your home checked for lead hazards.
- ◆ Regularly clean floors, window sills, and other surfaces.
- ◆ Wipe soil off shoes before entering house.
- ◆ Talk to your landlord about fixing surfaces with peeling or chipping paint.
- ◆ Take precautions to avoid exposure to lead dust when remodeling or renovating (call 1-800-424-LEAD for guidelines).
- ◆ Don't use a belt-sander, propane torch, heat gun, dry scraper, or dry sandpaper on painted surfaces that may contain lead.
- ◆ Don't try to remove lead-based paint yourself.



3/24/91 032424

Protect Your Family From Lead in Your Home



United States
Environmental
Protection Agency



United States
Consumer Product
Safety Commission



United States
Department of Housing
and Urban Development

S. EPA Washington DC 20460
S. CPSC Washington DC 20207
S. HUD Washington DC 20470

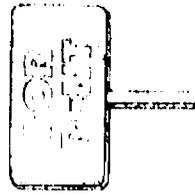
EPA747-K-99-307
April 1999

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Are You Planning To Buy, Rent, or Renovate a Home Built Before 1978?

Many houses and apartments built before 1978 have paint that contains lead (called lead-based paint). Lead from paint, chips, and dust can pose serious health hazards if not taken care of properly.

Federal law requires that individuals receive certain information before renting, buying, or renovating pre-1978 housing.



LANDLORDS have to disclose known information on lead-based paint and lead-based paint hazards before leases take effect. Leases must include a disclosure form about lead-based paint.



SELLERS have to disclose known information on lead-based paint and lead-based paint hazards before selling a house. Sales contracts must include a disclosure form about lead-based paint. Buyers have up to 10 days to check for lead hazards.



RENOVATORS have to give you this pamphlet before starting work. (After June 1, 1999.)

IF YOU WANT MORE INFORMATION on these requirements, call the National Lead Information Clearinghouse at **1-800-424-LEAD**.

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IMPORTANT!

Lead from Paint, Dust, and Soil Can Be Dangerous If Not Managed Properly

- FACT:** Lead exposure can harm young children and babies even before they are born.
- FACT:** Even children who seem healthy can have high levels of lead in their bodies.
- FACT:** People can get lead in their bodies by breathing or swallowing lead dust, or by eating soil or paint chips containing lead.
- FACT:** People have many options for reducing lead hazards. In most cases, lead-based paint that is in good condition is not a hazard.
- FACT:** Removing lead-based paint improperly can increase the danger to your family.

If you think your home might have lead hazards, read this pamphlet to learn some simple steps to protect your family.

Lead Gets in the Body in Many Ways

In the United States, about 900,000 children ages 1 to 5 have a blood-lead level above the level of concern.

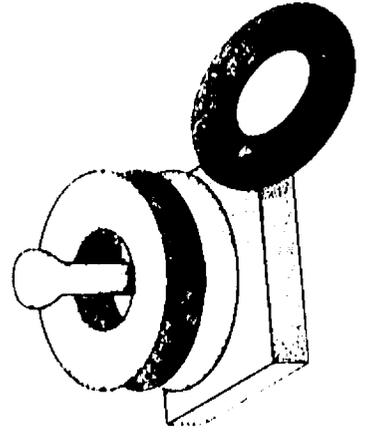
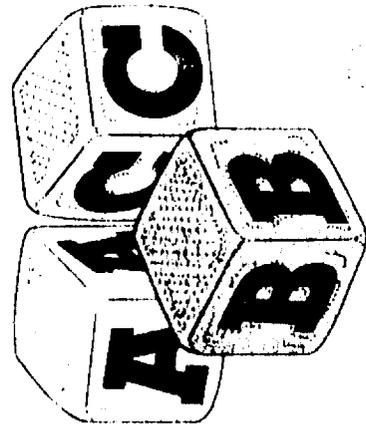
Even children who appear healthy can have dangerous levels of lead in their bodies.

People can get lead in their body if they:

- ◆ Put their hands or other objects covered with lead dust in their mouths.
- ◆ Eat paint chips or soil that contains lead.
- ◆ Breathe in lead dust (especially during renovations that disturb painted surfaces).

Lead is even more dangerous to children than adults because:

- ◆ Babies and young children often put their hands and other objects in their mouths. These objects can have lead dust on them.
- ◆ Children's growing bodies absorb more lead.
- ◆ Children's brains and nervous systems are more sensitive to the damaging effects of lead.

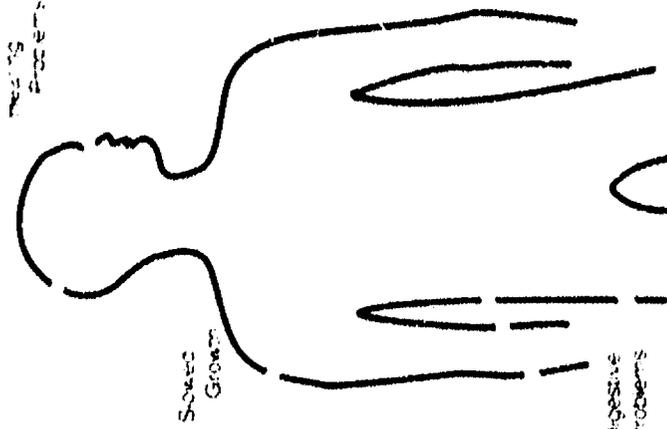


Lead's Effects

If not detected early, children with high levels of lead in their bodies can suffer from:

- ◆ Damage to the brain and nervous system
- ◆ Behavior and learning problems (such as hyperactivity)
- ◆ Slowed growth
- ◆ Hearing problems
- ◆ Headaches

Brain or Nerve Damage



Slowed Growth

Digestive Problems

Reproductive Problems

- ◆ Difficulties during pregnancy
- ◆ Other reproductive problems (in both men and women)
- ◆ High blood pressure
- ◆ Digestive problems
- ◆ Nerve disorders
- ◆ Memory and concentration problems
- ◆ Muscle and joint pain

Lead is also harmful to adults. Adults can suffer from:

Lead affects the body in many ways.

When Lead-Based Paint Is Found

In general, the older your home, the more likely it has lead-based paint.

Many homes built before 1978 have lead-based paint. The federal government banned lead-based paint from housing in 1978. Some states stopped its use even earlier. Lead can be found:

- ◆ In homes in the city, country, or suburbs.
- ◆ In apartments, single-family homes, and both private and public housing.
- ◆ Inside and outside of the house.
- ◆ In soil around a home. (Soil can pick up lead from exterior paint or other sources such as past use of leaded gas in cars.)

Checking Your Family for Lead

Get your children and home tested if you think your home has high levels of lead.

To reduce your child's exposure to lead, get your child checked, have your home tested (especially if your home has paint in poor condition and was built before 1978), and fix any hazards you may have. Children's blood lead levels tend to increase rapidly from 6 to 12 months of age, and tend to peak at 18 to 24 months of age.

Consult your doctor for advice on testing your children. A simple blood test can detect high levels of lead. Blood tests are usually recommended for:

- ◆ Children at ages 1 and 2.
- ◆ Children or other family members who have been exposed to high levels of lead.
- ◆ Children who should be tested under your state or local health screening plan. Your doctor can explain what the test results mean and if more testing will be needed.

Where Lead Is Likely To Be a Hazard

Lead-based paint that is in good condition is usually not a hazard.

Peeling, chipping, chalking, or cracking lead-based paint is a hazard and needs immediate attention.

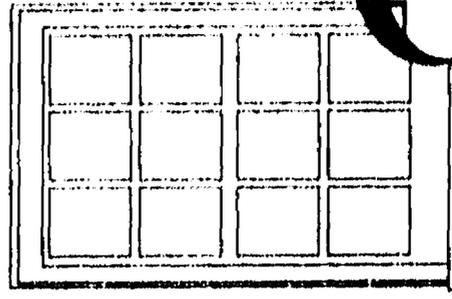
Lead-based paint may also be a hazard when found on surfaces that children can chew or that get a lot of wear-and-tear. These areas include:

- ◆ Windows and window sills.
- ◆ Doors and door frames.
- ◆ Stairs, railings, and banisters.
- ◆ Porches and fences.

Lead dust can form when lead-based paint is dry scraped, dry sanded, or heated. Dust also forms when painted surfaces bump or rub together. Lead chips and dust can get on surfaces and objects that people touch. Settled lead dust can re-enter the air when people vacuum, sweep, or walk through it.

Lead in soil can be a hazard when children play in bare soil or when people bring soil into the house on their shoes. Call your state agency (see page 11) to find out about testing soil for lead.

Lead from paint chips, which you can see, and lead dust, which you can't always see, can both be serious hazards.



Checking Your Home for Lead Hazards

Just knowing that a home has lead-based paint may not tell you if there is a hazard.

You can get your home checked for lead hazards in one of two ways, or both:

- ◆ A paint **inspection** tells you the lead content of every different type of painted surface in your home. It won't tell you whether the paint is a hazard or how you should deal with it.
- ◆ A **risk assessment** tells you if there are any sources of serious lead exposure (such as peeling paint and lead dust). It also tells you what actions to take to address these hazards.

Have qualified professionals do the work. *There are standards in place for certifying lead-based paint professionals to ensure the work is done safely, reliably, and effectively.* Contact your state lead poisoning prevention program for more information. Call 1-800-424-LEAD for a list of contacts in your area. Trained professionals use a range of methods when checking your home, including:

- ◆ Visual inspection of paint condition and location.
- ◆ A portable x-ray fluorescence (XRF) machine.
- ◆ Lab tests of paint samples.
- ◆ Surface dust tests.

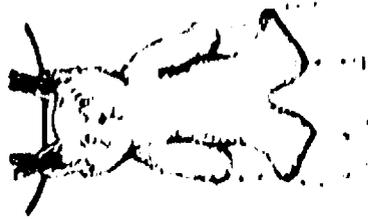
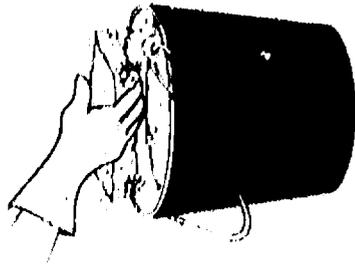
Home test kits for lead are available, but studies suggest that they are not always accurate. Consumers should not rely on these tests before doing renovations or to assure safety.



What You Can Do Now To Protect Your Family

If you suspect that your house has lead hazards, you can take some immediate steps to reduce your family's risk:

- ◆ If you rent, notify your landlord of peeling or chipping paint.
- ◆ Clean up paint chips immediately.
- ◆ Clean floors, window frames, window sills, and other surfaces weekly. Use a mop or sponge with warm water and a general all-purpose cleaner or a cleaner made specifically for lead. **REMEMBER: NEVER MIX AMMONIA AND BLEACH PRODUCTS TOGETHER SINCE THEY CAN FORM A DANGEROUS GAS.**
- ◆ Thoroughly rinse sponges and mop heads after cleaning dirty or dusty areas.
- ◆ Wash children's hands often, especially before they eat and before nap time and bed time.
- ◆ Keep play areas clean. Wash bottles, pacifiers, toys, and stuffed animals regularly.
- ◆ Keep children from chewing window sills or other painted surfaces.
- ◆ Clean or remove shoes before entering your home to avoid tracking in lead from soil.
- ◆ Make sure children eat nutritious, low-fat meals high in iron and calcium, such as spinach and dairy products. Children with good diets absorb less lead.



How To Significantly Reduce Lead Hazards

In addition to day-to-day cleaning and good nutrition:

- ◆ You can **temporarily** reduce lead hazards by taking actions such as repairing damaged painted surfaces and planting grass to cover soil with high lead levels. These actions (called "interim controls") are not permanent solutions and will need ongoing attention.

- ◆ To **permanently** remove lead hazards, you must hire a certified lead "abatement" contractor. Abatement (or permanent hazard elimination) methods include removing, sealing, or enclosing lead-based paint with special materials. Just painting over the hazard with regular paint is not enough.

Always hire a person with special training for correcting lead problems—someone who knows how to do this work safely and has the proper equipment to clean up thoroughly. Certified contractors will employ qualified workers and follow strict safety rules as set by their state or by the federal government.

Call your state agency (see page 11) for help with locating certified contractors in your area and to see if financial assistance is available.

Removing lead improperly can increase the hazard to your family by spreading even more lead dust around the house.

Always use a professional who is trained to remove lead hazards safely.



Remodeling or Renovating a Home with Lead-Based Paint

Take precautions before your contractor or you begin remodeling or renovations that disturb painted surfaces (such as scraping off paint or tearing out walls):

- ◆ **Have the area tested for lead-based paint.**
- ◆ **Do not use a belt-sander, propane torch, heat gun, dry scraper, or dry sandpaper** to remove lead-based paint. These actions create large amounts of lead dust and fumes. Lead dust can remain in your home long after the work is done.

- ◆ **Temporarily move your family** (especially children and pregnant women) out of the apartment or house until the work is done and the area is properly cleaned. If you can't move your family, at least completely seal off the work area.

- ◆ **Follow other safety measures to reduce lead hazards.** You can find out about other safety measures by calling 1-800-424-LEAD. Ask for the brochure "Reducing Lead Hazards When Remodeling Your Home." This brochure explains what to do before, during, and after renovations.

If you have already completed renovations or remodeling that could have released lead-based paint or dust, get your young children tested and follow the steps outlined on page 7 of this brochure.



If not conducted properly, certain types of renovations can release lead from paint and dust into the air.



Other Sources of Lead

◆ **Drinking water.** Your home might have plumbing with lead or lead solder. Call your local health department or water supplier to find out about testing your water. You cannot see, smell, or taste lead, and boiling your water will not get rid of lead. If you think your plumbing might have lead in it:

- Use only cold water for drinking and cooking.
- Run water for 15 to 30 seconds before drinking it, especially if you have not used your water for a few hours.

◆ **The job.** If you work with lead, you could bring it home on your hands or clothes. Shower and change clothes before coming home. Launder your work clothes separately from the rest of your family's clothes.

◆ **Old painted toys and furniture.**

◆ **Food and liquids stored in lead crystal or lead-glazed pottery or porcelain.**

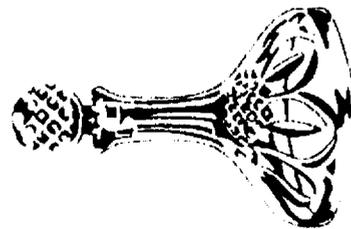
◆ **Lead smelters** or other industries that release lead into the air.

◆ **Hobbies** that use lead, such as making pottery or stained glass, or refinishing furniture.

◆ **Folk remedies** that contain lead, such as "greta" and "azarcon" used to treat an upset stomach.



While paint, dust, and soil are the most common lead hazards, other lead sources also exist.



For More Information

The National Lead Information Center

Call **1-800-424-LEAD** to learn how to protect children from lead poisoning and for other information on lead hazards. (Internet: www.epa.gov/lead and www.hud.gov/lea).

For the hearing impaired, call the Federal Information Relay Service at **1-800-877-8339** and ask for the National Lead Information Center at **1-800-424-LEAD**.

EPA's Safe Drinking Water Hotline

Call **1-800-426-4791** for information about lead in drinking water.

Consumer Product Safety Commission Hotline

To request information on lead in consumer products, or to report an unsafe consumer product or a product-related injury call **1-800-638-2772**. (Internet: www.cpsc.gov). For the hearing impaired, call **TDD 1-800-638-8270**.

State Health and Environmental Agencies

Some cities and states have their own rules for lead-based paint activities. Check with your state agency to see if state or local laws apply to you. Most state agencies can also provide information on finding a lead abatement firm in your area, and on possible sources of financial aid for reducing lead hazards. Receive up-to-date address and phone information for state and local contacts on the Internet at www.epa.gov/lead or contact the National Lead Information Center at **1-800-424-LEAD**.

EPA Regional Offices

Your Regional EPA Office can provide further information regarding regulations and lead protection programs.

EPA Regional Offices

Region 1 (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont)

Regional Lead Contact
U.S. EPA Region 1
Suite 1100 (CPT)
One Congress Street
Boston, MA 02114-2023
1 (888) 372-7341

Region 2 (New Jersey, New York, Puerto Rico, Virgin Islands)

Regional Lead Contact
U.S. EPA Region 2
2890 Woodbridge Avenue
Building 209, Mail Stop 225
Edison, NJ 08837-3679
(732) 321-6671

Region 3 (Delaware, Washington DC, Maryland, Pennsylvania, Virginia, West Virginia)

Regional Lead Contact
U.S. EPA Region 3 (3WC33)
1650 Arch Street
Philadelphia, PA 19103
(215) 814-5000

Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

Regional Lead Contact
U.S. EPA Region 4
61 Forsyth Street, SW
Atlanta, GA 30303
(404) 562-8998

Region 5 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

Regional Lead Contact
U.S. EPA Region 5 (DF-5)
77 West Jackson Boulevard
Chicago, IL 60604-3666
(312) 886-6003

Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

Regional Lead Contact
U.S. EPA Region 6
1445 Ross Avenue, 12th Floor
Dallas, TX 75202-2733
(214) 665-7577

Region 7 (Iowa, Kansas, Missouri, Nebraska)

Regional Lead Contact
U.S. EPA Region 7
(ARTD-RALI)
901 N. 5th Street
Kansas City, KS 66101
(913) 551-7020

Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

Regional Lead Contact
U.S. EPA Region 8
999 18th Street, Suite 500
Denver, CO 80202-2466
(303) 312-6021

Region 9 (Arizona, California, Hawaii, Nevada)

Regional Lead Contact
U.S. Region 9
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-1124

Region 10 (Idaho, Oregon, Washington, Alaska)

Regional Lead Contact
U.S. EPA Region 10
Toxics Section WCM-128
1200 Sixth Avenue
Seattle, WA 98101-1128
(206) 553-1985

CPSC Regional Offices

Your Regional CPSC Office can provide further information regarding regulations and consumer product safety.

Eastern Regional Center
6 World Trade Center
Vesey Street, Room 350
New York, NY 10048
(212) 466-1612

Western Regional Center
400 Harrison Street, Room 245
San Francisco, CA 94107
(415) 744-2966

Central Regional Center
230 South Dearborn Street
Room 2944
Chicago, IL 60604-1601
(312) 353-8260

HUD Lead Office

Please contact HUD's Office of Lead Hazard Control for information on lead regulations, outreach efforts, and lead hazard control and research grant programs.

U.S. Department of Housing and Urban Development
Office of Lead Hazard Control
451 Seventh Street, SW, P. 3206
Washington, DC 20410
(202) 755-1785