

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1438*
Committee Substitute Favorable 9/3/98

Short Title: Childhood Lead Exposure Amendments.

(Public)

Sponsors:

Referred to:

May 25, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CURRENT LAW REGARDING THE CONTROL OF
3 CHILDHOOD LEAD EXPOSURE.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 130A-131.5 reads as rewritten:

6 "**§ 130A-131.5. Commission to adopt rules.**

7 (a) For the protection of the public health, the Commission shall adopt rules for
8 the prevention and control of lead poisoning in children in accordance with this Part.
9 ~~children. The rules shall include provisions for:~~

10 (1) ~~Reporting by laboratories of elevated blood lead levels in children less~~
11 ~~than six years of age; the rules shall specify the public health agency to~~
12 ~~which reports shall be made, and shall establish when a blood lead level~~
13 ~~is considered to be elevated. The rules shall further provide the specific~~
14 ~~information to be included in the reports, the time limits for reporting,~~
15 ~~and the form in which reports shall be submitted;~~

16 (2) ~~Investigation by the Department to determine the source of elevated~~
17 ~~blood lead levels;~~

18 (3) ~~Identification of lead poisoning hazards;~~

1 (4) ~~Examination and testing of children less than six years of age who are~~
2 ~~reasonably suspected of having elevated blood lead levels; and~~
3 (5) ~~Abatement of lead poisoning hazards in dwellings, schools and child~~
4 ~~care centers determined by the Department to be a potential source of an~~
5 ~~elevated blood lead level in a child less than six years of age.~~
6 (b) ~~Abatement orders issued by the Department pursuant to this section shall~~
7 ~~require elimination of the lead poisoning hazard. Removal of children from the dwelling,~~
8 ~~school, or child care center shall not constitute abatement if the property continues to be~~
9 ~~used for a dwelling, school, or child care center."~~

10 Section 2. G.S. 130A-131.7(1) reads as rewritten:

11 "(1) 'Abatement' means identifying lead-based paint, identifying or assessing a
12 lead-based paint hazard, or undertaking any of the following measures to
13 eliminate a lead-based paint hazard:

- 14 a. Removing lead-based paint from a surface and repainting the
15 surface.
- 16 b. Removing a component, such as a windowsill, painted with lead-
17 based paint and replacing the component.
- 18 c. Enclosing a surface painted with lead-based paint with paneling,
19 vinyl siding, or another approved material.
- 20 d. Encapsulating a surface painted with lead-based paint with a
21 sealant.
- 22 e. Any other measure approved by the Commission.

23 ~~The term includes an inspection and a risk assessment."~~

24 Section 3. G.S. 130A-131.9C(j) reads as rewritten:

25 "(j) The Department shall verify by visual inspection that the approved remediation
26 plan has been completed. The Department may also verify plan completion by residual
27 lead dust monitoring and soil or drinking water lead level measurement.

28 (j1) Compliance with the maintenance standard shall be deemed equivalent to meeting
29 satisfies the remediation plan requirements as long as exterior surfaces are also addressed.
30 requirements for confirmed lead poisoning cases identified on or after 1 October 1990 as
31 long as all lead poisoning hazards identified on interior and exterior surfaces are
32 addressed. Continued compliance shall be verified by means of an annual monitoring
33 inspection conducted by the Department. Except that for owner-occupied residential
34 housing units, continued compliance may be verified by means of an annual monitoring
35 inspection, or by documentation that no child less than six years of age has resided in or
36 regularly visited the residential housing unit within the past year, or by documentation
37 that no child less than six years of age residing in or regularly visiting the unit has an
38 elevated blood lead level."

39 Section 4. G.S. 130A-131.9D reads as rewritten:

40 "**§ 130A-131.9D. Effect of compliance with maintenance standard.**

41 Any owner of a residential housing unit constructed prior to 1978 who is sued by a
42 current or former occupant seeking damages for injuries allegedly arising from exposure
43 to lead-based paint or lead-contaminated dust, shall not be deemed liable (i) for any

1 injuries sustained by that occupant after the owner first complied with the maintenance
2 standard defined under G.S. ~~130A-131.7(10)~~ 130A-131.7 provided the owner has repeated
3 the steps provided for in the maintenance standard annually for units in which children of
4 less than six years of age have resided in or regularly visited within the past year and
5 obtained a certificate of compliance under G.S. 130A-131.9E annually during such
6 occupancy; or (ii) if the owner is able to show by other documentation that compliance
7 with the maintenance standard has been maintained during the period when the injuries
8 were sustained; or (iii) if the owner is able to show that the unit was lead-safe housing
9 containing no lead-based paint hazards during the period when the injuries were
10 sustained."

11 Section 5. Part 4 of Article 5 of Chapter 130A of the General Statutes is
12 amended by adding a new section to read:

13 "**§ 130A-131.9H. Application fees for certificates of compliance.**

14 The Department shall collect an application fee of ten dollars (\$10.00) for each
15 certificate of compliance. Fee receipts shall be used to support the program that is
16 developed to implement this Part. Fee receipts also may be used to provide for relocation
17 and medical expenses incurred by children with confirmed lead poisoning."

18 Section 6. This act becomes effective 1 October 1998.