



## North Carolina General Assembly Legislative Services Office

George R. Hall, Legislative Services Officer  
(919) 733-7044

Elaine W. Robinson, Director  
Administrative Division  
Room 5, Legislative Building  
16 W. Jones Street  
Raleigh, NC 27603-5925  
(919) 733-7500

Gerry F. Cohen, Director  
Bill Drafting Division  
Suite 401, LOB  
300 N. Salisbury St.  
Raleigh, NC 27603-5925  
(919) 733-6660

Thomas L. Covington, Director  
Fiscal Research Division  
Suite 619, LOB  
300 N. Salisbury St.  
Raleigh, NC 27603-5925  
(919) 733-4910

Donald W. Fulford, Director  
Information Systems Division  
Suite 400, LOB  
300 N. Salisbury St.  
Raleigh, NC 27603-5925  
(919) 733-6834

Terrence D. Sullivan, Director  
Research Division  
Suite 545, LOB  
300 N. Salisbury St.  
Raleigh, NC 27603-5925  
(919) 733-2578

### Memorandum

**To:** House Committee on Finance

**From:** Tom Covington, Director  
Fiscal Research Division

Mona Moon, Fiscal Analyst  
Fiscal Research Division

**Date:** August 18, 1997

**Re:** Evaluation of Senate Bill 516 in regards to *Certification of legislation required by federal law (G.S. 120-36.8)*

---

In compliance with G.S. 120-36.8, *Certification of legislation required by federal law*, the Fiscal Research Division, in consultation with the Bill Drafting Division, is providing this memorandum to identify *federal law*, if any, requiring the enactment of certain provisions in Senate Bill 516, Lead-Based Paint Management.

#### **SB 516 – Provisions Required Due to Federal Law**

Senate Bill 516 (Third Edition Engrossed 6/5/97) establishes a training and certification program for individuals and firms conducting abatement activities to eliminate, reduce or minimize lead hazards in child-occupied facilities, including residential dwellings, schools and day-care centers, or in target housing. The program will be administered by the Department of Environment, Health, and Natural Resources, Division of Epidemiology.

The Residential Lead-Based Paint Hazard Reduction Act of 1992 enacted Section 402 of the Toxic Substances Control Act (15 U.S.C. 2682) to require regulations to ensure that anyone conducting lead-based paint abatement activities is properly trained and qualified. The federal legislation requires accreditation of training programs and certification of individuals performing risk assessment, inspection and abatement activities in target housing.

Under the Toxic Substances Control Act (15 U.S.C. 2684) states can seek authorization to administer and enforce their own lead-based paint hazard reduction program, provided that the

state program is “at least as protective” as the federal program and the state provides “adequate enforcement.”

If a states fails to operate an accreditation and certification program in compliance with federal standards, then the state’s authorization will be withdrawn and the Environmental Protection Agency (EPA) will establish a federal program within the state. Consequently, if the state does not establish a lead-based paint management program to accredit training programs and certify persons who perform abatement activities, then EPA will administer the federal lead exposure reduction regulations in North Carolina.

### **SB 516 – Provisions Not Required by Federal Law**

Senate Bill 516 also requires individuals conducting abatement activities in child-occupied facilities or target housing to obtain a permit from the Department of Environment, Health, and Natural Resources. The proceeds from the permit fees will be used to offset the costs of the state’s lead-based paint management program.

The department will use the permit requirement to establish a lead abatement notification system to provide oversight and guidance of abatement projects and to facilitate program enforcement. However, federal toxic substances control law does not require the state to implement a permit program for this purpose.

cc: Gann Watson, Bill Drafting



**Signed Copy Located in the NCGA Principal Clerk's Offices**