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Chapter No. 338

13/SS26/R508

17B/173

SENATE BILL NO. 2688

Originated in Senate *Arguech* Secretary

SENATE BILL NO. 2688

AN ACT TO AMEND SECTION 49-17-509, MISSISSIPPI CODE OF 1972, TO REMOVE THE OPT-OUT PROVISION FOR CERTAIN LEAD-BASED PAINT ACTIVITIES UNDER THE STATE "LEAD-BASED PAINT ACTIVITY ACCREDITATION AND CERTIFICATION ACT" IN ORDER TO COMPLY WITH FEDERAL REQUIREMENTS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 49-17-509, Mississippi Code of 1972, is amended as follows:

49-17-509. (1) The commission shall adopt regulations for accreditation of lead-based paint activity training programs. Accredited training programs shall ensure the availability of, and provide adequate facilities for, the delivery of lectures, course tests, hands-on training and assessment activities. This includes providing training equipment that reflects current work practices and maintaining or updating the equipment and facilities as needed. The training program shall offer courses which teach work practice standards for conducting lead-based paint activities as adopted by the United States Environmental Protection Agency or the commission under Sections 49-17-501 through 49-17-531. These

standards shall be taught in the appropriate courses to provide trainees with the knowledge needed to perform the lead-based paint activities they are responsible for. The commission also may adopt accreditation requirements for training programs providing refresher training programs.

(2) The commission shall adopt regulations establishing work practice standards for performing lead-based paint activities in target housing and child-occupied facilities. These standards may include appropriate documented methodologies, clearance levels and requirements for lead hazard screens, risk assessments, abatement activities, renovation activities, sample collection and analysis and record keeping. Beginning on August 31, 1998, all lead-based paint activities shall be performed in accordance with work practice standards adopted under Sections 49-17-501 through 49-17-531. The commission shall implement a compliance monitoring program to ensure compliance with the work practice standards.

(3) The commission shall adopt regulations for certification of lead-based paint risk assessors, project designers, renovators, dust sampling technicians, supervisors, inspectors and workers.

(4) Applicants for the issuance or reissuance of certificates required under Sections 49-17-511 through 49-17-519 shall submit to the commission, on forms prepared by the commission, an application. In addition, the applicant shall submit documentation deemed appropriate by the commission providing the educational background and demonstrating

satisfactory completion of the applicable training programs and shall pay the applicable fee.

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

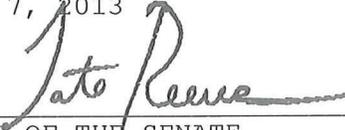
(6) Except as otherwise required by Sections 49-17-501 through 49-17-531, regulations adopted under Sections 49-17-501 through 49-17-531 shall be no more stringent than federal regulations for lead-based paint activities.

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

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

PASSED BY THE SENATE
February 7, 2013



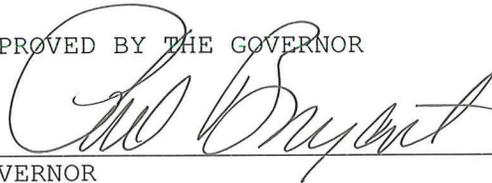
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 1, 2013



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

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