

# COMMITTEE STATEMENT

## LB 863

HEARING DATE: February 26, 1999

COMMITTEE ON: Natural Resources

TITLE: (Natural Resources Committee, Chambers, Hilgert, Kiel ) Change provisions of the Environmental Lead Hazard Control Act

### ROLL CALL VOTE – FINAL COMMITTEE ACTION

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Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

#### Vote Results:

6	Yes	Senators Bromm, Bruning, Jones, Preister, Schrock, Stuhr
0	No	
0	Present, not voting	
2	Absent	Senators Bohlke, Hudkins

#### PROPONENTS

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Jody Gittins  
Senator Don Preister  
Doug Farquhar  
Frank Brown  
John Hall  
Don Siffring  
Reed Steinkraus  
Stacy Hawkey  
Melissa Gardner

#### REPRESENTING

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Introducer  
District 5  
National Conference of State Legislatures  
Omaha City Council  
Department of Health and Human Services  
Lincoln-Lancaster County Health Department  
Douglas County Health Department  
Self  
Omaha Lead Task Force; Missouri Valley Sierra Club

#### OPPONENTS

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None

#### REPRESENTING

#### NEUTRAL

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Richard Hedrick

#### REPRESENTING

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Self

#### SUMMARY OF PURPOSE AND/OR CHANGES:

LB 863 amends the Environmental Lead Hazard Control Act passed in 1994. The Act would be retitled the "Residential Lead-Based Paint Professions Certification Act." The bill defines or redefines a total of 38

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terms, sets lead standards and provides for an accreditation and training program for lead-based paint professions for the purpose of bringing Nebraska legislation into compliance with the Federal Lead-Based Paint Program (as regulated at 40 C.F.R. Sec. 745, Subpart L). Currently, the state of Nebraska is out of compliance with the Federal Lead-Based Paint Program. Failure to comply with the Federal law would result in the U.S. Environmental Protection Agency administering the Act in Nebraska, collecting all fees and penalties and depositing all fees and penalties into the Federal treasury.

LB 863 limits the scope of prior legislation to focus on the reduction of lead-based paint exposure to children under the age of six (6) years. Children under the age of six are the most profoundly and adversely affected by lead poisoning as a result of exposure to lead-based paint hazards. The Act focuses on the means by which remedial activities are to be undertaken by properly trained and certified individuals to permanently eliminate the hazards that cause the medical conditions resulting from exposure to lead-based paint, or lead in dust or soil.

The bill applies to individuals and firms engaged in lead-based paint activities defined as lead-based paint inspection, risk assessment and abatement. Nothing in the bill requires that the owner or occupant undertake any particular lead-based paint activity. LB 863 also applies to all lead-based paint activities for housing constructed prior to 1978, but not including housing for the elderly or disabled where no child, age six or younger, is expected to reside.

### EXPLANATION OF AMENDMENTS, IF ANY:

The amendment becomes the bill – Residential Lead-Based Paint Professions Certification Act

The Act is to require certification of those individuals who wish to conduct training courses and to conduct removal of lead-based paint. (sections 4 through 42). These definitions are from the federal act.

It specifically excludes the owner or occupant from having to undertake any particular lead-based paint removal activity. It also specifically excludes renovation, remodeling, landscaping or other activities where removal of lead-based paint is incidental and not the primary purpose. (These activities are also exempted from the federal act.)

One variation from the federal act is section 12. Section 12 defines a visual lead-hazard advisor. The reason for this category is to provide limited service to individuals who do not live in Lincoln or Omaha. There are no certified abatement professionals outside of those two cities. Every other category of certified professional requires more hours of training and expensive equipment costing several thousand dollars. (This was suggested by the State Health Department, based on inquiries received from individuals who do not live in Lincoln or Omaha.)

This amendment strikes the Environmental Lead Hazard Control Act in its entirety, and replaces it with this Act. This was also a suggestion of the State Health Department, who administers the program.

Section 44 establishes the fee schedules for certification and accreditation programs.

Section 45 – Establishes broad standards to qualify for a certificate.

Section 46 – States requirements to be included in the application for a certificate.

Section 47 – A list of the classes of certified professionals; certificates shall be valid for 3 years.

Sections 48 and 49 – Conforming language

Section 50 – Penalty section, which mirrors the penalty section of the Asbestos Removal Act, with the addition of subsection (4) (required by the federal act) and the addition of allowing county attorneys to bring actions.

Sections 51 and 52 – Conforming language.

Section 53 – Reciprocity section.

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Section 54 – Removes this Act from the environmental audit provisions of Nebraska law.

Section 55 – Severability Clause.

Sections 56 and 57 – Repealers.

Section 58 – Emergency Clause.

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Senator Ed Schrock, Chairperson