

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

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SENATE
S.B. No. **1696**

RECEIVED BY: pu

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 15 provides:

The State shall protect and promote the right to health of the people and instill health consciousness among them.

Lead poisoning in residential environments is a major problem. The main source of lead poisoning among children is the dust that comes from chipping lead-based paint or dust that is created during residential repainting and remodeling projects or from deteriorating or abraded lead-based paint.

The government should address this problem. Even low levels of lead in the body are harmful and are associated with reduced intelligence and attention span, hearing loss, stunted growth, reading and learning problems and behavioral difficulties.

This bill seeks to reduce the danger posed by lead-based paint hazards by abating lead-based paint and by taking measures to prevent paint deterioration and limit children's exposure to lead dust and chips.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO *dfk*

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AN ACT
TO REDUCE LEAD-BASED PAINT HAZARDS IN RESIDENTIAL ENVIRONMENTS

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* — This Act shall be known as the “Residential Lead-Based Paint Hazard Reduction Act”.

SECTION 2. *Purposes.* — The purposes of this Act are —

- (1) to develop a national strategy to build the infrastructure necessary to eliminate lead-based paint hazards in all housing as expeditiously as possible;
- (2) to reorient the national approach to the presence of lead-based paint in housing to implement, on a priority basis, a broad program to evaluate and reduce lead-based paint hazards in the country’s housing stock;
- (3) to encourage effective action to prevent childhood lead poisoning by establishing a workable framework for lead-based paint hazard evaluation and reduction and ending the current confusion over reasonable standards of care;
- (4) to ensure that the existence of lead-based paint hazards is taken into account in the development of government housing policies and in the sale, rental, and renovation of homes and apartments;
- (5) to mobilize national resources expeditiously, through a partnership among all levels of government and the private sector, to develop the most promising, cost-effective methods for evaluating and reducing lead-based paint hazards;
- (6) to reduce the threat of childhood lead poisoning in housing owned, assisted, or transferred by the government; and

(7) to educate the public concerning the hazards and sources of lead-based paint poisoning and steps to reduce and eliminate such hazards.

SECTION 3. *Definitions.* – For the purposes of this Act, the following definitions shall apply:

(1) The term “abatement” means any set of measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by appropriate agencies. Such term includes:

- (a) the removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead contaminated soil; and
- (b) all preparation, cleanup, disposal and postabatement clearance testing activities associated with such measures.

(2) The term “accessible surface” means an interior or exterior surface painted with lead-based paint that is accessible for a young child to mouth or chew.

(3) The term “certified contractor” means –

- (a) a contractor, inspector, or supervisor who has completed a training program certified by the appropriate agency and has met any other requirements for certification or licensure established by such agency; and
- (b) workers or designers who have fully met training requirements established by the appropriate agency.

(4) The term “contract for the purchase and sale of residential real property” means any contract or agreement in which one party agrees to purchase an interest in real property on which there is situated one or more residential dwellings used or occupied, or intended to be used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

(5) The term “deteriorated paint” means any interior or exterior paint that is peeling, chipping, chalking or cracking or any paint located on an interior or exterior surface or fixture that is damaged or deteriorated.

(6) The term “evaluation” means a risk assessment, inspection, or risk assessment and inspection.

(7) The term “friction surface” means an interior or exterior surface that is subject to abrasion or friction, including certain window, floor and stair surfaces.

(8) The term “impact surface” means an interior or exterior surface that is subject to damage by repeated impacts for example, certain parts of door frames.

(9) The term “inspection” means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation.

(10) The term “interim controls” means a set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

(11) The term “lead-based paint hazard” means any condition that causes exposure to lead from lead-contaminated dust, lead contaminated soil, lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as established by the appropriate agency.

(12) The term “lead-contaminated dust” means surface dust in residential dwellings that contains an area or mass concentration of lead in excess of levels determined by the appropriate agency and pose a threat of adverse health effects in pregnant women or young children.

(13) The term “lead-contaminated soil” means bare soil in residential real property that contains lead at or in excess of the levels determined to be hazardous to human health by the appropriate agency.

(14) The term “reduction” means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.

(15) The term “residential dwelling” means –

- (a) a single-family dwelling, including attached structures such as porches and stoops; or
- (b) a single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

(16) The term “residential real property” means real property on which there is situated one or more residential dwellings used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

(17) The term “risk assessment” means an on-site investigation to determine and report the existence, nature, severity and location of lead-based paint hazards in the residential dwellings, including –

- (a) information gathering regarding the age and history of the housing and occupancy by children under age 6;
- (b) visual inspection;
- (c) limited wipe sampling or other environmental sampling techniques;
- (d) other activity as may be appropriate; and
- (e) provision of a report explaining the results of the investigation.

(18) The term “Chairman” means the Chairman of Housing and Urban Development Consultative Council.

(19) The term “Secretary” means the Secretary of Environment and Natural Resources.

(20) The term “target housing” means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing for the elderly or persons with disabilities) or any 0-bedroom dwelling.

(21) The term “lead-based paint activities” means –

- (a) in the case of target housing, risk assessment, inspection, and abatement; and

(b) in the case of any public building constructed before 1978, commercial building, bridge, or other structure or super-structure, identification of lead-based paint and materials containing lead-based paint, deleading, removal of lead from bridges, and demolition. For purposes of 21, the term "deleading" means activities conducted by a person who offers to eliminate lead-based paint or lead-based paint hazards or to plan such activities.

TITLE A – LEAD EXPOSURE REDUCTION

SECTION 4. *Lead-Based Paint Activities Training And Certification.* –

(1) Regulations – (a) In general – Not later than 18 months after the date of the enactment of this section, the Secretary of Environment, shall in consultation with the Secretary of Labor, the Chairman, and the Secretary of Health, promulgate final regulations governing lead-based paint activities to ensure -

- (i) that individuals engaged in such activities are properly trained;
- (ii) that training programs are accredited; and
- (iii) that contractors engaged in such activities are certified.

Such regulations shall contain standards for performing lead-based paint activities, taking into account reliability, effectiveness and safety. Such regulations shall require that all risk assessment, inspection and abatement activities performed in target housing shall be performed by certified contractors.

(b) Accreditation of training programs – Final regulations promulgated under (A) shall contain specific requirements for the accreditation of lead-based paint activities training programs for workers, supervisors, inspectors and planners, and other individuals involved in lead-based paint activities, including, but not limited to, each of the following:

- (i) Minimum requirements for the accreditation of training providers;
- (ii) Minimum training curriculum requirements;
- (iii) Minimum training hour requirements;
- (iv) Minimum hands-on training requirements;
- (v) Minimum trainee competency and proficiency requirements;

- (vi) Minimum requirements for training program quality control;
- (c) Accreditation and certification fees – The Secretary shall impose a fee on --
 - (i) persons operating training programs accredited under this title; and
 - (ii) lead-based paint activities contractors certified in accordance with paragraph (A).

The fees shall be established at such level as is necessary to cover the costs of administering and enforcing the standards and regulations under this section which are applicable to such programs and contractors. The Secretary may waive the fee for lead-based paint activities contractors under subparagraph (i) for the purpose of training their own employees.

(2) Renovation and Remodeling – (a) Guidelines – In order to reduce the risk of exposure to lead in connection with renovation and remodeling of target housing, public buildings constructed before 1978, and commercial buildings, the Secretary shall, within 18 months after the enactment of this section, promulgate guidelines for the conduct of such renovation and remodeling activities which may create a risk of exposure to dangerous levels of lead. The Secretary shall disseminate such guidelines to persons engaged in such renovation and remodeling through hardware and paint stores, employee organizations, trade groups, and through other appropriate means.

(b) Study of certification – The Secretary shall conduct a study of the extent to which persons engaged in various types of renovation and remodeling activities in target housing, public buildings constructed before 1978, and commercial buildings are exposed to lead on a regular or occasional basis. The Secretary shall complete such study and publish the results thereof within 30 months after the enactment of this section.

(c) Certification determination – Within 4 years after the enactment of this section, the Secretary shall revise the regulations under subsection (1) to apply the regulations to renovation or remodeling activities in target housing, public buildings constructed before 1978, and commercial buildings that create lead-based paint hazards. In determining which contractors are engaged in such activities, the Secretary shall utilize the results of the study under paragraph (b) and consult with the representatives of labor organizations, lead-based paint activities contractors, persons engaged in remodeling and renovation, experts in lead health effects, and

others. If the Secretary determines that a category of contractors engaged in renovation or remodeling does not require certification, the Secretary shall publish an explanation of the basis for that determination.

SECTION 5. *Identification of Dangerous Levels of Lead.* – Within 18 months after the enactments of this title, the Secretary shall promulgate regulations which shall identify, for purposes of this title, lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil.

SECTION 6. *Lead Abatement and Measurement.* –

(1) Program to Promote Lead Exposure Abatement – The Secretary, in cooperation with other appropriate departments and agencies, shall conduct a comprehensive program to promote safe, effective, and affordable monitoring, detection, and abatement of lead-based paint and other lead exposure hazards.

(2) Standards for Environmental Sampling Laboratories – (a) The Secretary, shall establish protocols, criteria, and minimum performance standards for laboratory analysis of lead in paint films, soil, and dust. Within 2 years after the enactment of this title, the Secretary, in consultation with the Secretary of Health, shall establish a program to certify laboratories as qualified to test substances for lead content unless the Secretary determines, by the date specified in this paragraph, that effective voluntary accreditation programs are in place and operating on a nationwide basis at the time of such determination. To be certified under such program, a laboratory shall, at a minimum, demonstrate an ability to test substances accurately for lead content.

(b) Not later than 24 months after the date of the enactment of this section, and annually thereafter, the Secretary shall publish and make available to the public a list of certified or accredited environmental sampling laboratories.

(c) If the Secretary determines under paragraph (A) that effective voluntary accreditation programs are in place for environmental sampling laboratories, the Secretary shall review the performance and effectiveness of such programs within 3 years after such

determination. If, upon such review, the Secretary determines that the voluntary accreditation programs are not effective in assuring the quality and consistency of laboratory analyses, the Secretary shall, not more than 12 months thereafter, establish a certification program that meets the requirements of paragraph (a).

(3) Exposure Studies – (a) The Secretary of Health (hereafter in this subsection referred to as the ‘Secretary’), shall conduct a study of the sources of lead exposure in children who have elevated blood lead levels (or other indicators of elevated lead body burden).

(b) The Secretary shall conduct a comprehensive study of means to reduce hazardous occupational lead abatement exposures. This study shall include, at a minimum, each of the following —

(i) Surveillance and intervention capability to identify and prevent hazardous exposures to lead abatement workers.

(ii) Demonstration of lead abatement control methods and devices and work practices to identify and prevent hazardous lead exposures in the workplace.

(iii) Evaluation of health effects of low and high levels of occupational lead exposures on reproductive, neurological, renal, and cardiovascular health.

(iv) Identification of high risk occupational settings to which prevention activities and resources should be targeted.

(v) A study assessing the potential exposures and risks from lead to janitorial and custodial workers.

(c) The studies described in paragraphs (A) and (B) shall, as appropriate, examine the relative contributions to elevated lead body burden from each of the following:

(i) Drinking water.

(ii) Food.

(iii) Lead-based paint and dust from lead-based paint.

(iv) Exterior sources such as ambient air and lead in soil.

(v) Occupational exposures, and other exposures that the Secretary determines to be appropriate.

(d) Not later than thirty (30) months after the date of the enactment of this section, the Secretary shall submit a report to the Congress concerning the studies described in paragraphs (a) and (b).

(4) Public Education. (b) The Secretary, in conjunction with the Secretary of Health, shall sponsor public education and outreach activities to increase public awareness of –

- (i) the scope and severity of lead poisoning from household sources;
- (ii) potential exposure to sources of lead in schools and childhood day care centers;
- (iii) the implications of exposures for men and women, particularly those of childbearing age;
- (iv) the need for careful, quality, abatement and management actions;
- (v) the need for universal screening of children;
- (vi) other components of a lead-poisoning prevention program;
- (vii) the health consequences of lead exposure resulting from lead-based paint hazards;
- (viii) risk assessment and inspection methods for lead-based paint hazards; and
- (ix) measures to reduce the risk of lead exposure from the lead-based paint.

(b) The activities described in paragraph (A) shall be designed to provide educational services and information to --

- (i) health professionals;
- (ii) the general public, with emphasis on parents of young children;
- (iii) homeowners, landlords and tenants
- (iv) consumers of home improvement products;
- (v) residential real estate industry; and
- (vi) the home renovation industry.

(c) The Secretary shall develop information to be distributed by retailers of home improvement products to provide consumers with practical information related to the hazards of renovation and remodeling where lead-based paint may be present.

(5) Technical Assistance. – (a) Clearinghouse. Not later than (6) months after the enactment of this subsection, the Secretary shall establish, in consultation with the Chairman, a National Clearinghouse on Childhood Lead Poisoning (hereinafter in this section referred to as ‘Clearinghouse’). The Clearinghouse shall –

(i) collect, evaluate and disseminate current information on the assessment and reduction of lead-based hazards, adverse health effects, sources of exposure, detection and risk assessment methods, environmental hazards abatement, and clean-up standards;

(ii) maintain a rapid-alert system to inform certified lead-based paint activities contractors of significant developments in research related to lead-based paint hazards; and

(iii) perform any other duty that the Secretary determines necessary to achieve the purposes of this Act.

(b) Hotline – Not later than 6 months after the enactment of this subsection, the Secretary, in cooperation with other agencies and local governments, shall establish a single lead-based paint hazard hotline to provide the public with answers to questions about lead-poisoning prevention and referrals to the Clearinghouse for technical information.

(6) Products for Lead-Based Paint Activities – Not later than 30 months after the date of enactment of this section, the President shall, after notice and opportunity for comment, establish by rule appropriate criteria, testing protocols, and performance characteristics as are necessary to ensure, to the greatest extent possible and consistent with the purposes and policy of this title, that lead-based paint hazards evaluation and reduction products introduced into commerce after a period specified in the rule are effective for the intended use described by the manufacturer. The rule shall identify the types or classes of products that are subject to such rule. The President, in implementation of the rule, shall to the maximum extent possible, utilize independent testing laboratories, as appropriate, and consult with such entities and others in developing the rules. The President may delegate the authorities under this subsection to the Secretary or such other appropriate agency.

SECTION 7. *Lead Hazards Information Pamphlet.* –

(1) Lead Hazard Information Pamphlet – Not later than 2 years after the enactment of this section, after notice and opportunity for comment, the Secretary, in consultation with the Chairman and the Secretary of Health shall publish, and from time to time revise, a lead hazard information pamphlet. The pamphlet shall -

- (a) contain information regarding the health risks associated with exposure to lead;
- (b) provide information on the presence of lead-based paint hazards in target housing;
- (c) describe the risks of lead exposure for children under 6 years of age, pregnant women, women of childbearing age, persons involved in home renovation, and others residing in a dwelling with lead-based paint hazards;
- (d) describe the risks of renovation in a dwelling with lead-based paint hazards;
- (e) provide information on approved methods for evaluating and reducing lead-based paint hazards and their effectiveness in identifying, reducing, eliminating, or preventing exposure to lead-based paint hazards;
- (f) advise persons how to obtain a list of contractors certified pursuant to this title in lead-based paint hazards evaluation and reduction in the area in which the pamphlet is to be used;
- (g) state that a risk assessment or inspection for lead-based paint is recommended prior to the purchase, lease, or renovation of target housing;
- (h) provide such other information about environmental hazards associated with residential real property as the Secretary deems appropriate.

(2) Renovation of Target Housing – Within 2 years after the enactment of this section, the Secretary shall promulgate regulations under this subsection to require each person who performs for compensation a renovation of target housing to provide a lead hazard information pamphlet to the owner and occupant of such housing prior to commencing the renovation.

SECTION 8. *Regulations.* — The regulations of the Secretary under this title shall include such recordkeeping and reporting requirements as may be necessary to insure the effective implementation of this title. The regulations may be amended from time to time as necessary.

SECTION 9. *Control of Lead-Based Paint Hazards at Government Facilities.* — Each department, agency and instrumentality of executive, legislative and judicial branches of the Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in a lead-based paint hazard, and each officer, agent or employee thereof, shall subject to, and comply with, all requirements, both substantive and procedural (including any requirement for certification, licensing, recordkeeping, or reporting or any provisions for injunctive relief and such sanctions as may be imposed by a court to enforce such relief) respecting lead-based paint, lead based paint activities, and lead based-paint hazards in the same manner, and to the same extent as any non-governmental entity is subject to such requirements, including the payment of reasonable service charges. The substantive and procedural requirements referred to in this subsection include, but are not limited to, all administrative orders and all civil and administrative penalties and fines regardless of whether such penalties or fines are punitive or coercive in nature, or whether imposed for isolated, intermittent or continuing violations. The government hereby expressly waives any immunity otherwise applicable to it with respect to any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order, or civil or administrative penalty or fine referred to in the preceding sentence, or reasonable service charge). The reasonable service charges referred to in this section include, but are not limited to, fees or charges assessed for certification and licensing, as well as any other nondiscriminatory charges that are assessed in connection with a lead-based paint, lead-based paint activities, or lead-based paint hazard activities program. No agent, employee or officer of the government shall be personally liable for any civil penalty under the law relating to lead-based paint, lead-based paint activities, or lead-based paint hazards with respect to any act or omission within the scope of his official duties.

SECTION 10. *Authorization of Appropriations.* – There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE B – LEAD BASED PAINT HAZARD REDUCTION

SECTION 11. *Grants for Lead-Based Paint Hazard Reduction in Target Housing.* –

(1) General Authority – The Chairman, in consultation with the Secretary, shall provide grants to eligible local government units to evaluate and reduce lead-based paint hazards in target housing, including housing units within their respective jurisdiction that are occupied by low-income families or very low-income families. The amount of grant to be given to each local government unit shall be dependent on the application submitted to the Chairman, in such form and in such manner as the Chairman shall prescribe. An application shall contain —

- (a) a description of the amount of assistance the applicant seeks under this Section;
- (b) a description of the planned activities to be undertaken with grants under this section, including an estimate of the amount to be allocated to each activity;
- (c) a description of the forms of financial assistance to owners and occupants of target housing that will be provided through grants under this section; and
- (d) such assurances as the Chairman may require regarding the applicant's capacity to carry out the activities.

(2) Selection Criteria – The Chairman shall determine the amount to be awarded under this section on the basis of the merit of the activities proposed to be carried out and on the basis of selection criteria, which shall include –

- (a) the extent to which the proposed activities will reduce the risk lead-based paint poisoning to children under the age of 6 who reside in priority housing;
- (b) the degree of severity and extent of lead-based paint hazards in the jurisdiction to be served;
- (c) the ability of the applicant to local, and private funds to supplement the grant under this section;
- (d) the ability of the applicant to carry out the proposed activities; and

- (e) such other factors as the Secretary determines appropriate to ensure that grants made available under this section are used effectively and to promote the purposes of this Act.

(3) Eligible Activities – A grant under this section may be used to –

- (a) perform risk assessments and inspections in target housing;
- (b) provide for the interim control of lead-based paint hazards in target housing;
- (c) provide for the abatement of lead-based paint hazards in target housing;
- (d) provide for the additional cost of reducing lead-based paint hazards in units undergoing renovation funded by other sources;
- (e) ensure that risk assessments, inspections, and abatements are carried out by certified contractors in accordance with this Act;
- (f) monitor the blood-lead levels of workers involved in lead hazard reduction activities funded under this section;
- (g) assist in the temporary relocation of families forced to vacate priority housing while lead hazard reduction measures are being conducted;
- (h) educate the public on the nature and causes of lead-poisoning and measures to reduce the exposure to lead, including exposure due to residential lead-based paint hazards;
- (i) test soil, interior surface dust, and the blood-lead levels of children under the age of 6 residing in priority housing after lead-based paint hazard reduction activity has been conducted, to assure that such activity does not cause excessive exposures to lead; and
- (j) carry out such activities that the Chairman determines appropriate to promote the purposes of this Act.

(4) Forms of Assistance – The local government unit applicant may provide the services described in this section through a variety of programs, including grants, loans, equity investments, revolving loans, loan funds, loan guarantees, interest write-downs, and other forms of assistance approved by the Chairman.

(5) Matching Requirement – Each recipient of a grant under this section shall make contributions toward the cost of activities that receive assistance under this section in an amount not less than 10 percent of the total grant amount under this section.

(6) Prohibition of Substitution of Funds – Grants under this subtitle may not be used to replace other amounts made available or designated by local governments for use for the purposes under this subtitle.

(7) Limitation on Use – An applicant shall ensure that not more than 10 percent of the grant will be used for administrative expenses associated with the activities funded.

(8) Financial Records – An applicant shall maintain and provide the Chairman with financial records sufficient, in the determination of the Chairman, to ensure proper accounting and disbursing of amounts received from a grant under this section.

(9) Report – An applicant under this section shall submit to Congress, through the Chairman, for any fiscal year in which the applicant expends grant funds under this section, a report that -

- (a) describes the use of the amounts received;
- (b) states the number of risk assessments and the number of inspections conducted in residential dwellings;
- (c) states the number of residential dwellings in which lead-based paint hazards have been reduced through interim controls;
- (d) states the number of residential dwellings in which lead-based paint hazards have been abated; and
- (e) provides any other information that the Chairman determines to be appropriate.

(10) Notice of Funding Availability – The Chairman shall publish a Notice of Funding Availability pursuant to this section not later than 120 days after funds are appropriated for this section.

- (a) Authorization of Appropriations – For the purposes of carrying out this Act, there are authorized to be appropriated such sums as may be necessary.

SECTION 12. *Evaluation And Reduction of Lead-Based Paint Hazards in Government Assisted Housing Programs* – The Chairman shall require an inspection for lead-based paint and lead-based paint hazards in all government assisted housing programs. The results of such inspections shall be made available to prospective purchasers, identifying the presence of lead-based paint and lead-based paint hazards on a surface-by-surface basis. The Chairman shall have the discretion to waive the requirement of this subparagraph for housing in which a government funded risk assessment, performed by a certified contractor, has determined no lead-based paint hazards are present.

SECTION 13. *Task Force on Lead-Based Paint Hazards Reduction and Financing.* –

(1) In General – The Chairman, in consultation with the Secretary and the Secretary of Health, shall establish a task force to make recommendations on expanding resources and efforts to evaluate and reduce lead-based paint hazards in private housing.

(2) Membership – The task force shall include individuals representing the Housing and Urban Development Coordinating Council, the Department of Environment and Natural Resource, employee organizations in the building and construction trade industry, landlords, tenants, primary lending institutions, nonprofit housing developers, public housing agencies, low-income housing advocacy organizations, lead-poisoning prevention advocates and experts, and community-based organizations located in areas with substantial rental housing.

(3) Responsibilities – The task force shall make recommendations to the Chairman and the Secretary of the Environment and Natural Resources concerning -

- (a) incorporating the need to finance lead-based paint hazard reduction into underwriting standards;
- (b) developing new loan products and procedures for financing lead-based paint hazard evaluation and reduction activities;
- (c) adjusting appraisal guidelines to address lead safety;
- (d) incorporating risk assessments or inspections for lead-based paint as a routine procedure in the origination of new-residential mortgages;

- (e) issuing guidelines, regulations and educational pamphlets issued by the Council relating to lead-based paint poisoning prevention;
- (f) introducing the availability of liability insurance for owners of rental housing and certified contractors and establishing alternative systems to compensate victims of lead-based paint poisoning; and
- (g) evaluating the utility and appropriateness of requiring risk assessments or inspections and notification to prospective lessees of rental housing.

(4) Compensation. – The members of the task force shall not receive compensation for their participation.

SECTION 14. *National Consultation on Lead-Based Paint Hazard Reduction.* – In carrying out this Act, the Chairman shall consult on an ongoing basis with the Department of Environment, Department of Health and other agencies concerned with lead poisoning prevention, and the task force established pursuant to section 6.

SECTION 15. *Guidelines for Lead-Based Paint Hazard Evaluation and Reduction Activities.* – Not later than 12 months after the date of enactment of this Act, the Chairman, in consultation with the Secretary, the Secretary of Labor, and the Secretary of Health, shall issue guidelines for the conduct of all government supported work involving risk assessments, inspections, interim controls, and abatement of lead-based paint hazards. Such guidelines shall be based upon criteria that measure the condition of the housing (and the presence of children under age 6 for the purposes of risk assessments) and shall not be based upon criteria that measure the health of the residents of the housing.

SECTION 16. *Disclosure of Information Concerning Lead Upon Transfer of Residential Property.* – Lead Disclosure in Purchase and Sale or Lease of Target Housing.

(1) Lead-based Paint Hazards – Not later than 2 years after the date of enactment of this Act, the Chairman and the Secretary of Environment and Natural Resources shall promulgate regulations under this section for the disclosure of lead-based paint hazards in target housing

which is offered for sale or lease. The regulations shall require that, before the purchaser or lessee is obliged under any contract to purchase or lease the housing, the seller or lessor shall —

- (a) provide the purchaser or lessee with a lead-hazard information pamphlet, as prescribed by the guidelines issued pursuant to this Act;
- (b) disclose to the purchaser or lessee the presence of any known lead-based paint, or any known lead-based paint hazards, in such housing and provide to the purchaser or lessee any lead hazard evaluation report available to the seller or lessor; and
- (c) permit the purchaser a 10-day period (unless the parties mutually agree upon a different period of time) to conduct a risk assessment or inspection for the presence of lead-based paint hazards.

(2) Contract for purchase and sale. — Regulations promulgated under this section shall provide that every contract or the purchase and sale of any interest in target housing shall contain a Lead Warning Statement and a statement signed by the purchaser that the purchaser has —

- (a) read the Lead Warning Statement and understands its contents;
- (b) received a lead hazard information pamphlet; and
- (c) had a 10-day opportunity (unless the parties agreed upon a different period of time) before becoming obliged under the contract to purchase the housing to conduct a risk assessment or inspection for the presence of lead-based paint hazards.

(3) Contents of lead warning statement — The Lead Warning Statement shall contain the following text printed in large type on a separate sheet of paper attached to the contract: “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, reduce 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."

(4) Compliance Assurance – Whenever a seller or lessor has entered into a contract with an agent for the purpose of selling or leasing a unit of target housing, the regulations promulgated under this section shall require the agent, on behalf of the seller or lessor, to ensure compliance with the requirements of this section.

(5) Penalties for Violations. – Any person who knowingly violates any provision of this section shall be subject to civil money penalties in accordance with the provisions of the Rules of Court. The Secretary is authorized to take such lawful action as may be necessary to enjoin any violation of this section. Any person who knowingly violates the provisions of this section shall be jointly and severally liable to the purchaser or lessee in an amount equal to 3 times the amount of damages incurred by such individual.

(6) Validity of Contracts and Liens – Nothing in this section shall affect the validity or enforceability of any sale or contract for the purchase and sale or lease of any interest in residential real property or any loan, loan agreement, mortgage, or lien made or arising in connection with a mortgage loan, nor shall anything in this section create a defect in title.

(7) Effective Date – The regulations under this section shall take effect 3 years after the date of the enactment of this title.

TITLE C – RESEARCH AND DEVELOPMENT

SECTION 17. *Research on Lead Exposure from other Sources.* – The Secretary, in cooperation with other agencies, shall conduct research on strategies to reduce the risk of lead exposure from other sources, including exterior soil and interior lead dust in carpets, furniture, and forced air ducts.

SECTION 18. *Testing Technologies.* – The Secretary, in cooperation with other agencies, shall conduct research to –

- (1) develop improved methods for evaluating lead-based paint hazards in housing;

- (2) develop improved methods for reducing lead-based paint hazards in housing;
- (3) develop improved methods for measuring lead in paint films, dust, and soil samples;
- (4) establish performance standards for various detection methods, including spot test kits;
- (5) establish performance standards for lead-based paint hazard reduction methods, including the use of encapsulants;
- (6) establish appropriate cleanup standards;
- (7) evaluate the efficacy of interim controls in various hazard situations;
- (8) evaluate the relative performance of various abatement techniques;
- (9) evaluate the long-term cost-effectiveness of interim control and abatement strategies;
- and
- (10) assess the effectiveness of hazard evaluation and reduction activities funded by this Act.

SECTION 19. *Separability Clause.* - If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 20. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 21. *Effectivity Clause.* - This Act effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.