

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

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SENATE
S. No. 2263

RECEIVED BY: [Signature]

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 15 provides that:

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. ¹

acc. 
MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed during 14th Congress, 1st Regular Session.

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SENATE
OFFICE OF THE SECRETARY

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1 AN ACT
2 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:

3 SECTION 1. *Short Title.* – This Act shall be known as the “Paint Hazard Reduction Act.”

4 SECTION 2. *Purposes.* – The purposes of this Act are –

5 (A) to develop a national strategy to build the infrastructure necessary to eliminate lead-
6 based paint hazards in all housing as expeditiously as possible;

7 (B) to reorient the national approach to the presence of lead-based paint in housing to
8 implement, on a priority basis, a broad program to evaluate and reduce lead-based paint hazards
9 in the country's housing stock;

10 (C) to encourage effective action to prevent childhood lead poisoning by establishing a
11 workable framework for lead-based paint hazard evaluation and reduction and ending the current
12 confusion over reasonable standards of care;

13 (D) to ensure that the existence of lead-based paint hazards is taken into account in the
14 development of government housing policies and in the sale, rental, and renovation of homes
15 and apartments;

16 (E) to mobilize national resources expeditiously, through a partnership among all levels
17 of government and the private sector, to develop the most promising, cost-effective methods for
18 evaluating and reducing lead-based paint hazards;

19 (F) to reduce the threat of childhood lead poisoning in housing owned, assisted, or
20 transferred by the government; and

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

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

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

8 (1) the removal of lead-based paint and lead-contaminated dust, the permanent
9 containment or encapsulation of lead-based paint, the replacement of lead-painted
10 surfaces or fixtures, and the removal or covering of lead contaminated soil; and

11 (2) all preparation, cleanup, disposal and post abatement clearance testing activities
12 associated with such measures.

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

15 (C) The term “certified contractor” means -

16 (1) a contractor, inspector, or supervisor who has completed a training program
17 certified by the appropriate agency and has met any other requirements for certification
18 or licensure established by such agency; and

19 (2) workers or designers who have fully met training requirements established by the
20 appropriate agency.

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

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

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

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

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

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

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

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

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

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

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

27 (O) The term “residential dwelling” means -

28 (1) a single-family dwelling, including attached structures such as porches and
29 stoops; or

1 (2) a single-family dwelling unit in a structure that contains more than one separate
2 residential dwelling unit, and in which each such unit is used or occupied, or intended to
3 be used or occupied, in whole or in part, as the home or residence of one or more persons.

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

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

10 (1) information gathering regarding the age and history of the housing and
11 occupancy by children under age 6;

12 (2) visual inspection;

13 (3) limited wipe sampling or other environmental sampling techniques;

14 (4) other activity as may be appropriate; and

15 (5) provision of a report explaining the results of the investigation.

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

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

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

23 (U) The term “lead-based paint activities” means -

24 (1) in the case of target housing, risk assessment, inspection, and abatement; and

25 (2) in the case of any public building constructed before 1978, commercial building,
26 bridge, or other structure or super-structure, identification of lead-based paint and
27 materials containing lead-based paint, deleading, removal of lead from bridges, and
28 demolition. For purposes of 21, the term “deleading” means activities conducted by a

1 person who offers to eliminate lead-based paint or lead-based paint hazards or to plan
2 such activities.

3 TITLE A - LEAD EXPOSURE REDUCTION

4 SECTION 4. *Lead-Based Paint Activities Training and Certification.* – (A) Regulations -

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

9 (a) that individuals engaged in such activities are properly trained;

10 (b) that training programs are accredited; and

11 (c) that contractors engaged in such activities are certified.

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

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

21 (a) Minimum requirements for the accreditation of training requirements

22 (b) Minimum training curriculum requirements;

23 (c) Minimum training hour requirements;

24 (d) Minimum hands-on training requirements;

25 (e) Minimum trainee competency and proficiency requirements;

26 (3) Accreditation and certification fees - The Secretary shall impose a fee on --

27 (a) persons operating training programs accredited under this title; and

1 (b) lead-based paint activities contractors certified in accordance with
2 paragraph (A).

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

7 (B) Renovation and Remodelling - (1) Guidelines - In order to reduce the risk of
8 exposure to lead in connection with renovation and remodelling of target housing, public
9 buildings constructed before 1978, and commercial buildings, the Secretary shall, within 18
10 months after the enactment of this section, promulgate guidelines for the conduct of such
11 renovation and remodelling activities which may create a risk of exposure to dangerous levels of
12 lead. The Secretary shall disseminate such guidelines to persons engaged in such renovation and
13 remodelling through hardware and paint stores, employee organizations, trade groups, and
14 through other appropriate means.

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

20 (3) Certification determination - Within 4 years after the enactment of this section,
21 the Secretary shall revise the regulations under subsection (1) to apply the regulations to
22 renovation or remodelling activities in target housing, public buildings constructed before
23 1978, and commercial buildings that create lead-based paint hazards. In determining
24 which contractors are engaged in such activities, the Secretary shall utilize the results of
25 the study under paragraph (2) and consult with the representatives of labor organizations,
26 lead-based paint activities contractors, persons engaged in remodelling and renovation,
27 experts in lead health effects, and others. If the Secretary determines that a category of
28 contractors engaged in renovation or remodelling does not require certification, the
29 Secretary shall publish an explanation of the basis for that determination.

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

4 SECTION 6. *Lead Abatement and Measurement.* -

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

9 (B) Standards for Environmental Sampling Laboratories - (1) The Secretary, shall
10 establish protocols, criteria, and minimum performance standards for laboratory analysis of lead
11 in paint films, soil, and dust. Within two (2) years after the enactment of this title, the Secretary,
12 in consultation with the Secretary of Health, shall establish a program to certify laboratories as
13 qualified to test substances for lead content unless the Secretary determines, by the date specified
14 in this paragraph, that effective voluntary accreditation programs are in place and operating on a
15 nationwide basis at the time of such determination. To be certified under such program, a
16 laboratory shall, at a minimum, demonstrate an ability to test substances accurately for lead
17 content.

18 (2) Not later than twenty-four (24) months after the date of enactment of this
19 section, and annually thereafter, the Secretary shall publish and make available to the
20 public a list of certified accredited environmental sampling laboratories.

21 (3) If the Secretary determines, under paragraph (1) that effective voluntary
22 accreditation programs are in place for environmental sampling laboratories, the
23 Secretary shall review the performance and effectiveness of such programs within three
24 (3) years after such determination. If, upon such review, the Secretary determines that the
25 voluntary accreditation programs are not effective in assuring the quality and consistency
26 of laboratory analyses, the Secretary shall; not more than 12 months thereafter, establish
27 a certification program that meets the requirements of paragraph (a).

1 (C) Exposure Studies - (1) The Secretary of Health (hereafter in this subsection referred
2 to as the 'Secretary'), shall conduct a study of the sources of lead exposure in children who have
3 elevated blood lead levels (or other indicators of elevated lead body burden).

4 (2) The Secretary shall conduct a comprehensive study of mean to reduce hazardous
5 occupational lead abatement exposures. This study shall include, at a minimum, each of
6 the following -

7 (a) Surveillance and intervention capability to identify and prevent hazardous
8 exposures to lead abatement workers.

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

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

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

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

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

19 (a) Drinking water,

20 (b) Food.

21 (c) Lead-based paint and dust from lead-based paint.

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

23 (e) Occupational exposures, and other exposures that the Secretary determines
24 to be appropriate.

25 (4) Not later than thirty (30) months after the date of the enactment of this section,
26 the Secretary shall submit a report to the Congress concerning the studies described in
27 paragraphs (1) and (2).

28 (D) Public Education. (1) The Secretary, in conjunction with the Secretary of Health,
29 shall sponsor public education and outreach activities to increase public awareness of -

- 1 (a) the scope and severity of lead poisoning from household
- 2 (b) potential exposure to sources of lead in schools and childhood
- 3 (c) the implications of exposures for men and women, particularly those of
- 4 childbearing age;
- 5 (d) the need for careful, quality, abatement and management actions;
- 6 (e) the need for universal screening of children;
- 7 (f) other components of a lead-poisoning prevention program;
- 8 (g) the health consequences of lead exposure resulting from lead-based paint
- 9 hazards;
- 10 (h) risk assessment and inspection methods for lead-based paint hazards; and
- 11 (i) measures to reduce the risk of lead exposure from the lead-based paint.

12 (2) The activities described in paragraph (1) shall be designed to provide
13 educational services and information to -

- 14 (a) health professionals;
- 15 (b) the general public, with emphasis on parents of young children;
- 16 (c) homeowners, landlords and tenants
- 17 (d) consumers of home improvement products;
- 18 (e) residential real estate industry; and
- 19 (f) the home renovation industry

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

23 (E) Technical Assistance. - (1) Clearinghouse. Not later than (6) months after the
24 enactment of this subsection, the Secretary shall establish, in consultation with the Chairman, a
25 National Clearinghouse on Childhood Lead Poisoning (hereinafter in this section referred to as
26 ("Clearinghouse")). The Clearinghouse shall -

- 27 (a) collect, evaluate and disseminate current information on the assessment
28 and reduction of lead-based hazards, adverse health effects, sources of exposure,

1 detection and risk assessment methods, environmental hazards abatement, and
2 clean-up standards;

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

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

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

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

23 SECTION 7. *Lead Hazard Information Pamphlet.* - (A) Lead Hazard Information
24 Pamphlet. Not later than two (2) years after the enactment of this section, after notice and
25 opportunity for comment, the Secretary, in consultation with the Chairman and the Secretary of
26 Health shall publish, and from time to time revise, a lead hazard information pamphlet. The
27 pamphlet shall--

28 (1) contain information regarding the health risks associated with exposure to
29 lead;

1 (2) provide information on the presence of lead-based paint hazards in target
2 housing;

3 (3) describe the risk of lead exposure for children under 6 years of age, pregnant
4 women, women of childbearing age, persons involved in home renovation, and others
5 residing in a dwelling with lead-based paint hazards;

6 (4) describe the risk of renovation in a dwelling with lead-based paint hazards

7 (5) provide information on approved methods for evaluating and reducing lead-
8 based paint hazards and their effectiveness in identifying, reducing, eliminating, or
9 preventing exposure to lead-based paint hazards;

10 (6) advise a person how to get a list of contractors certified pursuant to this title in
11 lead-based paint hazards evaluation and reduction in the area in which the pamphlet is to
12 be used;

13 (7) state that a risk assessment or inspection for lead-based paint is recommended
14 prior to purchase, lease, or renovation of target housing;

15 (8) provide such information about environmental hazards associated with
16 residential real property as the Secretary deems appropriate.

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

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

24 SECTION 9. *Control of Lead-Based Paint Hazards at Government Facilities.* – Each
25 department, agency and instrumentality of executive, legislative and judicial branches of the
26 Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity
27 resulting, or which may result, in a lead-based paint hazard, and each officer, agent or employee
28 thereof, shall subject to, and comply with, all requirements, both substantive and procedural

1 (including any requirement for certification, licensing, recordkeeping, or reporting or any
2 provisions for injunctive relief and such sanctions as may be imposed by a court to enforce such
3 relief) respecting lead-based paint, lead based paint activities, and lead based-paint hazards in the
4 same manner, and to the same extent as any non-governmental entity is subject to such
5 requirements, including-the payment of reasonable service charges. The substantive and
6 procedural requirements referred to in this subsection include, but are not limited to, all
7 administrative orders and all civil and administrative penalties and fines regardless of whether
8 such penalties or fines are punitive or coercive in nature, or whether imposed for isolated,
9 intermittent or continuing violations. The government hereby expressly waives any immunity
10 otherwise applicable to it with respect to any such substantive or procedural requirement
11 (including, but not limited to, any injunctive relief, administrative order, civil or administrative
12 penalty or fine referred to in the preceding sentence, or reasonable service charge). The
13 reasonable service charges referred to in this section include, but are not limited to, fees or
14 charges assesses for certification and licensing, as well as any other non-discriminatory charges
15 that are assessed in connection with a lead-based paint, lead-based paint activities, or lead-based
16 paint hazard activities program. No agent, employee or officer of the government shall be
17 personally liable for any civil penalty under the law relating to lead-based paint, lead-based paint
18 activities, or lead-based paint hazards with respect to any act or omission within the scope of his
19 official duties.

20 TITLE B - LEAD BASED PAINT HAZARD REDUCTION

21 SECTION 10. *Grants for Lead-Based Paint Hazard Reduction in Target Housing* – (A)
22 General Authority - The Chairman, in consultation with the Secretary, shall provide grants to
23 eligible local government units to elevate and reduce lead-based paint hazards in target housing,
24 including housing units within their respective jurisdiction that are occupied by low-income
25 families or very low-income families. The amount of grant to be given to each local government
26 unit shall be dependent on the application submitted to the Chairman, in such form and in such
27 manner as the Chairman shall prescribe. An application shall contain:

1 (1) a description of the amount of assistance the applicant seeks under this
2 Section;

3 (2) a description of the planned activities to be undertaken with grants under this
4 section, including an estimate of the amount to be allocated to each activity;

5 (3) a description of the forms of financial assistance to owners and occupants of
6 target housing that will be provided through grants under this section; and

7 (4) such assurances as the Chairman may require regarding the applicant's
8 capacity to carry out the activities.

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

12 (1) the extent to which the proposed activities will reduce the risk lead-based
13 paint poisoning to children under the age of 6 who reside in priority housing;

14 (2) the degree of severity and extent of lead-based paint hazards in the jurisdiction
15 to be served;

16 (3) the ability of the applicant to local, and private funds to supplements the grant
17 under this section;

18 (4) the ability of the applicant to carry out the proposed activities; and

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

22 (C) Eligible Activities -A grant under this section may be used to -

23 (1) perform risk assessments and inspections in target housing;

24 (2) provide for the interim control of lead-based paint hazards in target
25 housing;

26 (3) provide for the abatement of lead-based paint hazards in target housing;.

27 (4) provide for the additional cost of reducing lead-based paint hazards in
28 units undergoing renovation funded by other sources;

1 (5) ensure that risk assessments, inspections, and abatements are carried out
2 by certified contractors in accordance with this Act;

3 (6) monitor the blood-lead levels of workers involved in lead hazard
4 reduction activities funded under this section;

5 (7) assist in the temporary relocation of families force to vacate priority
6 housing while lead hazard reduction measures are being conducted;

7 (8) educate the public on the nature and causes of lead-poisoning and
8 measures to reduce the exposure to lead, including exposure due to residential
9 lead-based paint hazards;

10 (9) test soil, interior surface dust, and the blood-lead levels of children under
11 the age of 6 residing in priority housing after lead-based paint hazard reduction
12 activity has been conducted, to assure that such activity does not cause excessive
13 exposures to lead; and

14 (10) carry out such activities that the Chairman determines appropriate to
15 promote the purposes of this Act.

16 (D) Forms of Assistance - The local government unit applicant described in this section
17 through a variety of programs, investments, revolving loans, loan funds, loan guarantees, of
18 assistance approved by the Chairman.

19 (E) Matching Requirement - Each recipient of a grant under this section shall make
20 contributions toward the cost of activities that receive assistance under this section in an amount
21 not less than twenty percent (20%) of the total grant amount under this section.

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

25 (G) Financial Records - An applicant shall maintain and provide the Chairman with
26 financial records sufficient, in the determination of the Chairman, to ensure proper accounting
27 grant will be used for administrative expenses associated with the activities funded and
28 disbursing of amounts received from a grant under this section.

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

4 (1) describes the use of the amounts received;

5 (2) states the number of risk assessments and the number of inspections conducted
6 in residential dwellings;

7 (3) states the number of residential dwellings in which lead-based paint hazards have
8 been reduced through interim controls;

9 (4) states the number of residential dwellings in which lead-based paint hazards have
10 been abated; and

11 (5) provides any other information that the Chairman determines to be appropriate.

12 (I) Notice of Funding Availability - The Chairman shall publish a Notice of Funding
13 Availability pursuant to this section not later than One Hundred Twenty (120) days after funds
14 are appropriated for this section.

15 SECTION 11. *Evaluation and Reduction of Lead-Based Paint Hazards in*

16 *Government-Assisted Housing Programs.* - The Chairman shall require an inspection for
17 lead-based paint and -lead-based paint hazards in all government assisted housing programs. The
18 results of such inspections shall be made available to prospective purchasers, identifying the
19 presence of lead-based paint and lead-based paint hazards on a surface-by-surface basis. The
20 Chairman shall have the discretion to waive the requirement of this subparagraph for housing in
21 which a government funded risk assessment, performed by a certified contractor, has determined
22 no lead-based paint hazards are present.

23 SECTION 12. *Task Force on Lead-Based Paint Hazards Reduction and*

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

27 (B) Membership - The task force shall include individuals representing the Housing and
28 Urban Development Coordinating Council, the Department of Environment and Natural

1 Resource, employee organizations in the building and construction trade industry, landlords,
2 tenants, primary lending institutions, non-profit housing developers, public housing agencies,
3 low-income housing advocacy organizations, lead-poisoning prevention advocates and experts,
4 and community-based organizations located in areas with substantial rental housing.

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

7 (1) incorporating the need to finance lead-based paint hazard reduction into
8 underwriting standards;

9 (2) developing new loan products and procedures for financing lead-based paint
10 hazard evaluation and reduction activities:

11 (3) adjusting appraisal guidelines to address lead safety;

12 (4) incorporating risk assessments or inspections for lead-based paint as a routine
13 procedure in the origination of new-residential mortgages;

14 (5) issuing guidelines, regulations and educational pamphlets issued by the Council
15 relating to lead-based paint poisoning prevention;

16 (6) introducing the availability of liability insurance for owners of rental housing
17 and certified contractors and establishing alternative systems to compensate victims of
18 lead-based paint poisoning; and

19 (7) evaluating the utility and appropriateness of requiring risk assessments or
20 inspections and notification to prospective lessees of rental housing.

21 (D) Compensation. - The members of the task force shall not receive compensation for
22 their participation.

23 SECTION 13. *National Consultation on Lead-Based Paint Hazard Reduction.* - In
24 carrying out this Act, the Chairman shall consult on an ongoing basis with the Department of
25 Environment, Department of Health and other agencies concerned with lead prevention, and the
26 task force established pursuant to section 6.

27 SECTION 14. *Guidelines for Lead-Based Paint Hazard Evaluation and Reduction*
28 *Activities.* - Not later than twelve (12) months after the date of enactment of this Act, the

1 Chairman, in consultation with the Secretary, the Secretary of Labor, and the Secretary of
2 Health, shall issue guidelines for the conduct of all government supported work involving risk
3 assessments, inspections, interim controls, and abatement of lead-based paint hazards. Such
4 guidelines shall be based upon criteria that measure the condition of the housing (and the
5 presence under age 6 for the purposes of risk assessments) and shall not be based upon measure
6 the health of the residents of the housing.

7 SECTION 15. *Disclosure of Information Concerning Lead upon Transfer of Residential*
8 *Property.* - Lead Disclosure in Purchase and Sale or Lease of Target Housing. (A) Lead-based
9 Paint Hazards - Not later than two (2) years after the date of enactment of this Act, the Chairman
10 and Secretary of Environment and Natural Resources shall promulgate regulations under this
11 section for the disclosure of lead-based paint hazards in target housing which is offered for sale
12 or lease. The regulations shall require that, before the purchaser or lessee is obliged under any
13 contract to purchase or lease the housing, the seller or lessor shall -

14 (1) provide the purchaser or lessee with a lead-hazard information pamphlet, as
15 prescribed by the guidelines issued pursuant to this Act;

16 (2) disclose to the purchaser or lessee the presence of any known lead-based paint,
17 or any known lead-based paint hazards, in such housing and provide to the purchaser or
18 lessee any lead hazard evaluation report available to the seller or lessor; and

19 (3) permit the purchaser a ten-day period (unless the parties mutually agree upon
20 a different period of time) to conduct a risk assessment or inspection for the presence of
21 lead-based paint hazards.

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

25 (1) read the Lead Warning Statement and understands its contents;

26 (2) received a lead hazard information pamphlet; and

1 (3) had a ten-day opportunity (unless the parties agreed upon a different period of
2 time) before becoming obliged under the contract to purchase the housing to conduct a
3 risk assessment or inspection for the presence of lead-based paint hazards.

4 (C) Contents of lead warning statement - The Lead Warning Statement shall contain the
5 following text printed in large type on a separate sheet of paper attached to the contract: "Every
6 purchase of any interest in residential real property on which a residential dwelling was built
7 prior to 1978 is notified that such property may present exposure to lead from lead-based paint
8 that may place young children at risk of developing lead poisoning. Lead poisoning in young
9 children may produce permanent neurological damage, including learning disabilities, reduce
10 intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a
11 particular risk to pregnant women. The seller of any interest in residential real property is
12 required to provide the buyer with any information on lead-based paint hazards from risk
13 assessments or inspections in the seller's possession and notify the buyer of any known lead-
14 based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is
15 recommended prior to purchase."

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

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

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

1 (G) Effective Date - The regulations under this section shall take effect 3 years after the
2 date of the enactment of this title.

3 TITLE 2 -RESEARCH AND DEVELOPMENT

4 SECTION 16. *Research on Lead Exposure from other Sources.* – The Secretary, in
5 cooperation with other agencies, shall conduct research on strategies to reduce the risk of lead
6 exposure from other sources, including exterior soil and interior lead dust in carpets, furniture,
7 and forced air ducts.

8 SECTION 17. *Testing Technologies.* – The Secretary, in cooperation with other agencies,
9 shall conduct research to -

10 (A) develop improved methods for evaluating lead-based paint hazards in
11 housing;

12 (B) develop improved methods for reducing lead-based paint hazards in housing;

13 (C) develop improved methods for measuring lead in paint films, dust, and soil
14 samples;

15 (D) establish performance standards for various detection methods, including spot
16 test kits;

17 (E) establish performance standards for lead-based paint hazard reduction
18 methods, including the use of encapsulants;

19 (F) establish appropriate cleanup standards;

20 (G) evaluate the efficacy of interim controls in various hazard situations;

21 (H) evaluate the relative performance of various abatement techniques;

22 (I) evaluate the long-term cost-effectiveness of interim control and abatement
23 strategies; and

24 (J) assess the effectiveness of hazard evaluation and reduction activities funded by
25 this Act.

1 SECTION 18. *Separability Clause.* – If any provision, or part hereof, is held invalid or
2 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
3 valid and subsisting.

4 SECTION 19. *Repealing Clause.* – Any law, presidential decree or issuance, executive
5 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
6 with, the provisions of this Act is hereby repealed, modified or amended accordingly.

7 SECTION 20. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
8 publication in at least two (2) newspapers of general circulation.

Approved,