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OF THE PHILIPPINES )  
First Regular Session )



Senate  
Office of the Secretary

13 OCT -3 P5:49

SENATE  
S. No. 1807

RECEIVED BY: *ji*

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Introduced by Senator Miriam Defensor Santiago

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#### 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. \*

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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\* This bill was originally filed during 14<sup>th</sup> Congress, 1<sup>st</sup> Regular Session.

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SENATE  
S. No. 1807

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Introduced by Senator Miriam Defensor Santiago

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  
6 lead-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  
11 a workable framework for lead-based paint hazard evaluation and reduction and ending the  
12 current confusion over reasonable standards of care;

13 (D) To ensure that the existence of lead-based paint hazards is taken into account in  
14 the 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  
17 levels of government and the private sector, to develop the most promising, cost-effective  
18 methods for 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  
6 eliminate lead-based paint hazards in accordance with standards established by appropriate  
7 agencies. Such term includes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (O) The term "residential dwelling" means -

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

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

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

13 (Q) The term "risk assessment" means an on-site investigation to determine and report  
14 the existence, nature, severity and location of lead-based paint hazards in the residential  
15 dwellings, including -

16 (1) information gathering regarding the age and history of the housing and  
17 occupancy by children under six (6) years of age;

18 (2) visual inspection;

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

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

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

22 (R) The term "Chairman" means the Chairman of Housing and Urban Development  
23 Consultative Council.

24 (S) The term "Secretary" means the Secretary of Environment and Natural Resources.

25 (T) The term "target housing" means any housing constructed prior to 1978, except  
26 housing for the elderly or persons with disabilities (unless any child who is less than six (6) years  
27 of age resides or is expected to reside in such housing for the elderly or persons with disabilities)  
28 or any zero-bedroom dwelling.

29 (U) The term "lead-based paint activities" means -

- 1 (1) in the case of target housing, risk assessment, inspection, and abatement;  
2 and  
3 (2) in the case of any public building constructed before 1978, commercial  
4 building, bridge, or other structure or super-structure, identification of  
5 lead-based paint and materials containing lead-based paint, deleading,  
6 removal of lead from bridges, and demolition. For purposes of this Act,  
7 the term “deleading” means activities conducted by a person who offers to  
8 eliminate lead-based paint or lead-based paint hazards or to plan such  
9 activities.

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

11 (A) Regulations –

- 12 (1) In general - Not later than ninety (90) days after the date of the enactment  
13 of this Act, the Secretary of Environment, shall in consultation with the  
14 Secretary of Labor, the Chairman, and the Secretary of Health, promulgate  
15 final regulations governing lead-based paint activities to ensure  
16 (a) that individuals engaged in such activities are properly trained;  
17 (b) that training programs are accredited; and  
18 (c) that contractors engaged in such activities are certified.

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

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

- 1 (a) Minimum requirements for the accreditation of training  
2 requirements
- 3 (b) Minimum training curriculum requirements;
- 4 (c) Minimum training hour requirements;
- 5 (d) Minimum hands-on training requirements;
- 6 (e) Minimum trainee competency and proficiency requirements;
- 7 (3) Accreditation and certification fees - The Secretary shall impose a fee on -
- 8 (a) persons operating training programs accredited under this section;
- 9 and
- 10 (b) lead-based paint activities contractors certified in accordance with
- 11 paragraph (A).

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

16 (B) Renovation and Remodeling -

- 17 (1) Guidelines - In order to reduce the risk of exposure to lead in connection  
18 with renovation and remodeling of target housing, public buildings  
19 constructed before 1978, and commercial buildings, the Secretary shall,  
20 within ninety (90) days after the enactment of this Act, promulgate  
21 guidelines for the conduct of such renovation and remodeling activities  
22 which may create a risk of exposure to dangerous levels of lead. The  
23 Secretary shall disseminate such guidelines to persons engaged in such  
24 renovation and remodeling through hardware and paint stores, employee  
25 organizations, trade groups, and through other appropriate means.
- 26 (2) Study of certification - The Secretary shall conduct a study of the extent to  
27 which persons engaged in various types of renovation and remodeling  
28 activities in target housing, public buildings constructed before 1978, and  
29 commercial buildings are exposed to lead on a regular or occasional basis.

1           The Secretary shall complete such study and publish the results thereof  
2           within eighteen (18) months after the enactment of this Act.

3           (3)   Certification determination - Within four (4) years after the enactment of  
4           this Act, the Secretary shall revise the regulations under subsection (1) to  
5           apply the regulations to renovation or remodeling activities in target  
6           housing, public buildings constructed before 1978, and commercial  
7           buildings that create lead-based paint hazards. In determining which  
8           contractors are engaged in such activities, the Secretary shall utilize the  
9           results of the study under this section and consult with the representatives  
10          of labor organizations, lead-based paint activities contractors, persons  
11          engaged in remodeling and renovation, experts in lead health effects, and  
12          others. If the Secretary determines that a category of contractors engaged  
13          in renovation or remodeling does not require certification, the Secretary  
14          shall publish an explanation of the basis for that determination.

15          SECTION 5. *Identification of Dangerous Levels of Lead.* – Within ninety (90) days after  
16          the enactment of this Act, the Secretary shall promulgate regulations regarding the identification  
17          of lead-based paint hazards, lead-contaminated dust, and contaminated soil.

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

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

23          (B)   Standards for Environmental Sampling Laboratories –

24          (1)   The Secretary shall establish protocols, criteria, and minimum  
25          performance standards for laboratory analysis of lead in paint films, soil,  
26          and dust. Within one (1) year after the enactment of this Act, the  
27          Secretary, in consultation with the Secretary of Health, shall establish a



1 program to certify laboratories as qualified to test substances for lead  
2 content unless the Secretary determines, by the date specified in this  
3 paragraph, that effective voluntary accreditation programs are in place and  
4 operating on a nationwide basis at the time of such determination. To be  
5 certified under such program, a laboratory shall, at a minimum,  
6 demonstrate an ability to test substances accurately for lead content.

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

11 (3) If the Secretary determines that effective voluntary accreditation programs  
12 are in place for environmental sampling laboratories, the Secretary shall  
13 review the performance and effectiveness of such programs within three  
14 (3) years after such determination. If, upon such review, the Secretary  
15 determines that the voluntary accreditation programs are not effective in  
16 assuring the quality and consistency of laboratory analyses, the Secretary  
17 shall; not more than 12 months thereafter, establish a certification program  
18 that meets the requirements of paragraph (a).

19 (C) Exposure Studies --

20 (1) The Secretary of Health shall conduct a study of the sources of lead  
21 exposure in children who have elevated blood lead levels (or other  
22 indicators of elevated lead body burden).

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

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

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

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

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

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

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

14 (a) Drinking water,

15 (b) Food.

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

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

18 (e) Occupational exposures, and other exposures that the Secretary of  
19 Health determines to be appropriate.

20 (4) Not later than one (1) year after the date of the enactment of this Act, the  
21 Secretary of Health shall submit a report to the Congress concerning the  
22 studies described in paragraphs (1) and (2).

23 (D) Public Education. –

24 (1) The Secretary, in conjunction with the Secretary of Health, shall sponsor  
25 public education and outreach activities to increase public awareness of –

26 (a) the scope and severity of lead poisoning from household;

27 (b) potential exposure to sources of lead in schools and childhood;

28 (c) the implications of exposures for men and women, particularly  
29 those of childbearing age;

- 1 (d) the need for careful, quality, abatement and management actions;
- 2 (e) the need for universal screening of children;
- 3 (f) other components of a lead-poisoning prevention program;
- 4 (g) the health consequences of lead exposure resulting from lead-based
- 5 paint hazards;
- 6 (h) risk assessment and inspection methods for lead-based paint
- 7 hazards; and
- 8 (i) measures to reduce the risk of lead exposure from the lead-based
- 9 paint.

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

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

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

22 (E) Technical Assistance. -

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

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

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

3 (b) maintain a rapid-alert system to inform certified lead-based paint  
4 activities contractors of significant developments in research  
5 related to lead-based 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 Act, the  
9 Secretary, in cooperation with other agencies and local governments, shall  
10 establish a. single lead-based paint hazard hotline to provide the public  
11 with answers to questions about lead poisoning prevention and referrals to  
12 the Clearinghouse for technical information.

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

23 SECTION 7. *Lead Hazard Information Pamphlet.* -

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

- 1 (1) contain information regarding the health risks associated with exposure to  
2 lead;
- 3 (2) provide information on the presence of lead-based paint hazards in target  
4 housing;
- 5 (3) describe the risk of lead exposure for children under six (6) years of age,  
6 pregnant women, women of childbearing age, persons involved in home  
7 renovation, and others residing in a dwelling with lead-based paint  
8 hazards;
- 9 (4) describe the risk of renovation in a dwelling with lead-based paint hazards
- 10 (5) provide information on approved methods for evaluating and reducing  
11 lead-based paint hazards and their effectiveness in identifying, reducing,  
12 eliminating, or preventing exposure to lead-based paint hazards;
- 13 (6) advise a person how to get a list of contractors certified pursuant to this  
14 Act in lead-based paint hazards evaluation and reduction in the area in  
15 which the pamphlet is to be used;
- 16 (7) state that a risk assessment or inspection for lead-based paint is  
17 recommended prior to purchase, lease, or renovation of target housing;
- 18 (8) provide such information about environmental hazards associated with  
19 residential real property as the Secretary deems appropriate.

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

24 SECTION 8. *Control of Lead-Based Paint Hazards at Government Facilities.* – Each  
25 department, agency, and instrumentality of the executive, legislative, and judicial branches of the  
26 Government having jurisdiction over any property or facility, or 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 respecting lead-based paint, lead based paint activities, and lead based-paint hazards in the same  
2 manner, and to the same extent as any non-governmental entity is subject to such requirements,  
3 including-the payment of reasonable service charges. The substantive and procedural  
4 requirements referred to in this section include, but are not limited to, all administrative orders  
5 and all civil and administrative penalties and fines regardless of whether such penalties or fines  
6 are punitive or coercive in nature, or whether imposed for isolated, intermittent or continuing  
7 violations. The government hereby expressly waives any immunity otherwise applicable to it  
8 with respect to any such substantive or procedural requirement (including, but not limited to, any  
9 injunctive relief, administrative order, civil or administrative penalty or fine referred to in the  
10 preceding sentence, or reasonable service charge). The reasonable service charges referred to in  
11 this section include, but are not limited to, fees or charges assessed for certification and licensing,  
12 as well as any other non-discriminatory charges that are assessed in connection with a lead-based  
13 paint, lead-based paint activities, or lead-based paint hazard activities program. No agent,  
14 employee or officer of the government shall be personally liable for any civil penalty under the  
15 law relating to lead-based paint, lead-based paint activities, or lead-based paint hazards with  
16 respect to any act or omission within the scope of his or her official duties.

17 SECTION 9. *Grants for Lead-Based Paint Hazard Reduction in Target Housing* –

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

- 24 (1) a description of the amount of assistance the applicant seeks under this  
25 section;
- 26 (2) a description of the planned activities to be undertaken with grants under  
27 this section, including an estimate of the amount to be allocated to each  
28 activity;

- 1 (3) a description of the forms of financial assistance to owners and occupants  
2 of target housing that will be provided through grants under this section;  
3 and  
4 (4) such assurances as the Chairman may require regarding the applicant's  
5 capacity to carry out the activities.

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

- 9 (1) the extent to which the proposed activities will reduce the risk lead-based  
10 paint poisoning to children under six (6) years of age who reside in  
11 priority housing;  
12 (2) the degree of severity and extent of lead-based paint hazards in the  
13 jurisdiction to be served;  
14 (3) the ability of the applicant to local, and private funds to supplements the  
15 grant under this section;  
16 (4) the ability of the applicant to carry out the proposed activities; and  
17 (5) such other factors as the Secretary determines appropriate to ensure that  
18 grants made available under this section are used effectively and to  
19 promote the purposes of this Act.

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

- 21 (1) perform risk assessments and inspections in target housing;  
22 (2) provide for the interim control of lead-based paint hazards in target  
23 housing;  
24 (3) provide for the abatement of lead-based paint hazards in target housing;  
25 (4) provide for the additional cost of reducing lead-based paint hazards in  
26 units undergoing renovation funded by other sources;  
27 (5) ensure that risk assessments, inspections, and abatements are carried out  
28 by certified contractors in accordance with this Act;

- 1 (6) monitor the blood-lead levels of workers involved in lead hazard reduction  
2 activities funded under this section;
- 3 (7) assist in the temporary relocation of families force to vacate priority  
4 housing while lead hazard reduction measures are being conducted;
- 5 (8) educate the public on the nature and causes of lead-poisoning and  
6 measures to reduce the exposure to lead, including exposure due to  
7 residential lead-based paint hazards;
- 8 (9) test soil, interior surface dust, and the blood-lead levels of children under  
9 six (6) years of age residing in priority housing after lead-based paint  
10 hazard reduction activity has been conducted, to assure that such activity  
11 does not cause excessive exposures to lead; and
- 12 (10) carry out such activities that the Chairman determines appropriate to  
13 promote the purposes of this Act.

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

17 (E) Prohibition of Substitution of Funds - Grants under this section may not be used  
18 to replace other amounts made available or designated by local governments for use for the  
19 purposes under this Act.

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

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

- 27 (1) describes the use of the amounts received;
- 28 (2) states the number of risk assessments and the number of inspections  
29 conducted in residential dwellings;



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

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

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

7 (H) Notice of Funding Availability - The Chairman shall publish a Notice of Funding  
8 Availability pursuant to this section not later than One Hundred Twenty (120) days after funds  
9 are appropriated for this section.

10 SECTION 10. *Evaluation and Reduction of Lead-Based Paint Hazards in Government-*  
11 *Assisted Housing Programs.* - The Chairman shall require an inspection for lead-based paint and  
12 -lead-based paint hazards in all government assisted housing programs. The results of such  
13 inspections shall be made available to prospective purchasers, identifying the presence of lead-  
14 based paint and lead-based paint hazards on a surface-by-surface basis. The Chairman shall have  
15 the discretion to waive the requirement of this subparagraph for housing in which a government  
16 funded risk assessment, performed by a certified contractor, has determined no lead-based paint  
17 hazards are present.

18 SECTION 11. *Task Force on Lead-Based Paint Hazards Reduction.* -

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

22 (B) *Membership* - The task force shall include individuals representing the Housing  
23 and Urban Development Coordinating Council, the Department of Environment and Natural  
24 Resources, employee organizations in the building and construction trade industry, landlords,  
25 tenants, primary lending institutions, non-profit housing developers, public housing agencies,  
26 low-income housing advocacy organizations, lead-poisoning prevention advocates and experts,  
27 and community-based organizations located in areas with substantial rental housing.

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

- 3 (1) incorporating the need to finance lead-based paint hazard reduction into  
4 underwriting standards;
- 5 (2) developing new loan products and procedures for financing lead-based  
6 paint hazard evaluation and reduction activities;
- 7 (3) adjusting appraisal guidelines to address lead safety;
- 8 (4) incorporating risk assessments or inspections for lead-based paint as a  
9 routine procedure in the origination of new-residential mortgages;
- 10 (5) issuing guidelines, regulations and educational pamphlets issued by the  
11 Council relating to lead-based paint poisoning prevention;
- 12 (6) introducing the availability of liability insurance for owners of rental  
13 housing and certified contractors and establishing alternative systems to  
14 compensate victims of lead-based paint poisoning; and
- 15 (7) evaluating the utility and appropriateness of requiring risk assessments or  
16 inspections and notification to prospective lessees of rental housing.

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

19 SECTION 12. *National Consultation on Lead-Based Paint Hazard Reduction.* - In  
20 carrying out this Act, the Chairman shall consult on an ongoing basis with the Department of  
21 Environment, Department of Health and other agencies concerned with lead prevention, and the  
22 task force established under this Act.

23 SECTION 13. *Guidelines for Lead-Based Paint Hazard Evaluation and Reduction*  
24 *Activities.* - Not later than twelve (12) months after the date of enactment of this Act, the  
25 Chairman, in consultation with the Secretary, the Secretary of Labor, and the Secretary of  
26 Health, shall issue guidelines for the conduct of all government supported work involving risk  
27 assessments, inspections, interim controls, and abatement of lead-based paint hazards.

1 SECTION 14. *Disclosure of Information Concerning Lead upon Transfer of Residential*  
2 *Property.* –

3 (A) Lead-based Paint Hazards - Not later than two (2) years after the date of  
4 enactment of this Act, the Chairman and Secretary of Environment and Natural Resources shall  
5 promulgate regulations under this section for the disclosure of lead-based paint hazards in target  
6 housing which is offered for sale or lease. The regulations shall require that, before the purchaser  
7 or lessee is obliged under any contract to purchase or lease the housing, the seller or lessor shall -

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

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

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

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

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

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

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

26 (C) Contents of lead warning statement - The Lead Warning Statement shall contain  
27 the following text printed in large type on a separate sheet of paper attached to the contract:  
28 “Every purchase of any interest in residential real property on which a residential dwelling was  
29 built prior to 1978 is notified that such property may present exposure to lead from lead-based

1 paint that may place young children at risk of developing lead poisoning. Lead poisoning in  
2 young children may produce permanent neurological damage, including learning disabilities,  
3 reduce intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also  
4 poses a particular risk to pregnant women. The seller of any interest in residential real property is  
5 required to provide the buyer with any information on lead-based paint hazards from risk  
6 assessments or inspections in the seller's possession and notify the buyer of any known lead-  
7 based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is  
8 recommended prior to purchase."

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

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

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

23 SECTION 15. *Research on Lead Exposure from other Sources.* - The Secretary, in  
24 cooperation with other agencies, shall conduct research on strategies to reduce the risk of lead  
25 exposure from other sources, including exterior soil and interior lead dust in carpets, furniture,  
26 and forced air ducts.

1           SECTION 16. *Testing Technologies.* – The Secretary, in cooperation with other agencies,  
2 shall conduct research to -

3           (A)    Develop improved methods for evaluating lead-based paint hazards in housing;  
4           (B)    Develop improved methods for reducing lead-based paint hazards in housing;  
5           (C)    Develop improved methods for measuring lead in paint films, dust, and soil  
6 samples;  
7           (D)    Establish performance standards for various detection methods, including spot test  
8 kits;  
9           (E)    Establish performance standards for lead-based paint hazard reduction methods,  
10 including the use of encapsulants;  
11          (F)    Establish appropriate cleanup standards;  
12          (G)    Evaluate the efficacy of interim controls in various hazard situations;  
13          (H)    Evaluate the relative performance of various abatement techniques;  
14          (I)    Evaluate the long-term cost-effectiveness of interim control and abatement  
15 strategies; and  
16          (J)    assess the effectiveness of hazard evaluation and reduction activities funded by this  
17 Act.

18           SECTION 17. *Separability Clause.* – If any provision or part hereof is held invalid or  
19 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
20 valid and subsisting.

21           SECTION 18. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
22 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent  
23 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

24           SECTION 29. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
25 publication in at least two (2) newspapers of general circulation.

Approved,