

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

FEB 12 2017

SENATE
S. No. 2070

RECEIVED BY: fly

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 remodelling 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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1 AN ACT
2 TO REDUCE LEAD-BASED PAINT HAZARDS IN RESIDENTIAL
3 ENVIRONMENTS

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

6 SECTION 1. *Short Title.* – "This Act shall be known as the "Paint Hazard
7 Reduction Act of 2008."

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

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

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

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

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

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

23 (F) to reduce the threat of childhood lead poisoning in housing owned, assisted, or
24 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
4 shall 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
7 appropriate 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 replacement of
10 lead-painted surfaces or fixtures, and the removal or covering of lead
11 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
15 with 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 requirements
19 for certification or licensure established by such agency; and

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

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

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

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

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

10 (I) The term “inspection” means a surface-by-surface investigation to determine
11 the 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
15 specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing
16 monitoring of lead- based paint hazards or potential hazards, and the establishment and
17 operation of management and resident education programs.

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

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

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

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

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

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

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

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

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

19 (2) visual inspection;

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

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

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

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

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

27 (T) The term “target housing” means any housing constructed prior to 1978,
28 except housing for the elderly or persons with disabilities (unless any child who is

1 less than six (6) years of age resides or is expected to reside in such housing for
2 the elderly or persons with disabilities) or any zero-bedroom dwelling.

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

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

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

13 TITLE A - LEAD EXPOSURE REDUCTION

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

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

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

20 (b) that training programs are accredited; and

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

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

26 (2) Accreditation of training programs – Final regulations promulgated
27 under (A) shall contain specific requirements for the accreditation of lead-based
28 paint activities training programs for workers, supervisors, inspectors and

1 planners, and other individuals involved in lead-based paint activities, including,
2 but not limited to, each of the following:

3 (a) Minimum requirements for the accreditation of training
4 requirements

5 (b) Minimum training curriculum requirements;

6 (c) Minimum training hour requirements;

7 (d) Minimum hands-on training requirements;

8 (e) Minimum trainee competency and proficiency requirements;

9 (3) Accreditation and certification fees – The Secretary shall impose a fee
10 on --

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

12 and

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

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

20 (B) Renovation and Remodelling – (1) Guidelines – In order to reduce the risk of
21 exposure to lead in connection with renovation and remodelling of target housing, public
22 buildings constructed before 1978, and commercial buildings, the Secretary shall, within
23 18 months after the enactment of this section, promulgate guidelines for the conduct of
24 such renovation and remodelling activities which may create a risk of exposure to
25 dangerous levels of lead. The Secretary shall disseminate such guidelines to persons
26 engaged in such renovation and remodelling through hardware and paint stores, employee
27 organizations, trade groups, and through other appropriate means.

28 (2) Study of certification – The Secretary shall conduct a study of the
29 extent to which persons engaged in various types of renovation and remodelling

1 activities in target housing, public buildings constructed before 1978, and
2 commercial buildings are exposed to lead on a regular or occasional basis. The
3 Secretary shall complete such study and publish the results thereof within 30
4 months after the enactment of this section.

5 (3) Certification determination – Within 4. years after the enactment of
6 this section, the Secretary shall revise the regulations under subsection (1) to
7 apply the regulations to renovation or remodelling activities in target housing,
8 public buildings constructed before 1978, and commercial buildings that create
9 lead-based paint hazards. In determining which contractors are engaged in such
10 activities, the Secretary shall utilize the results of the study under paragraph (2)
11 and consult with the representatives of labor organizations, lead-based paint
12 activities contractors, persons engaged in remodelling and renovation, experts in
13 lead health effects, and others. If the Secretary determines that a category of
14 contractors engaged in renovation or remodelling does not require certification,
15 the Secretary shall publish an explanation of the basis for that determination.

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

20 SECTION 6. *Lead Abatement and Measurement.* –

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

25 (B) Standards for Environmental Sampling Laboratories – (1) The Secretary, shall
26 establish protocols, criteria, and minimum performance standards for laboratory analysis
27 of lead in paint films, soil, and dust. Within two (2) years after the enactment of this title,
28 the Secretary, in consultation with the Secretary of Health, shall establish a program to

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

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

10 (3) If the Secretary determines, under paragraph (1) that effective
11 voluntary accreditation programs are in place for environmental sampling
12 laboratories, the Secretary shall review the performance and effectiveness of such
13 programs within three (3) years after such determination. If, upon such review,
14 the Secretary determines that the voluntary accreditation programs are not
15 effective in assuring the quality and consistency of laboratory analyses, the
16 Secretary shall; not more than 12 months thereafter, establish a certification
17 program that meets the requirements of paragraph (a).

18 (C) Exposure Studies – (1) The Secretary of Health (hereafter in this subsection
19 referred to as the ‘Secretary’), shall conduct a study of the sources of lead exposure in
20 children who have elevated blood lead levels (or other indicators of elevated lead body
21 burden).

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

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

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

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

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

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

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

11 (a) Drinking water,

12 (b) Food.

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

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

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

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

20 (D) Public Education. (1) The Secretary, in conjunction with the Secretary of
21 Health, shall sponsor public education and outreach activities to increase public
22 awareness of—

23 (a) the scope and severity of lead poisoning from household
24 sources;

25 (b) potential exposure to sources of lead in schools and childhood
26 day care centers;

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

1 (d) the need for careful, quality, abatement and management
2 actions;

3 (e) the need for universal screening of children;

4 (f) other components of a lead-poisoning prevention program;

5 (g) the health consequences of lead exposure resulting from lead-
6 based paint hazards;

7 (h) risk assessment and inspection methods for lead-based paint
8 hazards; and

9 (i) measures to reduce the risk of lead exposure from the lead-
10 based paint.

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

13 (a) health professionals;

14 (b) the general public, with emphasis on parents of young children;

15 (c) homeowners, landlords and tenants

16 (d) consumers of home improvement products;

17 (e) residential real estate industry; and

18 (f) the home renovation industry

19 (3) The Secretary shall develop information to be distributed by retailers
20 of home improvement products to provide consumers with practical information
21 related to the hazards of renovation and remodeling where lead-based paint may
22 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
25 Chairman, a National Clearinghouse on Childhood Lead Poisoning (hereinafter in this
26 section 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 effects,

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

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

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

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

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

25 SECTION 7. *Lead Hazard Information Pamphlet.* – (A) Lead Hazard
26 Information Pamphlet. Not later than two (2) years after the enactment of this section,
27 after notice and opportunity for comment, the Secretary, in consultation with the

1 Chairman and the Secretary of Health shall publish, and from time to time revise, a lead
2 hazard information pamphlet. The pamphlet shall--

3 (1) contain information regarding the health risks associated with
4 exposure to lead;

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

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

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

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

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

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

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

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

27 SECTION 8. *Regulations.* – The regulations of the Secretary under this title shall
28 include such recordkeeping and reporting requirements as may be necessary to insure the

1 effective implementation of this title. The regulations may be amended from time to time
2 as necessary.

3 SECTION 9. *Control of Lead-Based Paint Hazards at Government Facilities.* --

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

1 TITLE B - LEAD BASED PAINT HAZARD REDUCTION

2 SECTION 10. *Grants for Lead-Based Paint Hazard Reduction in Target Housing*

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

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

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

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

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

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

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

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

27 (3) the ability of the applicant to local, and private funds to supplement
28 the grant under this section;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (E) Matching Requirement – Each recipient of a grant under this section shall
2 make contributions toward the cost of activities that receive assistance under this section
3, in an amount not less than twenty percent (20%) of the total grant amount under this
4 section.

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

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

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

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

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

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

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

22 (e) provides any other information that the Chairman determines to be
23 appropriate.

24 (I) Notice of Funding Availability – The Chairman shall publish a Notice of
25 Funding Availability pursuant to this section not later than One Hundred Twenty (120)
26 days after funds are appropriated for this section.

27 (1) Authorization of Appropriations – For the purposes of carrying out
28 there are authorized to be appropriated such sums as may be necessary.

1 SECTION 11. *Evaluation and Reduction of Lead-Based Paint Hazards in*
2 *Government-Assisted Housing Programs.* – The Chairman shall require an inspection for
3 lead-based paint and -lead-based paint hazards in all government assisted housing
4 programs. The results of such inspections shall be made available to prospective
5 purchasers, identifying the presence of lead-based paint and lead-based paint hazards on a
6 surface-by-surface basis. The Chairman shall have the discretion to waive Pie
7 requirement of this subparagraph for housing in which a government funded risk
8 assessment, performed by a certified contractor, has determined no lead-based paint
9 hazards are present.

10 SECTION 12. *Task Force on Lead-Based Paint Hazards Reduction and*
11 *Financing.* – (A) In General - The Chairman, in consultation with the Secretary and the
12 Secretary of Health, shall establish a task force to make recommendations on expanding
13 resources and efforts to evaluate and reduce lead-based paint hazards in private housing.

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

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

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

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

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

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

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

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

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

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

12 SECTION 13. *National Consultation on Lead-Based Paint Hazard Reduction.* –

13 In carrying out this Act, the Chairman shall consult on an ongoing basis with the
14 Department of Environment, Department of Health and other agencies concerned with
15 lead prevention, and the task force established pursuant to section 6.

16 SECTION 14. *Guidelines for Lead-Based Paint Hazard Evaluation and*

17 *Reduction Activities.* – Not later than twelve (12) months after the date of enactment of
18 this Act, the Chairman, in consultation with the Secretary, the Secretary of Labor, and the
19 Secretary of Health, shall issue guidelines for the conduct of all government supported
20 work involving risk assessments, inspections, interim controls, and abatement of lead-
21 based paint hazards. Such guidelines shall be based upon criteria that measure the
22 condition of the housing (and the presence under age 6 for the purposes of risk
23 assessments) and shall not be based upon measure the health of the residents of the
24 housing.

25 SECTION 15. *Disclosure of Information Concerning Lead upon Transfer of*

26 *Residential Property.* – Lead Disclosure in Purchase and Sale or Lease of Target
27 Housing. (A) Lead-based Paint Hazards - Not later than two (2) years after the date of

1 enactment of this Act, the Chairman and Secretary of Environment and Natural
2 Resources shall promulgate regulations under this section for the disclosure o f lead-
3 based paint hazards in target housing which is offered for sale or lease. The regulations
4 shall require that, before the purchaser or lessee is obliged under any contract to purchase
5 or lease the housing, the seller or lessor shall –

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

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

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

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

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

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

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

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

1 developing lead poisoning. Lead poisoning in young children may produce permanent
2 neurological damage, including learning disabilities, reduce intelligence quotient,
3 behavioural problems, and impaired memory. Lead poisoning also poses a particular risk
4 to pregnant women. The seller of any interest in residential real property is required to
5 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
7 lead-based paint hazards. A risk assessment or inspection for possible lead-based paint
8 hazards is recommended prior to purchase.”

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

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

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

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

26 TITLE 2 -RESEARCH AND DEVELOPMENT

27 SECTION 16. *Research on Lead Exposure from other Sources.* – The Secretary,
28 in cooperation with other agencies, shall conduct research on strategies to reduce the risk

1 of lead exposure from other sources, including exterior soil and interior lead dust in
2 carpets, furniture, and forced air ducts.

3 SECTION 17. *Testing Technologies.* – The Secretary, in cooperation with other
4 agencies, shall conduct research to –

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

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

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

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

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

14 (F) establish appropriate cleanup standards;

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

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

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

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

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

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

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

3 Approved.