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Memorandum

To: Representative Julia Howard

From: Tom Covington, Director
Fiscal Research Division

Mona Moon, Fiscal Analyst
Fiscal Research Division

Date: August 18, 1997

Re: Evaluation of Senate Bill 806 in regards to *Certification of legislation required by federal law (G.S. 120-36.8)*

In compliance with G.S. 120-36.8, *Certification of legislation required by federal law*, the Fiscal Research Division, in consultation with the Bill Drafting Division, is providing this memorandum to identify *federal law*, if any, requiring the enactment of certain provisions in Senate Bill 806, Childhood Lead Exposure Control.

SB 806 – Provisions Required Due to Federal Law

Senate Bill 806 (Third Edition Engrossed 6/10/97) **does not contain** any provisions required by federal law. The state will not be out of compliance with the federal Residential Lead-Based Paint Reduction Act (42 USCS 4851 et. seq.) nor the federal Toxic Substances Control Act (15 USCS 2681 et. seq.) if Senate Bill 806 or similar legislation is not enacted into law.

SB 806 – Provisions Not Required by Federal Law

Senate Bill 806 codifies much of the existing North Carolina Administrative Code (15A NCAC 18A.3101-.3106) governing the state's childhood lead poisoning prevention program administered by the Division of Environmental Health in the Department of Environment, Health, and Natural Resources (DEHNR). These provisions include required reporting by laboratories of blood lead level test results, investigation of childhood lead poisoning cases and abatement of lead hazards by property owners.

The bill also establishes a voluntary preventive maintenance program to minimize and abate lead hazards in residential dwellings. Participating owners can obtain limited liability relief in the event they are sued by current or former occupants for lead related injuries, such as those resulting from exposure to lead-based paint or lead-contaminated dust. Discrimination in financing by lending institutions is also prohibited if the owner of the unit is in compliance with the maintenance standard established in the bill or can demonstrate that the dwelling is lead-safe.

In order to educate property owners/managers and parents about the seriousness of lead hazards, the proposed bill requires DEHNR to provide the owner/manager and parents with information regarding the importance of completing routine cleaning activities to reduce lead hazards. The department is required to provide such information any time a child under the age of six is identified with an elevated blood lead level.

cc: Gann Watson, Bill Drafting



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