

H. B. No. 280  
As Introduced

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, after "sections" insert "3742.01," 1

In line 7, after "sections" insert "3742.01," 2

After line 10, insert: 3

**"Sec. 3742.01.** As used in this chapter: 4

(A) "Board of health" means the board of health of a city 5  
or general health district or the authority having the duties of 6  
a board of health under section 3709.05 of the Revised Code. 7

(B) "Child care facility" means each area of any of the 8  
following in which child care, as defined in section 5104.01 of 9  
the Revised Code, is provided to children under six years of 10  
age: 11

(1) A child care center, type A family child care home, or 12  
type B family child care home as defined in section 5104.01 of 13  
the Revised Code; 14

(2) A preschool program or school child program as defined 15  
in section 3301.52 of the Revised Code. 16



(C) "Clearance examination" means an examination to 17  
determine whether the lead hazards in a residential unit, child 18  
care facility, or school have been sufficiently controlled. A 19  
clearance examination includes a visual assessment, collection, 20  
and analysis of environmental samples. 21

(D) "Clearance technician" means a person, other than a 22  
licensed lead inspector or licensed lead risk assessor, who 23  
performs a clearance examination. 24

(E) "Clinical laboratory" means a facility for the 25  
biological, microbiological, serological, chemical, 26  
immunohematological, hematological, biophysical, cytological, 27  
pathological, or other examination of substances derived from 28  
the human body for the purpose of providing information for the 29  
diagnosis, prevention, or treatment of any disease, or in the 30  
assessment or impairment of the health of human beings. 31  
"Clinical laboratory" does not include a facility that only 32  
collects or prepares specimens, or serves as a mailing service, 33  
and does not perform testing. 34

(F) "Encapsulation" means the coating and sealing of 35  
surfaces with durable surface coating specifically formulated to 36  
be elastic, able to withstand sharp and blunt impacts, long- 37  
lasting, and resilient, while also resistant to cracking, 38  
peeling, algae, fungus, and ultraviolet light, so as to prevent 39  
any part of lead-containing paint from becoming part of house 40  
dust or otherwise accessible to children. 41

(G) "Enclosure" means the resurfacing or covering of 42  
surfaces with durable materials such as wallboard or paneling, 43  
and the sealing or caulking of edges and joints, so as to 44  
prevent or control chalking, flaking, peeling, scaling, or loose 45  
lead-containing substances from becoming part of house dust or 46

otherwise accessible to children. 47

(H) "Environmental lead analytical laboratory" means a 48  
facility that analyzes air, dust, soil, water, paint, film, or 49  
other substances, other than substances derived from the human 50  
body, for the presence and concentration of lead. 51

(I) "HEPA" means the designation given to a product, 52  
device, or system that has been equipped with a high-efficiency 53  
particulate air filter, which is a filter capable of removing 54  
particles of 0.3 microns or larger from air at 99.97 per cent or 55  
greater efficiency. 56

(J) "Interim controls" means a set of measures designed to 57  
reduce temporarily human exposure or likely human exposure to 58  
lead hazards. Interim controls include specialized cleaning, 59  
repairs, painting, temporary containment, ongoing lead hazard 60  
maintenance activities, and the establishment and operation of 61  
management and resident education programs. 62

(K) (1) "Lead abatement" means a measure or set of measures 63  
designed for the single purpose of permanently eliminating lead 64  
hazards. "Lead abatement" includes all of the following: 65

(a) Removal of lead-based paint and lead-contaminated 66  
dust; 67

(b) Permanent enclosure or encapsulation of lead-based 68  
paint; 69

(c) Replacement of surfaces or fixtures painted with lead- 70  
based paint; 71

(d) Removal or permanent covering of lead-contaminated 72  
soil; 73

(e) Preparation, cleanup, and disposal activities 74

associated with lead abatement.	75
(2) "Lead abatement" does not include any of the following:	76 77
(a) Residential rental unit lead-safe maintenance practices performed pursuant to sections 3742.41 and 3742.42 of the Revised Code;	78 79 80
(b) Implementation of interim controls;	81
(c) Activities performed by a property owner on a residential unit to which both of the following apply:	82 83
(i) It is a freestanding single-family home used as the property owner's private residence.	84 85
(ii) No child under six years of age who has lead poisoning resides in the unit.	86 87
(L) "Lead abatement contractor" means any individual who engages in or intends to engage in lead abatement and employs or supervises one or more lead abatement workers, including on-site supervision of lead abatement projects, or prepares specifications, plans, or documents for a lead abatement project.	88 89 90 91 92 93
(M) "Lead abatement project" means one or more lead abatement activities that are conducted by a lead abatement contractor and are reasonably related to each other.	94 95 96
(N) "Lead abatement project designer" means a person who is responsible for designing lead abatement projects and preparing a pre-abatement plan for all designed projects.	97 98 99
(O) "Lead abatement worker" means an individual who is responsible in a nonsupervisory capacity for the performance of	100 101

lead abatement.	102
(P) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health, as that level is established in rules adopted under section 3742.45 of the Revised Code.	103 104 105 106 107
(Q) "Lead-contaminated dust" means dust that contains an area or mass concentration of lead at or in excess of the level that is hazardous to human health, as that level is established in rules adopted under section 3742.45 of the Revised Code.	108 109 110 111
(R) "Lead-contaminated soil" means soil that contains lead at or in excess of the level that is hazardous to human health, as that level is established in rules adopted under section 3742.45 of the Revised Code.	112 113 114 115
(S) "Lead free" means no lead-based paint is present in any area referenced in division (B) of section 3742.42 of the Revised Code.	116 117 118
(T) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as determined by the director of health in rules adopted under section 3742.45 of the Revised Code. "Lead hazard" includes lead-based paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes.	119 120 121 122 123 124
(U) "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint. The inspection shall use a sampling or testing technique approved by the director in rules adopted under section 3742.03 of the Revised Code. A licensed lead inspector or laboratory approved under section 3742.09 of the Revised Code shall certify in	125 126 127 128 129 130

writing the precise results of the inspection.	131
(V) "Lead inspector" means any individual who conducts a lead inspection, provides professional advice regarding a lead inspection, or prepares a report explaining the results of a lead inspection.	132 133 134 135
(W) "Lead poisoning" means the level of lead in human blood that is hazardous to human health, as specified in rules adopted under section 3742.45 of the Revised Code.	136 137 138
(X) "Lead risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead hazards in a residential unit, child care facility, or school, including information gathering from the unit, facility, or school's current owner's knowledge regarding the age and painting history of the unit, facility, or school and occupancy by children under six years of age, visual inspection, limited wipe sampling or other environmental sampling techniques, and any other activity as may be appropriate.	139 140 141 142 143 144 145 146 147 148
(Y) "Lead risk assessor" means a person who is responsible for developing a written inspection, risk assessment, and analysis plan; conducting inspections for lead hazards in a residential unit, child care facility, or school; interpreting results of inspections and risk assessments; identifying hazard control strategies to reduce or eliminate lead exposures; and completing a risk assessment report.	149 150 151 152 153 154 155
(Z) "Lead-safe residential rental unit" means a residential rental unit that has undergone the residential rental unit lead-safe maintenance practices described in section 3742.42 of the Revised Code, including post-maintenance dust	156 157 158 159

sampling or are registered pursuant to division (D) of section 160  
3742.41 of the Revised Code. 161

(AA) "Manager" means a person, who may be the same person 162  
as the owner, responsible for the daily operation of a 163  
residential unit, child care facility, or school. 164

(BB) "Permanent" means an expected design life of at least 165  
twenty years. 166

(CC) "Pre-cleaning" means cleaning techniques conducted 167  
pursuant to regulations or guidelines established by the United 168  
States department of housing and urban development to capture 169  
and eliminate lead contaminants prior to testing for possible 170  
lead contamination at a residential unit, child care facility, 171  
or school. "Pre-cleaning" includes wet wiping, mopping, or 172  
vacuuming. 173

(DD) "Replacement" means an activity that entails removing 174  
components such as windows, doors, and trim that have lead 175  
hazards on their surfaces and installing components free of lead 176  
hazards. 177

~~(DD)~~ (EE) "Residential unit" means a dwelling or any part 178  
of a building being used as an individual's private residence. 179  
"Residential unit" includes a residential rental unit. 180

~~(EE)~~ (FF) "Residential rental unit" means a rental 181  
property containing a dwelling or any part of a building being 182  
used as an individual's private residence. 183

~~(FF)~~ (GG) "School" means a public or nonpublic school in 184  
which children under six years of age receive education." 185

In line 107, delete "interim controls to the" and insert "pre- 186  
cleaning at a residential"; after "unit," insert "child care" 187

In line 109, delete " <u>interim</u> "	188
In line 110, delete " <u>controls</u> " and insert " <u>pre-cleaning</u> "	189
In line 117, after " <u>certification.</u> " insert " <u>If a certification is denied, the county, township, or municipal corporation shall notify the person who is denied such certification of the denial and of the specific components of the property that were determined to include an unsafe lead hazard.</u> "	190 191 192 193 194
In line 120, after " <u>results</u> " insert " <u>for the specific components of the property that were previously determined to include an unsafe lead hazard. The person may resubmit the application</u> "	195 196 197
In line 1494, after "sections" insert "3742.01,"	198

The motion was \_\_\_\_\_ agreed to.

<u>SYNOPSIS</u>	199
<b>Pre-cleaning</b>	200
<b>R.C. 3742.01, 3742.39, and 3742.47</b>	201
Changes the bill's authorization for a clearance technician, lead inspector, or lead risk assessor to conduct interim controls to an authorization to conduct pre-cleaning, which is a narrower subset of interim controls under federal law.	202 203 204 205 206
Defines "pre-cleaning" as cleaning techniques conducted pursuant to regulations or guidelines established by the United States Department of Housing and Urban Development to capture	207 208 209

and eliminate lead contaminants prior to testing for possible	210
lead contamination at a residential unit, child care facility,	211
or school.	212
Specifies that "pre-cleaning" includes wet wiping,	213
mopping, or vacuuming.	214
Clarifies that if a person is denied a certification that	215
a property is safe from lead hazards, the person may resubmit an	216
application for certification for the specific components of the	217
property that were determined to include an unsafe lead hazard,	218
rather than resubmit the application for the entire property as	219
under the bill.	220