

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 2340

(SENATE AUTHORS: MORRISON)

DATE	D-PG	OFFICIAL STATUS
03/01/2023	1201	Introduction and first reading Referred to Health and Human Services

1.1 A bill for an act

1.2 relating to health; modifying renovation and lead hazard reduction provisions;

1.3 amending Minnesota Statutes 2022, sections 144.9501, subdivisions 17, 26a, 26b,

1.4 by adding subdivisions; 144.9505, subdivisions 1, 1g, 1h; 144.9508, subdivision

1.5 2; repealing Minnesota Statutes 2022, section 144.9505, subdivision 3.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2022, section 144.9501, subdivision 17, is amended to read:

1.8 Subd. 17. **Lead hazard reduction.** (a) "Lead hazard reduction" means abatement, swab

1.9 team services, or interim controls undertaken to make a residence, child care facility, school,

1.10 playground, or other location where lead hazards are identified lead-safe by complying with

1.11 the lead standards and methods adopted under section 144.9508.

1.12 (b) Lead hazard reduction does not include renovation activity that is primarily intended

1.13 to remodel, repair, or restore a given structure or dwelling rather than abate or control

1.14 lead-based paint hazards.

1.15 (c) Lead hazard reduction does not include activities that disturb painted surfaces that

1.16 total:

1.17 (1) less than 20 square feet (two square meters) on exterior surfaces; or

1.18 (2) less than two square feet (0.2 square meters) in an interior room.

1.19 Sec. 2. Minnesota Statutes 2022, section 144.9501, subdivision 26a, is amended to read:

1.20 Subd. 26a. **Regulated lead work.** ~~(a)~~ "Regulated lead work" means:

1.21 (1) abatement;

- 2.1 (2) interim controls;
- 2.2 (3) a clearance inspection;
- 2.3 (4) a lead hazard screen;
- 2.4 (5) a lead inspection;
- 2.5 (6) a lead risk assessment;
- 2.6 (7) lead project designer services;
- 2.7 (8) lead sampling technician services;
- 2.8 (9) swab team services;
- 2.9 (10) renovation activities; ~~or~~
- 2.10 (11) lead hazard reduction; or
- 2.11 ~~(11)~~ (12) activities performed to comply with lead orders issued by a community health
- 2.12 ~~board~~ an assessing agency.
- 2.13 ~~(b) Regulated lead work does not include abatement, interim controls, swab team services,~~
- 2.14 ~~or renovation activities that disturb painted surfaces that total no more than:~~
- 2.15 ~~(1) 20 square feet (two square meters) on exterior surfaces; or~~
- 2.16 ~~(2) six square feet (0.6 square meters) in an interior room.~~
- 2.17 Sec. 3. Minnesota Statutes 2022, section 144.9501, subdivision 26b, is amended to read:
- 2.18 Subd. 26b. **Renovation.** (a) "Renovation" means the modification of any pre-1978
- 2.19 affected property for compensation that results in the disturbance of known or presumed
- 2.20 lead-containing painted surfaces defined under section 144.9508, unless that activity is
- 2.21 performed as lead hazard reduction. A renovation performed for the purpose of converting
- 2.22 a building or part of a building into an affected property is a renovation under this
- 2.23 subdivision.
- 2.24 (b) Renovation does not include activities that disturb painted surfaces that total:
- 2.25 (1) less than 20 square feet (two square meters) on exterior surfaces; or
- 2.26 (2) less than six square feet (0.6 square meters) in an interior room.

3.1 Sec. 4. Minnesota Statutes 2022, section 144.9501, is amended by adding a subdivision
3.2 to read:

3.3 Subd. 33. **Compensation.** "Compensation" means money or other mutually agreed upon
3.4 form of payment given or received for regulated lead work, including rental payments,
3.5 rental income, or salaries derived from rent payments.

3.6 Sec. 5. Minnesota Statutes 2022, section 144.9501, is amended by adding a subdivision
3.7 to read:

3.8 Subd. 34. **Individual.** "Individual" means a natural person.

3.9 Sec. 6. Minnesota Statutes 2022, section 144.9505, subdivision 1, is amended to read:

3.10 Subdivision 1. **Licensing, certification, and permitting.** (a) Fees collected under this
3.11 section shall be deposited into the state treasury and credited to the state government special
3.12 revenue fund.

3.13 (b) Persons shall not advertise or otherwise present themselves as lead supervisors, lead
3.14 workers, lead inspectors, lead risk assessors, lead sampling technicians, lead project designers,
3.15 renovation firms, or lead firms unless they have licenses or certificates issued by the
3.16 commissioner under this section.

3.17 (c) The fees required in this section for inspectors, risk assessors, and certified lead firms
3.18 are waived for state or local government employees performing services for or as an assessing
3.19 agency.

3.20 (d) ~~An individual who is the owner of property on which regulated lead work is to be~~
3.21 ~~performed or an adult individual who is related to the property owner, as defined under~~
3.22 ~~section 245A.02, subdivision 13, is exempt from the requirements to obtain a license and~~
3.23 ~~pay a fee according to this section.~~ Individual residential property owners who perform
3.24 regulated lead work on their own residence are exempt from the licensure and firm
3.25 certification requirements of this section. Notwithstanding the provisions of paragraphs (a)
3.26 to (c), this exemption does not apply when the regulated lead work is a renovation performed
3.27 for compensation, when a child with an elevated blood level has been identified in the
3.28 residence or the building in which the residence is located, or when the residence is occupied
3.29 by one or more individuals who are not related to the property owner, as defined under
3.30 section 245A.02, subdivision 13.

3.31 (e) ~~A person that employs individuals to perform regulated lead work outside of the~~
3.32 ~~person's property must obtain certification as a certified lead firm. An individual who~~

4.1 ~~performs lead hazard reduction, lead hazard screens, lead inspections, lead risk assessments,~~
4.2 ~~clearance inspections, lead project designer services, lead sampling technician services,~~
4.3 ~~swab team services, and activities performed to comply with lead orders must be employed~~
4.4 ~~by a certified lead firm, unless the individual is a sole proprietor and does not employ any~~
4.5 ~~other individuals, the individual is employed by a person that does not perform regulated~~
4.6 ~~lead work outside of the person's property, or the individual is employed by an assessing~~
4.7 ~~agency.~~

4.8 Sec. 7. Minnesota Statutes 2022, section 144.9505, subdivision 1g, is amended to read:

4.9 Subd. 1g. **Certified lead firm.** A person who performs or employs individuals to perform
4.10 regulated lead work, with the exception of renovation, ~~outside of the person's property~~ must
4.11 obtain certification as a lead firm. The certificate must be in writing, contain an expiration
4.12 date, be signed by the commissioner, and give the name and address of the person to whom
4.13 it is issued. A lead firm certificate is valid for one year. The certification fee is \$100, is
4.14 nonrefundable, and must be submitted with each application. The lead firm certificate or a
4.15 copy of the certificate must be readily available at the worksite for review by the contracting
4.16 entity, the commissioner, and other public health officials charged with the health, safety,
4.17 and welfare of the state's citizens.

4.18 Sec. 8. Minnesota Statutes 2022, section 144.9505, subdivision 1h, is amended to read:

4.19 Subd. 1h. **Certified renovation firm.** A person who performs or employs individuals
4.20 to perform renovation ~~activities outside of the person's property~~ for compensation must
4.21 obtain certification as a renovation firm. The certificate must be in writing, contain an
4.22 expiration date, be signed by the commissioner, and give the name and address of the person
4.23 to whom it is issued. A renovation firm certificate is valid for two years. The certification
4.24 fee is \$100, is nonrefundable, and must be submitted with each application. The renovation
4.25 firm certificate or a copy of the certificate must be readily available at the worksite for
4.26 review by the contracting entity, the commissioner, and other public health officials charged
4.27 with the health, safety, and welfare of the state's citizens.

4.28 Sec. 9. Minnesota Statutes 2022, section 144.9508, subdivision 2, is amended to read:

4.29 Subd. 2. **Regulated lead work standards and methods.** (a) The commissioner shall
4.30 adopt rules establishing regulated lead work standards and methods in accordance with the
4.31 provisions of this section, for lead in paint, dust, drinking water, and soil in a manner that
4.32 protects public health and the environment for all residences, including residences also used
4.33 for a commercial purpose, child care facilities, playgrounds, and schools.

5.1 (b) In the rules required by this section, the commissioner shall require lead hazard
5.2 reduction of intact paint only if the commissioner finds that the intact paint is on a chewable
5.3 or lead-dust producing surface that is a known source of actual lead exposure to a specific
5.4 individual. The commissioner shall prohibit methods that disperse lead dust into the air that
5.5 could accumulate to a level that would exceed the lead dust standard specified under this
5.6 section. The commissioner shall work cooperatively with the commissioner of administration
5.7 to determine which lead hazard reduction methods adopted under this section may be used
5.8 for lead-safe practices including prohibited practices, preparation, disposal, and cleanup.
5.9 The commissioner shall work cooperatively with the commissioner of the Pollution Control
5.10 Agency to develop disposal procedures. In adopting rules under this section, the
5.11 commissioner shall require the best available technology for regulated lead work methods,
5.12 paint stabilization, and repainting.

5.13 (c) The commissioner of health shall adopt regulated lead work standards and methods
5.14 for lead in bare soil in a manner to protect public health and the environment. The
5.15 commissioner shall adopt a maximum standard of 100 parts of lead per million in bare soil.
5.16 The commissioner shall set a soil replacement standard not to exceed 25 parts of lead per
5.17 million. Soil lead hazard reduction methods shall focus on erosion control and covering of
5.18 bare soil.

5.19 (d) The commissioner shall adopt regulated lead work standards and methods for lead
5.20 in dust in a manner to protect the public health and environment. Dust standards shall use
5.21 a weight of lead per area measure and include dust on the floor, on the window sills, and
5.22 on window wells. Lead hazard reduction methods for dust shall focus on dust removal and
5.23 other practices which minimize the formation of lead dust from paint, soil, or other sources.

5.24 (e) The commissioner shall adopt lead hazard reduction standards and methods for lead
5.25 in drinking water both at the tap and public water supply system or private well in a manner
5.26 to protect the public health and the environment. The commissioner may adopt the rules
5.27 for controlling lead in drinking water as contained in Code of Federal Regulations, title 40,
5.28 part 141. Drinking water lead hazard reduction methods may include an educational approach
5.29 of minimizing lead exposure from lead in drinking water.

5.30 (f) The commissioner of the Pollution Control Agency shall adopt rules to ensure that
5.31 removal of exterior lead-based coatings from residences and steel structures by abrasive
5.32 blasting methods is conducted in a manner that protects health and the environment.

6.1 (g) All regulated lead work standards shall provide reasonable margins of safety that
6.2 are consistent with more than a summary review of scientific evidence and an emphasis on
6.3 overprotection rather than underprotection when the scientific evidence is ambiguous.

6.4 (h) No unit of local government shall have an ordinance or regulation governing regulated
6.5 lead work standards or methods for lead in paint, dust, drinking water, or soil that require
6.6 a different regulated lead work standard or method than the standards or methods established
6.7 under this section.

6.8 (i) Notwithstanding paragraph (h), the commissioner may approve the use by a unit of
6.9 local government of an innovative lead hazard reduction method which is consistent in
6.10 approach with methods established under this section.

6.11 (j) The commissioner shall adopt rules for issuing lead orders required under section
6.12 144.9504, rules for notification of abatement or interim control activities requirements, and
6.13 other rules necessary to implement sections 144.9501 to 144.9512.

6.14 (k) The commissioner shall adopt rules consistent with section 402(c)(3) of the Toxic
6.15 Substances Control Act and all regulations adopted thereunder to ensure that renovation in
6.16 a pre-1978 affected property ~~where a child or pregnant female resides~~ is conducted in a
6.17 manner that protects health and the environment. Notwithstanding sections 14.125 and
6.18 14.128, the authority to adopt these rules does not expire.

6.19 (l) The commissioner shall adopt rules consistent with sections 406(a) and 406(b) of the
6.20 Toxic Substances Control Act. Notwithstanding sections 14.125 and 14.128, the authority
6.21 to adopt these rules does not expire.

6.22 Sec. 10. **REPEALER.**

6.23 Minnesota Statutes 2022, section 144.9505, subdivision 3, is repealed.

144.9505 CREDENTIALING OF LEAD FIRMS AND PROFESSIONALS.

Subd. 3. **Licensed building contractor; information.** The commissioner shall provide health and safety information on lead abatement and lead hazard reduction to all residential building contractors licensed under section 326B.805. The information must include the lead-safe practices and any other materials describing ways to protect the health and safety of both employees and residents.