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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 696

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The bill was read for the first time and referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to children's environmental health; modifying the lead abatement
1.3 program; appropriating money; amending Minnesota Statutes 2006, section
1.4 144.9512.

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

1.6 Section 1. Minnesota Statutes 2006, section 144.9512, is amended to read:

1.7 **144.9512 LEAD ABATEMENT PROGRAM.**

1.8 Subdivision 1. **Definitions.** (a) The definitions in section 144.9501 and in this
1.9 subdivision apply to this section.

1.10 (b) ~~"Eligible organization" means a lead contractor, city, board of health, community~~
1.11 ~~health department, community action agency as defined in section 256E.30, or community~~
1.12 ~~development corporation.~~

1.13 (c) ~~"Commissioner" means the commissioner of health, or the commissioner of the~~
1.14 ~~Minnesota Housing Finance Agency as authorized by section 462A.05, subdivision 15c.~~

1.15 Subd. 2. **Grants; administration.** Within the limits of the available appropriation,
1.16 the commissioner ~~must develop a swab team services program which may~~ shall make
1.17 ~~demonstration and training grants to eligible organizations~~ a nonprofit organization
1.18 currently operating the CLEARCorps lead hazard reduction project to train workers to
1.19 provide swab team services ~~and swab team services~~ for residential property. ~~Grants may~~
1.20 ~~be awarded to nonprofit organizations to provide technical assistance and training to~~
1.21 ~~ensure quality and consistency within the statewide program. Grants must be awarded to~~
1.22 ~~help ensure full-time employment to workers providing swab team services and must be~~
1.23 ~~awarded for a two-year period.~~

2.1 ~~Grants awarded under this section must be made in consultation with the~~
 2.2 ~~commissioner of the Housing Finance Agency and representatives of neighborhood~~
 2.3 ~~groups from areas at high risk for toxic lead exposure, a labor organization, the lead~~
 2.4 ~~coalition, community action agencies, and the legal aid society. The consulting team must~~
 2.5 ~~review grant applications and recommend awards to eligible organizations that meet~~
 2.6 ~~requirements for receiving a grant under this section.~~

2.7 ~~Subd. 3. **Applicants.** (a) Interested eligible organizations may apply to the~~
 2.8 ~~commissioner for grants under this section. Two or more eligible organizations may~~
 2.9 ~~jointly apply for a grant. Priority shall be given to community action agencies in greater~~
 2.10 ~~Minnesota and to either community action agencies or neighborhood based nonprofit~~
 2.11 ~~organizations in cities of the first class. Of the total annual appropriation, 12.5 percent may~~
 2.12 ~~be used for administrative purposes. The commissioner may deviate from this percentage~~
 2.13 ~~if a grantee can justify the need for a larger administrative allowance. Of this amount,~~
 2.14 ~~up to five percent may be used by the commissioner for state administrative purposes.~~
 2.15 ~~Applications must provide information requested by the commissioner, including at least~~
 2.16 ~~the information required to assess the factors listed in paragraph (d).~~

2.17 ~~(b) The commissioner must consult with boards of health to provide swab team~~
 2.18 ~~services for purposes of secondary prevention. The priority for swab teams created~~
 2.19 ~~by grants to eligible organizations under this section must be work assigned by the~~
 2.20 ~~commissioner of health, or by a board of health if so designated by the commissioner of~~
 2.21 ~~health, to provide secondary prevention swab team services to fulfill the requirements~~
 2.22 ~~of section 144.9504, subdivision 6, in response to a lead order. Swab teams assigned~~
 2.23 ~~work under this section by the commissioner, that are not engaged daily in fulfilling the~~
 2.24 ~~requirements of section 144.9504, subdivision 6, must deliver swab team services in~~
 2.25 ~~response to elevated blood lead levels as defined in section 144.9501, subdivision 9,~~
 2.26 ~~where lead orders were not issued, and for purposes of primary prevention in census~~
 2.27 ~~tracts known to be in areas at high risk for toxic lead exposure as described in section~~
 2.28 ~~144.9503, subdivision 2.~~

2.29 ~~(c) Any additional money must be used for grants to establish swab teams for~~
 2.30 ~~primary prevention under section 144.9503, in census tracts in areas at high risk for toxic~~
 2.31 ~~lead exposure as determined under section 144.9503, subdivision 2.~~

2.32 ~~(d) In evaluating grant applications, the commissioner must consider the following~~
 2.33 ~~criteria:~~

- 2.34 ~~(1) the use of lead contractors and lead workers for residential swab team services;~~
- 2.35 ~~(2) the participation of neighborhood groups and individuals, as swab team workers,~~
- 2.36 ~~in areas at high risk for toxic lead exposure;~~

- 3.1 ~~(3) plans for the provision of swab team services for primary and secondary~~
 3.2 ~~prevention as required under subdivision 4;~~
- 3.3 ~~(4) plans for supervision, training, career development, and postprogram placement~~
 3.4 ~~of swab team members;~~
- 3.5 ~~(5) plans for resident and property owner education on lead safety;~~
- 3.6 ~~(6) plans for distributing cleaning supplies to area residents and educating residents~~
 3.7 ~~and property owners on cleaning techniques;~~
- 3.8 ~~(7) sources of other funding and cost estimates for training, lead inspections, swab~~
 3.9 ~~team services, equipment, monitoring, testing, and administration;~~
- 3.10 ~~(8) measures of program effectiveness;~~
- 3.11 ~~(9) coordination of program activities with other federal, state, and local public~~
 3.12 ~~health, job training, apprenticeship, and housing renovation programs including programs~~
 3.13 ~~under sections 116L.86 to 116L.881; and~~
- 3.14 ~~(10) prior experience in providing swab team services.~~
- 3.15 Subd. 4. ~~Lead supervisor or certified firm~~ **Eligible grant activities.** (a) Eligible
 3.16 ~~organizations and lead supervisors or certified firms may participate in the swab team~~
 3.17 ~~program. An eligible organization~~ The nonprofit receiving a grant under this section
 3.18 must ~~assure~~ ensure that all participating lead supervisors or certified firms are licensed
 3.19 and that all swab team workers are certified by the Department of Health under section
 3.20 144.9505. ~~Eligible organizations and lead supervisors or certified firms may distinguish~~
 3.21 ~~between interior and exterior services in assigning duties and~~ The nonprofit organization
 3.22 may participate in the program by:
- 3.23 (1) providing on-the-job training for swab team workers;
- 3.24 (2) providing swab team services to meet the requirements of sections 144.9503,
 3.25 subdivision 4, and 144.9504, subdivision 6;
- 3.26 (3) providing ~~a removal and replacement component using skilled craft workers~~
 3.27 ~~under subdivision 7~~ lead hazard reduction to meet the requirements of section 144.9501,
 3.28 subdivision 17;
- 3.29 ~~(4) providing lead testing according to subdivision 8;~~
- 3.30 ~~(5)~~ (4) providing lead dust ~~cleaning supplies~~ cleanup equipment and materials, as
 3.31 described in section ~~144.9507~~ 144.9503, subdivision 4, ~~paragraph (c) 1,~~ to residents; ~~or~~
- 3.32 ~~(6)~~ (5) having a swab team worker instruct residents and property owners on
 3.33 appropriate lead control techniques, including the lead-safe directives developed by the
 3.34 commissioner of health;
- 3.35 (6) conducting blood lead testing events including screening children and pregnant
 3.36 women according to Department of Health screening guidelines;

4.1 (7) performing case management services according to Department of Health case
 4.2 management guidelines; or

4.3 (8) conducting mandated risk assessments under Minnesota Statutes, section
 4.4 144.9504, subdivision 2.

4.5 ~~(b) Participating lead supervisors or certified firms must:~~

4.6 ~~(1) demonstrate proof of workers' compensation and general liability insurance~~
 4.7 ~~coverage;~~

4.8 ~~(2) be knowledgeable about lead abatement requirements established by the~~
 4.9 ~~Department of Housing and Urban Development and the Occupational Safety and Health~~
 4.10 ~~Administration and lead hazard reduction requirements and lead-safe directives of the~~
 4.11 ~~commissioner of health;~~

4.12 ~~(3) demonstrate experience with on-the-job training programs;~~

4.13 ~~(4) demonstrate an ability to recruit employees from areas at high risk for toxic~~
 4.14 ~~lead exposure; and~~

4.15 ~~(5) demonstrate experience in working with low-income clients.~~

4.16 Subd. 5. **Swab team workers.** Each worker engaged in swab team services
 4.17 established under this section must have blood lead concentrations below 15 micrograms
 4.18 of lead per deciliter of whole blood as determined by a baseline blood lead screening.
 4.19 ~~Any~~ The nonprofit organization receiving a grant under this section is responsible for lead
 4.20 screening and must ~~assure~~ ensure that all swab team workers meet the standards established
 4.21 in this subdivision. ~~Grantees~~ The nonprofit organization must use appropriate workplace
 4.22 procedures including following the lead-safe directives developed by the commissioner of
 4.23 health to reduce risk of elevated blood lead levels. ~~Grantees~~ The nonprofit organization
 4.24 and participating contractors must report all employee blood lead levels that exceed 15
 4.25 micrograms of lead per deciliter of whole blood to the commissioner of health.

4.26 ~~Subd. 6. **On-the-job training component.** (a) Programs established under this~~
 4.27 ~~section must provide on-the-job training for swab team workers.~~

4.28 ~~(b) Swab team workers must receive monetary compensation equal to the prevailing~~
 4.29 ~~wage as defined in section 177.42, subdivision 6, for comparable jobs in the licensed~~
 4.30 ~~contractor's principal business.~~

4.31 ~~Subd. 7. **Removal and replacement component.** (a) Within the limits of the~~
 4.32 ~~available appropriation and if a need is identified by a lead inspector, the commissioner~~
 4.33 ~~may establish a component for removal and replacement of deteriorated paint in residential~~
 4.34 ~~properties according to the following criteria:~~

5.1 ~~(1) components within a residence must have both deteriorated lead-based paint and~~
5.2 ~~substrate damage beyond repair or rotting wooden framework to be eligible for removal~~
5.3 ~~and replacement;~~

5.4 ~~(2) all removal and replacement must be done using least-cost methods and~~
5.5 ~~following lead-safe directives;~~

5.6 ~~(3) whenever windows and doors or other components covered with deteriorated~~
5.7 ~~lead-based paint have sound substrate or are not rotting, those components should be~~
5.8 ~~repaired, sent out for stripping, planed down to remove deteriorated lead-based paint, or~~
5.9 ~~covered with protective guards instead of being replaced, provided that such an activity is~~
5.10 ~~the least-cost method of providing the swab team service;~~

5.11 ~~(4) removal and replacement or repair must be done by lead contractors using skilled~~
5.12 ~~craft workers or trained swab team members; and~~

5.13 ~~(5) all craft work that requires a state license must be supervised by a person with~~
5.14 ~~a state license in the craft work being supervised. The grant recipient may contract for~~
5.15 ~~this supervision:~~

5.16 ~~(b) The program design must:~~

5.17 ~~(1) identify the need for on-the-job training of swab team workers to be removal and~~
5.18 ~~replacement workers; and~~

5.19 ~~(2) describe plans to involve appropriate groups in designing methods to meet the~~
5.20 ~~need for training swab team workers.~~

5.21 ~~Subd. 8. **Testing and evaluation.** (a) Testing of the environment is not necessary~~
5.22 ~~by swab teams whose work is assigned by the commissioner of health or a designated~~
5.23 ~~board of health under section 144.9504. The commissioner of health or designated board~~
5.24 ~~of health must share the analytical testing data collected on each residence for purposes~~
5.25 ~~of secondary prevention under section 144.9504 with the swab team workers in order to~~
5.26 ~~provide constructive feedback on their work and to the commissioner for the purposes~~
5.27 ~~set forth in paragraph (c).~~

5.28 ~~(b) For purposes of primary prevention evaluation, the following samples must be~~
5.29 ~~collected: pretesting and posttesting of one noncarpeted floor dust lead sample and a~~
5.30 ~~notation of the extent and location of bare soil and of deteriorated lead-based paint. The~~
5.31 ~~analytical testing data collected on each residence for purposes of primary prevention~~
5.32 ~~under section 144.9503 must be shared with the swab team workers in order to provide~~
5.33 ~~constructive feedback on their work and to the commissioner for the purposes set forth in~~
5.34 ~~paragraph (c).~~

5.35 ~~(c) The commissioner of health must establish a program to collect appropriate data~~
5.36 ~~as required under paragraphs (a) and (b), in order to conduct an ongoing evaluation of~~

6.1 ~~swab team services for primary and secondary prevention. Within the limits of available~~
 6.2 ~~appropriations, the commissioner of health must conduct on up to 1,000 residences which~~
 6.3 ~~have received primary or secondary prevention swab team services, a postremediation~~
 6.4 ~~evaluation, on at least a quarterly basis for a period of at least two years for each residence.~~
 6.5 ~~The evaluation must note the condition of the paint within the residence, the extent of bare~~
 6.6 ~~soil on the grounds, and collect and analyze one noncarpeted floor dust lead sample.~~
 6.7 ~~The data collected must be evaluated to determine the efficacy of providing swab team~~
 6.8 ~~services as a method of reducing lead exposure in young children. In evaluating this data,~~
 6.9 ~~the commissioner of health must consider city size, community location, historic traffic~~
 6.10 ~~flow, soil lead level of the property by area or census tract, distance to industrial point~~
 6.11 ~~sources that emit lead, season of the year, age of the housing, age and number of children~~
 6.12 ~~living at the residence, the presence of pets that move in and out of the residence, and~~
 6.13 ~~other relevant factors as the commissioner of health may determine.~~

6.14 Subd. 9. **Program benefits.** As a condition of providing swab team services under
 6.15 this section, ~~an~~ the nonprofit organization may require a property owner to not increase
 6.16 rents on a property solely as a result of a substantial improvement made with public
 6.17 funds under the programs in this section.

6.18 Subd. 10. **Requirements of ~~organizations receiving grants~~ the nonprofit**
 6.19 **organization.** ~~An eligible~~ The nonprofit organization that is awarded a ~~training and~~
 6.20 ~~demonstration~~ grant under this section must prepare and submit a quarterly progress report
 6.21 to the commissioner beginning three months after receipt of the grant.

6.22 Sec. 2. **APPROPRIATION.**

6.23 \$500,000 is appropriated from the general fund in each fiscal year of the 2008-2009
 6.24 biennium to the commissioner of health for a grant to a nonprofit organization operating
 6.25 the CLEARCorps lead hazard reduction project under Minnesota Statutes, section
 6.26 144.9512. Any balance in the first year does not cancel but is available in the second year.

6.27 Sec. 3. **REVISOR'S INSTRUCTION.**

6.28 The revisor of statutes shall change the range reference "144.9501 to 144.9509"
 6.29 to "144.9501 to 144.9512" wherever the reference appears in Minnesota Statutes and
 6.30 Minnesota Rules.