Senate Bill 871

Sponsored by Senator DEMBROW, Representative KENY-GUYER; Senators FREDERICK, TAYLOR, Representatives GREENLICK, HELM, KOTEK, MALSTROM, NOSSE, POWER, REARDON, SANCHEZ

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Makes changes to program requiring asbestos survey to have been conducted before demolishing residence or residential building.

Creates program requiring lead-based paint survey to have been conducted before demolishing residence or residential building.

Becomes operative January 1, 2018.

and prescribing an effective date.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT
Relating to demolitions; creating new provisions; amending ORS 431A.353, 431A.363 and 468A.757;

Be It Enacted by the People of the State of Oregon:

4 5 6

3

ASBESTOS SURVEYS

7 8

9 10

11

12

13

14

15 16

17

18

19

20 21

22

23

24

SECTION 1. ORS 468A.757 is amended to read:

468A.757. (1) The Environmental Quality Commission shall adopt rules prohibiting the demolition of a residence or residential building unless an asbestos survey has been conducted by an inspector accredited in accordance with rules adopted by the commission for the purpose of determining whether asbestos-containing materials are present at the residence or residential building, and for other purposes as determined by the commission.

- [(2) The commission may, by rule:]
- (2) In adopting rules under subsection (1) of this section, the commission shall:
- (a) Establish [the] procedures for conducting the **asbestos** survey [described in subsection (1) of this section]; and
 - [(b) Establish exemptions to the prohibition described in subsection (1) of this section.]
- (b) Establish procedures by which the city or county in which the residence or residential building is located may require, prior to the demolition of the residence or residential building, a copy of the asbestos survey to be filed with an agency of the city or county.
- (3) This section does not apply to a residence or residential building constructed on or after a date identified by the commission by rule.

SECTION 2. The amendments to ORS 468A.757 by section 1 of this 2017 Act apply to demolitions occurring on or after the operative date specified in section 6 of this 2017 Act.

252627

LEAD-BASED PAINT SURVEYS

28

SECTION 3. (1) The Oregon Health Authority shall adopt rules prohibiting the demolition of a residence or residential building unless a lead-based paint survey has been conducted by a firm or individual certified as provided under ORS 431A.355 for the purpose of determining whether lead-based paint is present at the residence or residential building, and for other purposes as determined by the authority.

- (2) In adopting rules under subsection (1) of this section, the authority shall:
- (a) Establish procedures for conducting the lead-based paint survey; and
- (b) Establish procedures by which the city or county in which the residence or residential building is located may require, prior to the demolition of the residence or residential building, a copy of the results of the lead-based paint survey to be filed with an agency of the city or county.
- (3) This section does not apply to a residence or residential building constructed on or after a date identified by the authority by rule.

SECTION 4. ORS 431A.353 is amended to read:

431A.353. As used in ORS 431A.355 and 431A.358 and section 3 of this 2017 Act:

- (1) "Certified" and "certification" means an action by the Oregon Health Authority verifying the successful completion of a training program accredited by the authority and any other requirements.
- (2) "Firm" has the meaning given that term in 40 C.F.R. 745.83 and as further defined pursuant to the authorities described in ORS 431A.350.
- (3) "Lead-based paint" has the meaning given that term in P.L. 102-550, section 1004, and as further defined pursuant to the authorities described in ORS 431A.350.
- (4) "Lead-based paint activities" has the meaning given that term in 40 C.F.R. 745.223 and as further defined pursuant to the authorities described in ORS 431A.350.
- (5) "Renovation" has the meaning given that term in 40 C.F.R. 745.83 and as further defined pursuant to the authorities described in ORS 431A.350.

SECTION 5. ORS 431A.363 is amended to read:

- 431A.363. (1) Any person who violates any provision of, or any rule adopted under, ORS 431A.355 or 431A.358 or section 3 of this 2017 Act shall forfeit and pay to the Public Health Account established under ORS 431.210 a civil penalty of not more than \$5,000 for each violation. Moneys paid to the Public Health Account under this section may be used only for the purposes of lead poisoning prevention, including consumer and industry outreach, public education, blood lead screening and other activities.
 - (2) Civil penalties under this section shall be imposed as provided in ORS 183.745.
- (3) A civil penalty imposed under this section is in addition to and not in lieu of any other penalty or sanction provided by law.
- (4) The Oregon Health Authority shall report all civil penalties or sanctions imposed under this section or a rule adopted under ORS 431A.355 or section 3 of this 2017 Act to each of the following state agencies:
 - (a) The Construction Contractors Board;
- (b) The Occupational Safety and Health Division of the Department of Consumer and Business Services; and
 - (c) The Department of Environmental Quality.

MISCELLANEOUS

	SECTION 6	<u>.</u> (1) Section	on 3 of	f this	2017 A	Act and	l the	amend	dments to	ORS	431A.353,	431A.363
and	d 468A.757 b	y sections	1, 4 aı	nd 5 o	f this	2017 A	ct b	ecome	operative	on J	anuary 1,	2018.

- (2) The Oregon Health Authority and the Environmental Quality Commission may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the authority and the commission to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the authority and the commission by section 3 of this 2017 Act and the amendments to ORS 431A.353, 431A.363 and 468A.757 by sections 1, 4 and 5 of this 2017 Act.
- SECTION 7. The unit captions used in this 2017 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2017 Act.

SECTION 8. This 2017 Act takes effect on the 91st day after the date on which the 2017 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.