

West's Oregon Revised Statutes Annotated Currentness

Title 52. Occupations and Professions

▢ Chapter 701. Construction Contractors and Contracts (Refs & Annos)

➔ Lead Poisoning and Hazard Reduction (Refs & Annos)

701.500. Legislative findings

The Legislative Assembly finds that:

(1) The federal government regulates lead poisoning and lead hazard reduction through:

- (a)(A) The Lead-Based Paint Poisoning Prevention Act [FN1];
- (B) The Lead Contamination Control Act of 1988 [FN2];
- (C) The Safe Drinking Water Act [FN3];
- (D) The Resource Conservation and Recovery Act of 1976 [FN4]; and
- (E) The Residential Lead-Based Paint Hazard Reduction Act of 1992 [FN5]; and

(b) Implementing regulations of:

- (A) The Department of Housing and Urban Development;
- (B) The Environmental Protection Agency;
- (C) The Occupational Safety and Health Administration; and
- (D) The Centers for Disease Control and Prevention.

(2) In 1992, Congress passed the federal Residential Lead-Based Paint Hazard Reduction Act, which requires that:

(a) States provide for the accreditation of lead-based paint activities training programs, the certification of persons completing such training programs and the licensing of lead-based paint activities contractors pursuant to standards to be developed by the Environmental Protection Agency.

(b) Effective October 28, 1995, sellers and landlords of residential housing constructed before 1978 notify buyers and tenants of known lead-based paint hazards.

(3) Lead affects every system of the body. It is harmful to individuals of all

ages and is especially harmful to children, fetuses and women of childbearing age. Lead poisoning is one of the most common and preventable pediatric health problems today.

[FN1] 42 U.S.C.A. § 4821 et seq.

[FN2] 42 U.S.C.A. § 300j-21 et seq.

[FN3] 42 U.S.C.A. § 300f et seq.

[FN4] P.L. 94-580.

[FN5] 42 U.S.C.A. § 4851 et seq.

701.505. Definitions

For the purposes of [ORS 431.920](#) and [701.500](#) to [701.515](#):

(1) "Abatement" has the meaning given that term in [P.L. 102-550](#), section 1004, [40 C.F.R. 745.223](#) and as further defined pursuant to the authorities described in [ORS 701.500](#).

(2) "Accredited training program" means a training program that has been accredited by the Department of Human Services to provide training for individuals engaged in lead-based paint activities.

(3) "Certified" means an action by the Department of Human Services verifying the successful completion of a training program accredited by the department and any other requirements.

(4) "Discipline" means a specific type or category of lead-based paint activity.

(5) "Evaluation" has the meaning given that term in [P.L. 102-550](#), section 1004, and as further defined pursuant to the authorities described in [ORS 701.500](#).

(6) "Inspection" has the meaning given that term in [P.L. 102-550](#), section 1004, [40 C.F.R. 745.223](#) and as further defined pursuant to the authorities described in [ORS 701.500](#).

(7) "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 701.500](#).

(8) "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 701.500](#).

(9) "Lead-based paint hazard" means any condition that causes exposure to lead

from lead-contaminated dust, lead-contaminated soil, lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces or impact surfaces that would result in adverse human health effects as established by the appropriate federal agency.

(10) "Licensed" means a person who has been certified by the Department of Human Services in one or more disciplines and has completed the requirements of the Construction Contractors Board.

(11) "Registered" means a person or business that has met the requirements for registration under this chapter.

701.510. License requirement

(1) A person may not perform lead-based paint activities in this state unless the person is licensed in the appropriate lead-based paint discipline under [ORS 701.515](#).

(2) A person required by subsection (1) of this section to obtain a license must comply with the provisions of [ORS 431.920](#) and [701.500](#) to [701.515](#) or any rules adopted pursuant thereto.

(3) A person registered to conduct a lead-based paint activities business may not employ any individual to perform lead-based paint activities unless the person is licensed in the appropriate lead-based paint discipline under [ORS 701.515](#).

(4) A construction contractor who successfully completes an accredited training program in lead-based paint activities qualifies to have certification in that activity included in the professional credentials of the contractor as described in [ORS 701.120](#). The provisions of this subsection do not affect the licensing requirements established in [ORS 701.515](#).

701.515. Licensing and business registration system

(1) In accordance with any applicable provisions of ORS chapter 183, the Construction Contractors Board by rule shall establish a system to license persons and individuals in lead-based paint disciplines required to be licensed under [ORS 701.510](#). Such licensing shall include disciplines and requirements described in [40 C.F.R. 745.225](#). Such a system shall include but not be limited to provisions:

(a) Prescribing the form and content of the times and procedures for submitting applications for license issuance or renewal.

(b) Prescribing the fees for original issuance and renewal of the license in amounts that do not exceed the cost of administering the program.

(c) Prescribing those actions or circumstances that constitute failure to achieve or maintain licensing requirements, or that otherwise are contrary to the public interest, for which the agency may refuse to issue or renew or may suspend or revoke a license.

(2) In accordance with any applicable provisions of ORS chapter 183, the Construction Contractors Board by rule shall establish a system to register businesses that employ persons or individuals in lead-based paint disciplines required to be licensed under ORS 701.510. Such registration shall include the requirements described in 40 C.F.R. 745.226. Such a system shall include but not be limited to provisions:

(a) Prescribing the form and content of the times and procedures for submitting applications for registration or renewal.

(b) Prescribing the fees for original registration and renewal of the registration in amounts that do not exceed the cost of administering the program.

(c) Prescribing those actions or circumstances that constitute failure to achieve or maintain licensing requirements, or that otherwise are contrary to the public interest, for which the agency may refuse to issue or renew or may suspend or revoke a license.

(3) The Construction Contractors Board may impose the following licensing fees:

(a) Lead abatement contractor, up to \$50 per year;

(b) Lead inspection contractor, up to \$50 per year;

(c) Lead supervisor or lead contractor, up to \$50 per year;

(d) Lead inspector or assessor, up to \$50 per year; and

(e) Lead worker, up to \$25 per year.

Current through 2009 Reg. Sess. Enrolled Acts approved and effective through 6/25/09. Revisions to Acts made by the Oregon Reviser were unavailable at time of publication.

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