

AMENDMENTS

1976—Pub. L. 94-317 substituted “In carrying out their respective authorities under this chapter, the Secretary of Housing and Urban Development and the Secretary of Health, Education, and Welfare shall each” for “In carrying out the authority under this chapter, the Secretary of Health, Education, and Welfare shall”.

CHANGE OF NAME

“Secretary of Health and Human Services” substituted for “Secretary of Health, Education, and Welfare” in text pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

§ 4843. Authorization of appropriations

(a) There are authorized to be appropriated to carry out this chapter \$10,000,000 for the fiscal year 1976, \$12,000,000 for the fiscal year 1977, and \$14,000,000 for the fiscal year 1978.

(b) Any amounts appropriated under this section shall remain available until expended when so provided in appropriation Acts; and any amounts authorized for one fiscal year but not appropriated may be appropriated for the succeeding fiscal year.

(Pub. L. 91-695, title V, §503, Jan. 13, 1971, 84 Stat. 2080; Pub. L. 93-151, §7(a)-(d), Nov. 9, 1973, 87 Stat. 567; Pub. L. 94-317, title II, §204(e), June 23, 1976, 90 Stat. 706.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-317, §204(e)(1), substituted provisions authorizing appropriations for this chapter of \$10,000,000 for fiscal year 1976, \$12,000,000 for fiscal year 1977, and \$14,000,000 for fiscal year 1978 for provisions authorizing appropriations for subchapter I of this chapter not to exceed \$3,330,000 for fiscal year 1971, \$6,660,000 for fiscal year 1972, and \$25,000,000 for each of fiscal years 1974 and 1975.

Subsec. (b). Pub. L. 94-317, §204(e)(1), (2), redesignated subsec. (d) as (b). Former subsec. (b), which provided authorization of appropriations for subchapter II of this chapter not to exceed \$5,000,000 for fiscal year 1971, \$10,000,000 for fiscal year 1972, and \$35,000,000 for each of fiscal years 1974 and 1975, was struck out.

Subsec. (c). Pub. L. 94-317, §204(e)(1), struck out subsec. (c) which provided for authorization of appropriations for subchapter III of this chapter not to exceed \$1,670,000 for fiscal year 1971, \$3,340,000 for fiscal year 1972, and \$3,000,000 for each of fiscal years 1974 and 1975.

Subsec. (d). Pub. L. 94-317, §204(e)(2), redesignated subsec. (d) as (b).

1973—Subsec. (a). Pub. L. 93-151, §7(a), provided for appropriations authorization of \$25,000,000 for fiscal years 1974 and 1975 for carrying out subchapter I provisions.

Subsec. (b). Pub. L. 93-151, §7(b), provided for appropriations authorization of \$35,000,000 for fiscal years 1974 and 1975 for carrying out subchapter II provisions.

Subsec. (c). Pub. L. 93-151, §7(c), provided for appropriations authorization of \$3,000,000 for fiscal years 1974 and 1975 for carrying out subchapter III provisions.

Subsec. (d). Pub. L. 93-151, §7(d), substituted “amounts authorized for one fiscal year but not appropriated may be appropriated for the succeeding fiscal year” for “amounts authorized for the fiscal year 1971 but not appropriated may be appropriated for the fiscal year 1972”.

§§ 4844, 4845. Repealed. Pub. L. 95-626, title II, § 208(b), Nov. 10, 1978, 92 Stat. 3588

Section 4844, Pub. L. 91-695, title V, §504, as added Pub. L. 93-151, §7(e), Nov. 9, 1973, 87 Stat. 567, related to the eligibility of certain State agencies with respect to

grants made under former sections 4801 and 4811 of this title.

Section 4845, Pub. L. 91-695, title V, §505, as added Pub. L. 93-151, §7(e), Nov. 9, 1973, 87 Stat. 568, provided for the establishment of a National Childhood Lead Based Paint Poisoning Advisory Board.

EFFECTIVE DATE OF REPEAL

Pub. L. 95-626, title II, §208(b), Nov. 10, 1978, 92 Stat. 3588, provided that the repeal is effective Oct. 1, 1979.

§ 4846. State laws superseded, and null and void

It is hereby expressly declared that it is the intent of the Congress to supersede any and all laws of the States and units of local government insofar as they may now or hereafter provide for a requirement, prohibition, or standard relating to the lead content in paints or other similar surface-coating materials which differs from the provisions of this chapter or regulations issued pursuant to this chapter. Any law, regulation, or ordinance purporting to establish such different requirement, prohibition, or standard shall be null and void.

(Pub. L. 91-695, title V, §504, formerly §506, as added Pub. L. 93-151, §7(e), Nov. 9, 1973, 87 Stat. 568; renumbered §504, Pub. L. 95-626, title II, §208(b), Nov. 10, 1978, 92 Stat. 3588.)

PRIOR PROVISIONS

A prior section 504 of Pub. L. 91-695 was classified to section 4844 of this title prior to repeal by Pub. L. 95-626.

CHAPTER 63A—RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION

- Sec. 4851. Findings.
- 4851a. Purposes.
- 4851b. Definitions.

SUBCHAPTER I—LEAD-BASED PAINT HAZARD REDUCTION

- 4852. Grants for lead-based paint hazard reduction in target housing.
- 4852a. Task force on lead-based paint hazard reduction and financing.
- 4852b. National consultation on lead-based paint hazard reduction.
- 4852c. Guidelines for lead-based paint hazard evaluation and reduction activities.
- 4852d. Disclosure of information concerning lead upon transfer of residential property.

SUBCHAPTER II—WORKER PROTECTION

- 4853. Worker protection.
- 4853a. Coordination between Environmental Protection Agency and Department of Labor.

SUBCHAPTER III—RESEARCH AND DEVELOPMENT

PART 1—HUD RESEARCH

- 4854. Research on lead exposure from other sources.
- 4854a. Testing technologies.
- 4854b. Authorization.

PART 2—GAO REPORT

- 4855. Federal implementation and insurance study.

SUBCHAPTER IV—REPORTS

- 4856. Reports of Secretary of Housing and Urban Development.

§ 4851. Findings

The Congress finds that—

(1) low-level lead poisoning is widespread among American children, afflicting as many as 3,000,000 children under age 6, with minority and low-income communities disproportionately affected;

(2) at low levels, lead poisoning in children causes intelligence quotient deficiencies, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, and behavior problems;

(3) pre-1980 American housing stock contains more than 3,000,000 tons of lead in the form of lead-based paint, with the vast majority of homes built before 1950 containing substantial amounts of lead-based paint;

(4) the ingestion of household dust containing lead from deteriorating or abraded lead-based paint is the most common cause of lead poisoning in children;

(5) the health and development of children living in as many as 3,800,000 American homes is endangered by chipping or peeling lead paint, or excessive amounts of lead-contaminated dust in their homes;

(6) the danger posed by lead-based paint hazards can be reduced by abating lead-based paint or by taking interim measures to prevent paint deterioration and limit children's exposure to lead dust and chips;

(7) despite the enactment of laws in the early 1970's requiring the Federal Government to eliminate as far as practicable lead-based paint hazards in federally owned, assisted, and insured housing, the Federal response to this national crisis remains severely limited; and

(8) the Federal Government must take a leadership role in building the infrastructure—including an informed public, State and local delivery systems, certified inspectors, contractors, and laboratories, trained workers, and available financing and insurance—necessary to ensure that the national goal of eliminating lead-based paint hazards in housing can be achieved as expeditiously as possible.

(Pub. L. 102-550, title X, §1002, Oct. 28, 1992, 106 Stat. 3897.)

SHORT TITLE

Pub. L. 102-550, title X, §1001, Oct. 28, 1992, 106 Stat. 3897, provided that: "This title [enacting this chapter and sections 2681 to 2692 of Title 15, Commerce and Trade, amending sections 1437f, 1437aaa-1, 1437aaa-2, 1471, 4822, 5305, 12705, 12742, 12872, 12873, 12892, and 12893 of this title, sections 1703, 1709, and 1715 of Title 12, Banks and Banking, sections 2606, 2610, 2612, 2615, 2616, 2618, and 2619 of Title 15, and section 671 of Title 29, Labor, and enacting provisions set out as a note under section 2601 of Title 15] may be cited as the 'Residential Lead-Based Paint Hazard Reduction Act of 1992'."

§ 4851a. Purposes

The purposes of this chapter are—

(1) to develop a national strategy to build the infrastructure necessary to eliminate lead-based paint hazards in all housing as expeditiously as possible;

(2) to reorient the national approach to the presence of lead-based paint in housing to implement, on a priority basis, a broad program to evaluate and reduce lead-based paint hazards in the Nation's housing stock;

(3) to encourage effective action to prevent childhood lead poisoning by establishing a workable framework for lead-based paint hazard evaluation and reduction and by ending the current confusion over reasonable standards of care;

(4) to ensure that the existence of lead-based paint hazards is taken into account in the development of Government housing policies and in the sale, rental, and renovation of homes and apartments;

(5) to mobilize national resources expeditiously, through a partnership among all levels of government and the private sector, to develop the most promising, cost-effective methods for evaluating and reducing lead-based paint hazards;

(6) to reduce the threat of childhood lead poisoning in housing owned, assisted, or transferred by the Federal Government; and

(7) to educate the public concerning the hazards and sources of lead-based paint poisoning and steps to reduce and eliminate such hazards.

(Pub. L. 102-550, title X, §1003, Oct. 28, 1992, 106 Stat. 3897.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning title X of Pub. L. 102-550, Oct. 28, 1992, 106 Stat. 3897, known as the Residential Lead-Based Paint Hazard Reduction Act of 1992. For complete classification of this Act to the Code, see Short Title note set out under section 4851 of this title and Tables.

§ 4851b. Definitions

For the purposes of this chapter, the following definitions shall apply:

(1) Abatement

The term "abatement" means any set of measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by appropriate Federal agencies. Such term includes—

(A) the removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead contaminated soil; and

(B) all preparation, cleanup, disposal, and postabatement clearance testing activities associated with such measures.

(2) Accessible surface

The term "accessible surface" means an interior or exterior surface painted with lead-based paint that is accessible for a young child to mouth or chew.

(3) Certified contractor

The term "certified contractor" means—

(A) a contractor, inspector, or supervisor who has completed a training program certified by the appropriate Federal agency and has met any other requirements for certification or licensure established by such agency or who has been certified by any State through a program which has been found by such Federal agency to be at least as rigor-