

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 41C .1002

DEADLINE FOR RECEIPT: September 17, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Please confirm that the fund established under S.L. 2021-180 s. 9G.8 still exists. I see where the availability of existing funds was extended by S.L. 2025-97, but if it was exhausted these rules are no longer necessary.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 10A NCAC 41C .1002 is amended as published in 40:23 NCR 1856-1862 as follows:

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3 **10A NCAC 41C .1002 FUNDING**

4 (a) Public schools and licensed child care facilities in North Carolina shall be eligible to participate in the funding
5 mechanisms established in accordance with S.L. 2021-180, s. 9G.8. to fully or partially offset the cost of conducting
6 testing for lead in water and inspections for asbestos and lead-based paint hazards, when a test for lead in water is
7 conducted by ~~May 1, 2024~~ June 30, 2027 or an inspection for lead-based paint or asbestos is conducted by ~~May 1,~~
8 ~~2024~~ June 30, 2027 and the test or inspection is conducted in accordance with the rules of this Section.

9 (b) Public schools and licensed child care facilities that are eligible to participate under Paragraph (a) of this Rule
10 shall also be eligible to participate in the funding mechanisms established in accordance with S.L. 2021-180, s. 9G.8.
11 to fully or partially offset the cost of conducting remediation of lead in water and abatement of asbestos and lead-
12 based paint hazards identified under this Section when the following requirements are met:

- 13 (1) lead or asbestos is detected that meets the requirements under the rules of this Section for abatement
14 or remediation;
15 (2) the abatement or remediation, as applicable, is performed in accordance with the rules of this
16 Section; and
17 (3) replacement materials used to abate asbestos hazards do not contain more than 1 percent asbestos
18 and replacement materials used to abate lead-based paint hazards do not contain lead in excess of
19 90 parts per million as confirmed by a safety data sheet, letter from the manufacturer, or laboratory
20 test results.

21 (c) Notwithstanding Paragraphs (a) and (b) of this Rule, licensed child care centers conducting testing and remediation
22 of water outlets used for drinking or food preparation pursuant to 15A NCAC 18A .2816 shall be eligible to participate
23 in the funding mechanisms established in accordance with S.L. 2021-180, s. 9G.8. for testing conducted in accordance
24 with that Rule by ~~May 1, 2024~~ June 30, 2027 and remediation conducted in accordance with that Rule between May
25 1, 2020 and the date on which funds are no longer available in accordance with S.L. 2021-180, s. 9G.8.(d).

26 (d) Notwithstanding Paragraphs (a) and (b) of this Rule, if asbestos or lead-based paint is detected during a capital,
27 renovation, or repair project in a public school or licensed child care facility, the public school or licensed child care
28 facility shall be eligible to participate in the funding mechanisms established in accordance with S.L. 2021-180, s.
29 9G.8. as follows:

- 30 (1) to fully or partially offset the cost of conducting an inspection in accordance with Rules .1003(b) or
31 .1004(b) of this Section, as applicable, except that the inspection may be limited to the area in the
32 public school or licensed child care facility where the capital, renovation, or repair project is being
33 conducted; and
34 (2) to fully or partially offset the cost of conducting abatement when lead-based paint or asbestos is
35 detected that meets the requirements under the Rules of this Section for abatement and abatement is
36 conducted in accordance with Rules .1003(e) and .1004(e) of this Section and with the limitation on
37 materials set out in Subparagraph (b)(3) of this Rule, except that the abatement may be limited to

1 the area in the public school or licensed child care facility where the capital, renovation, or repair
2 project is being conducted.

3 (e) Inspections and abatements described in Paragraph (d) of this Rule that are limited to the area in the public school
4 or licensed child care facility where the capital, renovation, or repair project is being conducted shall not satisfy the
5 facility-wide inspection requirements for public schools and licensed child care facilities set out in Rules .1003 and
6 .1004 of this Section.

7 (f) Notwithstanding the foregoing, to be eligible to participate in any funding mechanism under this Rule, responsible
8 individuals shall make all records regarding testing, inspection, abatement, and remediation available to the
9 Department upon request, including, but not limited to, itemized expense reports for activities funded under S.L. 2021-
10 180, s. 9G.8.

11 (g) Nothing in this Rule shall require the Department to provide funding if the Department determines there are not
12 sufficient funds available in accordance with S.L. 2021-180, s. 9G.8.(d).

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14 *History Note: Authority S.L. 2021-180, s. 9G.8;*
15 *Temporary Adoption Eff. April 29, 2022;*
16 *Eff. April 1, 2023; ~~2023~~.*
17 *Amended Eff. October 1, 2026.*
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