

Vermont Regulations For Lead Control



V.S.A. Title 18, Chapter 38



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VERMONT REGULATIONS FOR LEAD CONTROL

1. General Provisions

1.1 Purpose

The Vermont Department of Health does not require removal of lead-based paint. These rules govern the use of lead-based paint activities by individuals or firms certified by the Vermont Department of Health to evaluate or abate lead-based paint and associated hazards. These rules do not require that a property owner undertake any particular lead-based paint activity. These rules do not apply to owners completing Essential Maintenance Practices (EMP's) in pre-1978 rental housing or child care centers as required by Vermont law (18 VSA Chapter 38, Section 1759). EMP's are intended to reduce, not eliminate, the risks of lead exposure. Projects designed to eliminate lead-based paint hazards in any target housing, public or commercial buildings, or superstructures are governed by these regulations and must be completed by individuals or firms licensed by the Vermont Department of Health.

These rules, as authorized by 18 VSA Chapter 38, provide for the establishment of a program to administer and enforce the lead-based paint activities training, and certification standards or other requirements of 40 CFR Part 745 established by the Administrator of the Federal Environmental Protection Agency for those persons and contractors engaged in lead-based paint activities. Pursuant to this, the department is incorporating by reference into these rules the federal rule. In the event of inconsistency between 40 CFR Part 745 and these regulations, the federal rule shall apply except where these rules serve to narrow, limit, or restrict the applicability of a word or phrase in which case the narrower meaning shall apply. Also authorized is the establishment of standards and specifications for the accreditation of training programs both within and outside Vermont, including the mandatory topics of instruction, the knowledge and performance standards that must be demonstrated by graduates in order to be certified, and required qualifications for training programs and instructors. Such standards shall be designed to protect children, their families, and workers from improperly conducted lead-based paint activities, and shall be at least as protective of human health and the environment as the federal program.

Pursuant to 18 VSA Chapter 38, these regulations require that all persons who perform lead-based paint activities in any target housing, public and commercial buildings and superstructures must obtain certification and licensure prior to commencing such lead-based paint activities. The lead contractors or individuals who perform lead-based paint abatement are defined as Lead Abatement Contractors, Lead Supervisors and Lead Workers. The Lead Contractors or individuals who perform lead-based paint activities for the evaluation or assessment of lead-based paint are defined as Lead Laboratories, Lead Consulting Contractors, Lead Inspectors, Risk Assessors, and Designers. The organizations or individuals who perform activities for the purpose of accreditation or obtaining certification are defined as

Training Providers. These regulations also set forth procedures for work practices and the standards for certification of Lead Contractor Training Courses to be used to meet certification and licensure requirements.

On September 15, 1999 the U.S. Department of Housing and Urban Development (HUD) issued its *Final Rule for the Notification, Evaluation, and Reduction of Lead Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance*. This rule effective September 15, 2000, requires various levels of intervention based on the amount and type of federal assistance a project receives. This rule requires dust sampling after any work in these properties that disturbs lead painted surfaces. To facilitate this new standard, the Vermont Regulations for Lead Control now include another inspector category of lead professional. Inspector II Lead Sampling Technicians are trained and licensed under these regulations to collect dust samples and interpret the testing results for federal subsidized properties or after a renovation but not after an abatement project.

1.1.1 Scope - No person shall perform Lead-based paint activities in any facility without obtaining certification and licensure from the Commissioner. The Commissioner shall require the payment of fees at the time of application. The Commissioner shall not process an application for which a fee has not been paid when required. Upon receipt and approval of a completed project notification, the Commissioner shall issue a project permit.

1.1.2 When Is Abatement Applicable

A person may request in advance that the Department determine whether an activity is a lead abatement activity and thus subject to these regulations. The Department shall make the determination in writing after it has received a written request describing the lead-based materials and the proposed activity.

(1) In order for an activity to be considered lead abatement, such abatement measures must be undertaken with the intent of permanently eliminating lead-based paint hazards. Evidence of this intent includes but is not limited to:

- (a) The existence of a written work contract, stating that a contractor will be conducting activities to permanently eliminate lead-based paint hazards;
- (a) Abatement measures are undertaken by a contractor certified under the requirements of these regulations;
- (a) Abatement measures are undertaken by a individual(s) or contractor that asserts they are (through advertising or promotional literature or otherwise) capable of doing lead abatement work.
- (b) These regulations do not apply to property owners completing Essential Maintenance Practices (EMP) in pre-1978 rental housing or child care centers as required by Vermont law (18 VSA Chapter 38 Section 1759). EMP(s) are intended to reduce, not eliminate, the risks of lead poisoning and are not considered a lead-based paint activity under these regulations.

- (c) Homeowner Exemptions - Homeowners residing and intending to abate lead-based paint in their own private residences are exempt from these regulations. However, all lead-based paint and debris must be disposed of according to Department of Environmental Conservation (DEC) regulations. If a homeowner chooses to hire an outside contractor to conduct lead-based paint activities, then the contractor must be Vermont certified and follow all requirements per these regulations.

(2) A ruling of applicability for abatement made by the Department may be appealed through the process set forth in 3 VSA Section 815.

1.1. 3 Right of Entry - The Commissioner is authorized, upon presenting appropriate credentials, to seek permission to enter a work-site where lead-based paint activities are being conducted, located on public or private property, under the authority granted the Commissioner by 18 VSA Section 107. If permission is refused, the Commissioner may seek, pursuant to the authority granted by 18 VSA Section 121, a search warrant authorizing the inspection of such premises.

1.1.4 Enforcement - The Commissioner may enforce these regulations as necessary to protect the public health by exercising the authority granted the Commissioner by 18 VSA Chapters 1, 3 and 11.

1.1.5 Administrative Procedure - Any revocation, suspension, annulment or withdrawal of any certification shall be in accordance with 3 V.S.A. Chapter 25, Section 814.

1.1. 6 Severability - If any provision of any section of these regulations or the application thereof to any firm, individual or circumstance is found by a court of competent jurisdiction to be illegal, invalid, or void, the remainder of these regulations shall be deemed unaffected and shall continue in full force and effect

2. Definitions

Words and phrases used in these rules and not defined herein shall have the meanings given to them in Chapter 38, Title 18 of the Vermont Statutes Annotated, the Federal Residential Lead-Based Paint Hazard Reduction Act of 1992. In the event of inconsistency between meanings given in such federal act and meanings given in Chapter 38, the federal act shall apply except where meanings given in Chapter 38 serve to narrow, limit or restrict the applicability of a word or phrase. In such cases the narrower meaning shall apply.

For purposes of these rules:

2.2.1 Abatement - means any set of measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by appropriate state and federal agencies. The 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 permanent covering of lead-contaminated soil; and
- (b) all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.
- (c) Interim controls are not considered an abatement activity.
- (d) Essential Maintenance Practices (EMP) are not considered an abatement activity.

2.2.2 Accredited Training Program - means an institution that offers a training program that has been approved by an approving state agency or EPA to provide training for individuals engaged in lead-based paint activities. A training program must be accredited for each training discipline it offers.

2.2.3 Certified Contractor - means a business, firm, corporation, company, association, partnership, or other entity which has submitted documentation to the Department stating that all its employees performing lead-based paint activities have each individually received training and certification from the Department. They will conduct these activities in accordance with all applicable local, State, and Federal standards outlined in this rule, including all applicable record keeping requirements and a certified supervisor will be assigned and accessible on all the contractor's abatement projects.

2.2.4 Certified Inspector/Risk Assessor - is an individual who has been trained by an accredited training program and certified by the Department to act as an Inspector and Risk Assessor.

2.2.5 Certified Inspector Technician - means an individual who has been trained by an accredited training program and certified by the Department to act as an Inspector I or Inspector II Lead Sampling Technician.

2.2.6 Certified Lead Worker - means an individual who has completed training from an accredited training program and has been certified by the Department to act as a Lead Worker.

2.2.7 Certified Project Designer - means an individual who has completed training from an accredited training program and been certified by the Department to act as a Designer.

2.2.8 Certified Supervisor - means an individual who has completed training from an accredited training program and has been certified by the Department to oversee lead-based paint activities on the job site.

2.2.9 Commercial Building - means any building constructed for the purposes of commercial or industrial activity and not primarily intended for use by the general public, including, but not limited to, office complexes, industrial buildings, warehouses, factories, and storage facilities.

2.2.10 Commissioner - means the Commissioner of the Vermont Department of Health.

2.2.11 Comprehensive Environmental Lead Inspection or Inspection - means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation.

2.2.12 Contractor Training Course - The accredited and certified contractor training course is used for the purpose of obtaining Vermont contractor certification.

2.2.13 De-leading - means the activities conducted by a person who offers to eliminate lead-based paint or lead-based paint hazards or to plan such activities in commercial buildings, bridges, or other structures or superstructures.

2.2.14 Demolition - the wrecking or taking out of any load supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

2.2.15 Department - means the Vermont Department of Health.

2.2.16 Deteriorated Paint - means any interior or exterior paint that is peeling, chipping, chalking, cracking or any paint located on an interior or exterior surface or fixture that is damaged or deteriorated.

2.2.17 Dwelling means:

- (a) a single-family dwelling, including attached structures such as porches and stoops; or
- (b) a single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, and which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

2.2.18 Encapsulation - the application of a liquid product which covers, seals, or encapsulates a lead-based painted surface in a manner which is designed to reduce human exposure to lead.

2.2.19 Facility - any institutional, commercial, public, private, or industrial structure, installation, building or private residences, or facility grounds/property.

2.2.20 Fully Recognized Laboratory - means any laboratory which has 1) successfully participated in the Environmental Lead Proficiency Analytical Testing Program; and 2) received accreditation from an organization which maintains a memorandum of understanding with the EPA through the National Lead Laboratory Accreditation Program.

2.2.21 Hands-on Assessment - means an evaluation which tests the trainees' ability to satisfactorily perform specific work practices and procedures.

2.2.22 Hazardous Waste - means any waste as defined in 40 CFR 261.3 and the Vermont Agency of Natural Resources.

2.2.23 HEPA Vacuum - means a vacuum cleaner device with an included high efficiency particulate air (HEPA) filter through which contaminated air flows, operated in accordance with the instructions of its manufacturer. A HEPA filter is one that captures at least 99.97 percent of airborne particles of at least 0.3 micrometers in diameters

2.2.24 Interim Controls means:

- (a) a repetitive, hazard-reduction alternative designed to reduce human exposure, or likely exposure, to lead-based paint hazards that may include specialized cleaning, repairs, maintenance, wet scraping of defective paint, painting, temporary enclosure or encapsulation, and the establishment and operation of management and resident education programs;
- (b) the set of measures for interim controls shall be based on the nature, severity, and location of existing lead-based paint hazards determined by a certified lead inspector/risk assessor;
- (c) the appropriate intervention method (or absence of intervention) shall be selected for each part of the dwelling, or component in the dwelling weighing the cost and effectiveness of different methods and products;
- (d) the set of measures shall include all preparation, cleanup, disposal, record keeping, and monitoring procedures associated with such measures.
- (e) All sampling for lead is to be conducted by a certified inspector lead technician/risk assessor.

2.2.25 Lead Abatement Project - means any work performed in order to abate the presence of lead based paint. This term includes but is not limited to the measures listed in 1.2.1.

2.2.26 Lead-based Paint - means paint or other surface coatings that contain lead in excess of 1.0 mg/cm^2 or 0.5 percent by weight, or (1) in the case of paint or other surface coatings such lower level as may be established by the Secretary of Housing and Urban Development, as defined by Section 302(c) of the Lead-Based Paint Poisoning Prevention Act, or (2) in the case of any other paint or surface coatings, such other level as may be established by the Administrator of the EPA.

2.2.27 Lead-Based Paint Activities means:

- (a) in the case of target housing, risk assessment, inspection, visual inspection for risk assessment, visual inspection for clearance, dust clearance after an abatement project and abatement; and
- (b) in the case of any public building constructed before 1978, commercial building, bridge, or other structure or superstructure, identification of lead-based paint and materials containing lead-based paint, de-leading, removal of lead from bridges, and demolition. For the purposes of this definition, the term "de-leading" means activities conducted by a person who offers to eliminate lead-based paint or lead-based paint hazards or to plan such activities.

2.2.28 Lead-Based Paint Hazard - means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, lead containing coatings, or 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.

- (a) Dust lead hazard- A dust lead hazard is surface dust that contains lead equal to or exceeding 40 micrograms per square foot on floors or 250 micrograms per square foot on interior sills based on wipe samples.
- (b) Soil lead hazard- A soil-lead hazard is bare soil that contains total lead equal to or exceeding 400 ppm (parts per million) in a play area or average of 1200 ppm of bare soil in the rest of the yard based on soil samples.
- (c) Lead bearing component – means any element of a residential structure identified by type and location (such as a bed room wall, an exterior window sill, a baseboard in a living room, a kitchen floor, an interior window sill in a bathroom, or a porch floor) that has had chemical stripping or other methods of lead-based paint removal but the component still tests positive for lead with the potential for yielding a lead dust hazard when subjected to friction impact.

2.2.29 Lead Abatement or Lead Consulting Contractor – Lead Abatement Contractor means any for profit firm engaged in de-leading or lead hazard reduction as a business. Contractor certification is required prior to a lead abatement notification. Lead Consulting Contractor means any for profit firm that includes consultants and inspectors who design, perform, oversee or evaluate lead hazard reduction projects. Lead Consulting Contractor certification is required for those businesses or firms having more than one person conducting lead-based paint activities. Inspector II lead sampling technicians do not carry out lead-based paint activities. All companies, firms, businesses, organizations,

etc, that certify more than one Inspector II lead sampling technician exclusively, do not meet the definition of a lead consulting contractor.

2.2.30 Lead Hazard Screen - means a limited risk assessment activity that involves paint testing and dust sampling and analysis as described in 40 CFR 745.227 (c) and soil sampling as described in 40 CFR 745.227(d)

2.2.31 Lead Waste - Any lead-based paint and soil removed during abatement and those materials used during abatement which have been contaminated by the abatement activities and which shall be disposed of as lead waste.

2.2.32 License - The license issued to any person or contractor who meets the standards for certification for each specific lead category established by the Commissioner by rule.

2.2.33 Permanent Enclosure - An airtight, impermeable, permanent barrier around lead-based paint to prevent the release of lead dust into the air.

2.2.34 Public Building - means churches, court houses, jails, municipal rooms, state and county institutions, railroad stations, school buildings, school and social halls, hotels and restaurants and buildings used or rented for tenements, boarders or roomers, and places of amusement, factories, mills, workshops or buildings in which persons are employed and shall include all buildings used as nurseries, convalescent homes, homes for the aged, and tents and outdoor structures used for public assembly. The word building shall mean barns, sheds, office buildings, stores, shops, shops other than workshops, and space wherein goods are offered for sale or wholesale or retail. Public building shall not include a family residence or a family residence registered as a day care home.

2.2.35 Renovation - Altering in any way one or more facility or structural components.

2.2.36 Repair - The restoration of lead-based paint that has been damaged, to seal exposed areas where lead dust may be released including the repair of permanent containment around lead-based paint materials in a facility. Repair of previously encapsulated lead-based paint may involve filling damaged areas with non-lead paint substitutes and re-encapsulating.

2.2.37 Risk Assessment - means an on-site investigation to determine and report the existence, nature, severity, and location of lead-based paint hazards including:

- (a) information gathering regarding the age and history of the housing and occupancy by children under age 6;
- (b) visual inspection;
- (c) limited wipe sampling or other environmental sampling techniques;
- (d) other activity as may be appropriate; and
- (e) provision of a report explaining the results of the investigation.

2.2.38 State Inspector - means the Commissioner or any person who is authorized by the Commissioner to conduct inspections for the Vermont Department of Health.

2.2.39 Structure - A whole facility, building or a major portion thereof, such as a building wing.

2.2.40 Superstructure - means a large steel or other industrial structure (e.g. bridge, water tower) which may contain lead-based paint.

2.2.41 Target Housing - means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing for the elderly or persons with disabilities) or any 0-bedroom dwelling. In the case of jurisdictions which banned the sale or use of lead-based paint prior to 1978, the Secretary of Housing and Urban Development, may designate an earlier date.

2.2.42 Training Curriculum - means a body of knowledge and skills that must be taught in an accredited training program for a particular discipline.

2.2.43 Training Day - means eight contact hours of training delivery.

2.2.44 Training Hours- means the number of training hours spent in training activities in an accredited training program including but not limited to hours devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.

2.3.45 Unit - means a room or connected group of rooms used or intended to be used by a single tenant or owner.

2.3.46 Visual Assessment or Visual Inspection - means looking for as applicable (1) deteriorated paint; (2) visible surface dust, or debris and residue as part of a risk assessment or clearance examination; or (3) the completion of or failure of a hazard reduction measure.3.

General Requirements for Certification

3.1 Certification

The Commissioner of Health shall certify risk assessors, designers, laboratories, inspectors, lead contractors, supervisors, abatement workers, and other persons engaged in lead-based paint activities when such persons have successfully completed an accredited training program and have demonstrated that they have received the required training in hands-on instruction and instruction for the identification and proper handling of historic fabric and materials.

3.2 Procedures for Certification

Separate licenses may be issued for specific categories (Abatement Contractor, Supervisor, and Worker either for Target Housing, Public Buildings, Commercial Buildings and Superstructures or Commercial Buildings and Superstructures). Each license issued will be based on the type of training taken. In the event that a contractor, supervisor or worker applies for a second license to conduct abatement in all types of buildings or superstructures, then this second license will be issued at no additional fee but will only be effective per the dates of the first license.

(a) Application for Certification

To apply for a license as a Lead Contractor (Abatement, Consulting), or Lead Inspector I or Inspector II Lead Sampling Technician, Risk Assessor, Designer, Supervisor or Worker, or a Laboratory, the party seeking such certification shall submit a signed, completed application with all necessary documentation and the fee, made payable to the Vermont Department of Health, in accordance with the fee schedule outlined in this Section, and submit the application to the Department on forms provided by the Department.

Persons who have received lead-based paint activities training after September 1990 may be eligible to use this prior training for certification. The applicant must show proof of training that is acceptable to this Department and which has been accredited or approved by another state or EPA.

Third Party Exams- As required under 40 CFR, Part 745, individuals required to take a third party exam must do so before applying for certification. A passing grade of 70 percent is required per discipline (i.e. inspector, risk assessor, project designer, supervisor). An individual may use a test provided by another Authorized State or a National Exam approved by this department. Only one passing exam is required.

For persons applying for certification to perform lead-based paint activities in or on superstructures, the Department will accept training taken after September 1990.

The applicant must submit with its application evidence of training specific to superstructures. For training which has not been approved or accredited by another state or EPA, the training will be reviewed and accepted by this Department on a case-by-case basis.

The Department will immediately return any application or fee which is incomplete. The Department may, within 25 working days after the filing of the application, require further information in order to determine whether the application should be accepted or denied.

If the Department requests further information from an applicant, and does not receive that information within 25 working days, then the application shall be considered abandoned and certification shall be denied. The fee will not be returned.

(b) Action Upon Receipt of Applications

Within 25 working days after receiving an application, the Department shall notify the applicant of any deficiency in the application. Within 25 working days after receiving a completed application, including all additional information requested by the Department, the Department shall certify or deny the application. The Department may, on a case by case basis, extend the length of time for application review. The Department will notify the applicant of such extensions.

(c) Denial of Applications

The Commissioner may deny an application for certification to any applicant who fails to meet the standards or who does not follow the procedures established by the regulations, including, but not limited to:

- (1) Failure to comply with applicable requirements, procedures, and standards set forth in the regulations.
- (2) Negligence on the part of the applicant and/or his/her employees or agents.
- (3) Submission of false information on an application, supplying false statements, or failure to disclose required information.
- (4) Failure to submit the required information, fee payment, and/or documentation with the application.
- (5) Any past violations of state or federal law pertaining to lead-based paint activities.

3.3 Expiration of Certification

Certifications shall expire one (1) year from the effective date on which the license was issued, unless suspended or revoked by the Commissioner before that time.

3.4 Reciprocity

Each applicant for certification who is licensed, certified, or permitted in another state may petition the Department on a form provided by the Department to grant certification without repetition of the training requirements, provided the applicant has paid the fee per these regulations 1.3.8 and the training course was taken after September 1990 and accepted by this Department.

3.5 Documentation

The following documents may serve as proof of meeting certification requirements: certification in another state, certificates from lead specific or other related training courses, other certifications and/or licenses.

3.6 Licensing

Upon certification by the Commissioner of Health, a license will be issued to the person certified assuming all other relevant legal requirements have been met.

3.7 Renewal of Certification

- (a) Any request for renewal of certification issued under these regulations shall contain all the information requested by these regulations. A contractor may request the review of past submissions and petition the Department to reuse past documentation if the Department finds the past documentation to be complete.
- (b) Evidence of participation and completion of refresher courses, specific to each discipline category to be taken every three years from their initial training date.
- (c) An existing license shall not expire until final action on the application has been taken by the Department, provided; i) the application has been filed in proper form for renewal and; ii) the application has been received at least 30 days prior to the expiration date of the existing license.

3.8 Accreditation and License Fees

- (a) The Commissioner of Health shall assess fees for accrediting training programs and for licenses, and license renewals issued in accordance with this section.

Fees shall not be imposed on any state or local government or nonprofit training program and may be waived for the purpose of training state employees. Fees shall not be imposed on any state or local government or nonprofit firms seeking certification under these regulations. The requirement for certification and fees will not be waived for non-profit organizations or employees of such organizations, if the organization or individual offers or acts to provide lead-based paint activities in competitive commercial ventures. State, local government, and nonprofit firms receiving certification to perform lead-based paint activities are regulated under these rules

- (b) Each accredited training program and licensee shall be subject to the following fees:

Training courses	\$400.00 per year
Lead contractors	\$500.00 per year
Lead workers	\$ 50.00 per year
Supervisors	\$100.00 per year
Inspectors I &II	\$150.00 per year
Risk assessors	\$150.00 per year
Designers	\$150.00 per year
Laboratories	\$500.00 per year

3.9 Enforcement

Enforcement of these rules shall be in accordance with the enforcement provisions of Title 18 of the Vermont Statutes Annotated. When appropriate, all practicable efforts will be made to secure voluntary compliance with these rules. This requirement shall not, however, restrict authority to use any enforcement powers authorized by the common law or by Title 18, such as, for example:

- (a) Accepting an Assurance of Discontinuance in accordance with Section 125 of Title 18;
- (b) Issuance of a health order under authority of Section 126 or 127 of Title 18;
- (c) Bringing an action in Superior Court under Section 130 of Title 18; or
- (d) Institution of an action for criminal penalties under Section 131 of Title 18.
- (e) Revocation of a license pursuant to Sections 123 and 2(6) of Title 18.

4. CERTIFICATION OF INDIVIDUALS, LEAD ABATEMENT & LEAD CONSULTING CONTRACTORS

4.1. Certification Standards for Lead Abatement Contractors

- (a) All Abatement Contractors shall apply to the Department in accordance with Section 3 and submit evidence that all workers and supervisors have obtained certification in accordance with these regulations. The Contractor shall ensure that all lead abatement activities performed by the Lead Abatement Contractor and its employees and agents are carried out in accordance with the requirements in these regulations. An employer will provide each employee documentation of the employee's training and Vermont certification once it has been received from the training facility or the Department.
- (b) The Contractor shall ensure that a licensed Supervisor remains present on-site whenever any lead abatement activity is being carried out as part of a lead abatement project.
- (c) Submit Written Worker Protection Plans
 - (1) Each Lead Abatement Contractor shall prepare and submit with its application for certification to the Department a written respiratory protection program. This program shall be followed and made available to all individuals in its employment at all lead abatement projects.
 - (2) Each Lead Abatement Contractor shall prepare and submit with its application for certification to the Department a written exposure monitoring program. This program shall be followed and made available to all its employees.
 - (3) Each Lead Abatement Contractor shall prepare and submit with its application for certification to the Department a written medical monitoring program and shall make this program available to its employees.

4.2 Certification Standards for Workers and Supervisors

4.2.1 Requirements for Certification

(a) Lead Workers

The Department shall issue a license as a Lead Worker to each applicant who fulfills the following standards:

- (1) is at least 18 years of age;
- (2) has successfully completed a Worker training course licensed or approved by the Department per section of this regulation on Certification Standards for Training Providers and Training Courses.

(b) Lead Supervisors

The Department shall issue a license as a Lead Supervisor to each applicant to perform abatement and who fulfills the following standards:

- (1) is at least 18 years of age;
- (2) possesses documentation of at least one year experience as a Lead Worker or at least two year's experience in a related field or in the building trades;
- (3) has successfully completed a Supervisor training course licensed or approved by the Department under these regulations.

4.3 CERTIFICATION STANDARDS FOR CONSULTING CONTRACTORS AND INDIVIDUAL CONSULTANTS

4.3.1 General Requirements

Persons collecting lead samples in their own homes are exempt from these requirements. Samples shall be collected according to Department specifications.

- (a) No individual shall provide any of the services in this Section within the State of Vermont, without first being licensed by the Commissioner to provide such services.
- (b) To obtain a license as an individual lead consultant (lead inspector I, inspector/risk assessor, project designer) or lead consulting contractor, the party seeking certification shall apply to the Department in accordance with these regulations.

All companies, firms, businesses, organizations, etc, that certify more than one lead sampling technician or inspector II exclusively, do not meet the definition of a lead consulting contractor. However, individuals shall obtain inspector II lead sampling technician certification in accordance with these regulations.

- (c) All lead-based paint abatement activities carried out under the direction of a certified lead consultant shall be performed in accordance with these regulations.
- (d) All lead consultants shall have their current licenses at the work site.
- (e) A consultant shall provide all project documents to the Department in these regulations.
- (f) Experience Requirements:
 - (1) Engineering - any service or creative work, the adequate performance of which requires engineering education, training and experience in the application of special knowledge of the mathematical, physical and engineering sciences. This includes consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of land and water and accomplishing engineering surveys. Such services or work may be either for public or private purposes and may be performed in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects and equipment systems of a mechanical, electrical, hydraulic, pneumatic or thermal nature insofar as they involve safeguarding life, health, or property.
 - (2) Industrial Hygiene - the recognition of environmental factors and stresses associated with work and work operations and the understanding of their effects on people and their well-being in the work place and the community; the evaluation through training and experience and with the aid of quantitative measurement techniques of the magnitude of these factors and stresses in terms of ability to impair one's health and well-being. This would include the prescription of methods to control or reduce such factors and stresses when necessary to alleviate their effects.
 - (3) One year of experience is defined as (52), 40-hour work weeks. One month of experience is defined as four (4) 40-hour work weeks.

4.3.2 Certification Standards for Lead Consulting Contractors

All Consulting Contractors shall apply to the Department and submit evidence that all consultants have obtained certification in accordance with these regulations.

(a) Retention of Records

Each Lead Consulting Contractor shall maintain records of all lead-based paint projects and shall make these records available to the Department upon request. These records shall be retained no less than five years.

(b) Required Records

The Lead Consulting Contractor shall record the following information for each lead-based paint project:

1. The name, address, and license number of each consultant participating in the project.
2. The scheduled plan for monitoring, the location of the project and the estimated amount of lead-based paint involved in the project.
3. Scheduled and actual starting and completion dates.
4. Copies of all lead-based paint related correspondences with regulatory agencies concerning the project if able to obtain.
5. A complete list of all lead abatement contractors, supervisors and workers or agents participating in the lead-based paint project if able to obtain.
6. Descriptions of unplanned exposures to lead dust and work site accidents if able to obtain.
7. Documentation of visual clearances, in accordance with these regulations.
8. The methodology and results of all dust/soil sampling conducted during the project, the name and license number of the consultant performing the dust/soil sampling, name and signature of the analyst performing the analysis, and the name and license number of the Lead Analytical Laboratory employed to analyze such samples.

4.3.3 Certification Standards for Individual Consultants

There are three types of consultant licenses: Inspector Technician I and Inspector II Lead Sampling Technician, Inspector/Risk Assessor, and Project Designer. An individual shall not perform tasks included in consultant types for which that individual is not licensed. All consultants must apply to the Department in accordance with Section 1.3 of these regulations.

I. Inspector Technician Certification

Inspector I

(A) Scope

An individual licensed as a Lead Inspector Technician and holding an inspector I license may provide the following services only:

- (1) inspecting for the presence of lead-based paint as well as sampling for lead in dust and soil for the purposes of abatement cleanup, waste disposal, clearance testing.
- (2) development of a sampling and analysis plan.
- (3) collection of samples from suspect lead-based paint.
- (4) Development of an inspection report.
- (5) all services in Inspector II lead sampling technician and the inspector I technician can perform random sampling for multifamily properties

(a) Requirements for Inspector I Technician Certification

The following are the minimum requirements necessary to establish competence for certification:

- (1) Possession of a high school diploma or G.E.D. and successful completion of an inspector training course licensed or approved by the Department per Section 5.

Inspector II Lead Sampling Technician

(a) Scope

An individual licensed as an Inspector II Lead Sampling Technician and holding a lead sampling license may provide the following services only:

- (1) Clearance examinations following interim controls, renovations, ongoing maintenance, remodeling, and activities other than abatement. The lead sampling technician can not perform clearance testing or examination after a lead abatement project.
- (2) Clearance examinations following interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation in accordance with the requirements of 24 CFR 35.1340 clearance (b) - (g).
- (3) Clearance examination by such a licensed or certified technician shall be performed only for a single-family property or individual dwelling units and associated common areas in a multi-unit property. A clearance examination by a licensed or certified sampling technician shall not be performed using random sampling of dwelling units or common areas in multifamily properties.

(b) Requirements for Inspector II Lead Sampling Technician Certification.

The following are the minimum requirements necessary to establish competence for certification:

- (1) Possession of a high school diploma or G.E.D and successful completion of a lead sampling technician course licensed or approved by the department per section 5.

II. Inspector/Risk Assessor Certification

(a) Scope

An individual licensed as a Lead Inspector/Risk Assessor may provide the following services only:

- (1) all services in Section 4.2.1.(a)
- (2) utilize information developed from inspections to assess the potential hazards of lead-based paint.
- (3) develop a risk assessment and analysis plan.

- (4) conduct a risk assessment.
- (5) make recommendations for response actions to all identified lead-based paint hazards.

(b) Requirements for Inspector/Risk Assessor Certification

The following are the minimum requirements necessary to establish competence for certification:

- (1) Possession of one year of experience in a related field (e.g., lead, asbestos, or environmental remediation work) or 25 inspections over at least a three month period as a licensed lead inspector technician and successful completion of an Inspector/Risk Assessor training course licensed or approved by the Department per Section 5 and one of the following:
 - (a) Bachelor's degree in addition to at least one year of experience in a related field (e.g., a supervisor in lead, asbestos, or radon related work);
 - or
 - (b) Certification as an industrial hygienist, an engineer, a registered architect, or an environmentally related scientific field;
 - or
 - (c) A high school diploma, plus at least two years of experience in a related field as defined above.

III. Project Designer Certification

(a) Scope

An individual licensed as a Project Designer may provide the following services only:

- (1) designing, preparing and evaluating lead-based paint abatement project specifications.
- (2) determining how lead-based paint abatement should be conducted.

(b) Requirements for Project Designer Certification

The following are the minimum requirements necessary to establish competence for certification:

- (1) Successful completion of Project Designer training course licensed or approved by the Department per Section 5 and one of the following:

(a) Status as either an American Board of Industrial Hygiene Certified Industrial Hygienist or a Registered Professional Engineer or Registered Architect and six months of lead-based paint abatement activities or at least one year of experience as a Project Designer for asbestos or radon.

or

(b) Possession of a bachelor's degree from an accredited college or university and one year of experience in lead-based paint abatement activities or one year experience as a Project Designer for asbestos or radon.

or

(c) Possession of an Associates Degree from an accredited college or university and two years of experience in engineering or industrial hygiene and one year of experience in lead-based paint abatement activities or one year experience as a Project Designer for asbestos or radon.

or

(d) Possession of a High School diploma or G.E.D. and four years of experience in engineering or industrial hygiene and one year of experience in lead-based paint abatement activities or one year experience as a Project Designer for asbestos or radon.

5. Lead Abatement Requirements-Work Practices Requirements

5.1 Notification of Lead Abatement Projects and Record Keeping

- (a) A Lead Abatement Contractor intending to engage in a lead abatement project shall notify the Department in writing. The written notification shall be received by the Department on a Department provided form or facsimile at least 10 working days before beginning any on-site work at the lead abatement project. A diagram, occupant protection plan when applicable, and a written abatement plan of the project area shall be included. The Department shall be notified within twenty-four (24) hours of changes to the notification.
- (b) Waivers to lead abatement work practices requirements may be permitted when the standard procedure is not practicable, not feasible, not safe, or when a cost saving alternative exists and the proposed waiver adequately protects human health and safety and the environment from exposure to lead hazards. A request for a waiver must be sent in writing to the Department with the original permit application form. The written request for waiver must include a justification that presents clear and convincing evidence that the lead project is distinctive in some way and the proposed alternative(s) to required work practices will comply with the intent of State law and these rules. Waivers require written authorization from the Department prior to implementation.
- (c) The project, including set-up, shall not start before the contractor has received the project permit or before the start date noted on the project permit. The Department shall be notified if the contractor will not be on the project site for a day or more.
- (d) Record Keeping

The following information shall be recorded in a written report by the licensed supervisor when conducting abatement.

 - (1) Start and completion date(s) of abatement;
 - (2) Names and addresses of all supervisors and workers on the abatement and their license number(s);
 - (3) The name and address and signature of the third party responsible for clearance and/or monitoring, date of clearance testing and/or monitoring and proof of certification;

- (4) The name and address of the licensed laboratory doing clearance and/or monitoring analysis, date of analysis and name and signature of person(s) performing the analysis and the results of clearance testing;
- (5) A detailed written description of the abatement, including abatement methods used, locations of rooms and/or components where abatement occurred, reason for selecting abatement method on each component;
- (6) Storage and disposal sites of all hazardous waste;
- (e) Reports required under this section shall be maintained by the building owner and contractor conducting the abatement activity for a minimum of five years.
- (f) Each lead abatement contractor shall make these records available to the Department upon request.

5.2 Documents to be Retained On-Site

The following documents shall be retained on-site beginning on the first day of the abatement project and for its duration:

- (a) A current copy of these regulations;
- (b) Copies of the procedures for the utilization of the decontamination system, if used, enclosure system or any other procedures which have been established to prevent contamination of areas outside the work area.
- (c) Copies of procedures to be followed during medical emergencies including phone numbers of the nearest fire and police departments, local health officer, hospital and rescue squad, and directions for emergency personnel as to the site location shall be posted by the nearest telephone and at the entrance to the clean room;
- (d) Copies of Vermont licenses held by the abatement contractor and for all persons actively engaged in the abatement and when applicable licenses of any individual or lead consulting contractor;
- (e) Records of all exposure sampling (personal air samples) as required in these regulations;
- (f) A list of all personnel entering the project area, entry and exit times and purpose for entry;
- (g) Documentation of fit testing, as required in these regulations and a physician's respirator consent form for each person wearing a respirator.

5.3 Work Practices

The Contractor shall ensure that a licensed Supervisor remains present on-site at all times during any permitted lead abatement project.

Standards for performing lead-based paint activities for target housing, public and commercial buildings and superstructures must be at least as protective of human health and the environment as the standards and requirements of the U.S. Environmental Protection Agency (EPA) regulations established under Section 402(a)(1) of the Federal Toxic Substances Control Act (40 CFR Part 745).

The Department is open to answering any questions regarding application of 40 CFR Part 745 in specific situations.

5.3.1 Abatement Specifications

(a) The methods used in the removal of lead paint shall not present a hazard to health from fumes, dust, vapors or liquids by inhalation or absorption through the skin or the mucous membranes, either from removal materials or from the lead paint being removed.

The following methods are prohibited in the reduction of lead paint hazards in target housing and public buildings:

- (1) Open flame burning
- (2) Heat guns operated above 1100°F
- (3) Sanding machines not equipped with HEPA vacuum attachment
- (4) Open abrasive blasting
- (5) Un-contained hydro-blasting
- (6) Dry sweeping of lead contaminated areas or surfaces

(b) Interior Work-site Preparation and Cleanup

General Procedures- Work-site preparation for abatement projects in target housing and public buildings are as follows:

Pre-cleaning using a HEPA vacuum shall be conducted as standard operating procedures prior to any interior work site preparation.

1. Occupant Location: occupants shall be removed from the building for the duration of the project; cannot return until clearance has been achieved.
2. Barrier System: two layers of plastic covering all floor surfaces. One layer may be used on hard, non-porous surfaces only.

- a. If entire unit is being treated, cleaned, and cleared, individual room doorways need not be sealed.
 - b. The contractor shall seal all entrances to room areas that are not part of the lead abatement area to avoid including these sealed areas in the final cleaning and clearance phases of the lead abatement project.
 - c. Windows shall be covered with a minimum of 1 layer of plastic sheeting secured over the entire window from the exterior of the window, or one layer sealed to the inside of the storm window. If there is no storm window, then two layers of plastic sheeting shall be installed over the opening of the window.
3. Warning Signs shall be posted at all entrances to the work area.
 4. Ventilation System must be turned off and all vents in the lead abatement area must be sealed with plastic. During winter months, vents can be temporarily opened during non-abatement activities to allow for heating the area.
 5. Movable objects shall be removed from the work area. Large items that cannot be moved from the work area shall be sealed with a single layer of plastic sheeting.
 6. Cleanup prior to clearance-HEPA vacuum, wet wash, HEPA vacuum all surfaces.
 7. For window replacement or treatments performed from the interior follow the steps 1-6 and refer to table 5.1

(c) Exterior Work-site Preparation and Cleanup

1. Occupant Location: occupants shall be removed from the building for the duration of the lead abatement project unless the Department approved an alternative occupant protection plan or the exterior work is interim controls like paint stabilization. Occupants cannot return until clearance has been achieved during exterior lead abatement project .
2. Barrier System: one layer of plastic on ground extending 10 feet beyond the perimeter of working surfaces. Do not anchor ladder feet on top of plastic(puncture the plastic to anchor ladders securely to the ground). For all other exterior plastic surfaces, protect plastic with boards to prevent puncture from falling debris, nails, etc. if necessary. Raise edges of plastic to create a basin to prevent contaminated run-off in the event of unexpected precipitation. Secure plastic to the side of the building with tape or other anchoring system (no gaps between plastic building). Weight all plastic sheets down with two-by-fours or similar objects. Keep all windows within 20 feet of the working surface closed, including windows of adjacent structures.

3. Playground equipment, toys, sandbox: Remove all movable items to a 20-foot distance from working surfaces. Items that cannot be readily moved to a 20-foot distance can be sealed with taped plastic sheeting.
4. Security: Erect temporary fencing or barrier tape at a 20-foot perimeter around working surfaces (or less if distance to next building or sidewalk is less than 20 feet). If an entryway is within 10 feet of working surfaces, require use of an alternative entryway. If practical, install vertical containment to prevent exposure. Use a locked dumpster, covered truck, or locked room to store debris before disposal.
5. Post warning signs on the building at a 20-foot perimeter around building (or less if distance to next building or sidewalk is less than 20 feet).
6. Do not conduct work if wind speeds are greater than 20 miles per hour. Work must stop and cleanup must occur before rain begins.
7. Cleanup Prior to Clearance: Do not leave debris or plastic out overnight. Keep all debris in secured area until final disposal.
8. For window replacement or treatment from the exterior follow steps 1 –7 and refer to table 5.1

Table 5.1 Window Treatment or Replacement Worksite Preparation

Appropriate Applications	Any Window Treatment or Replacement
Occupant Location	Remain inside building until project has been completed. Alternatively, can leave until all work has been completed. Occupant must have access to secure entry/egress pathway.
Time Limit Per Building	None.
Barrier System	One layer of plastic sheeting on ground or floor extending 5 feet beyond perimeter of window being treated/replaced. One layer of plastic taped to interior wall if working on window from outside; if working from the inside, tape one layer of plastic to exterior wall or inside storm of window. Children cannot be present in interior room where plastic sheeting is located due to suffocation hazard. Do not anchor ladder feet on top of plastic (puncture the plastic to anchor ladders securely to ground). For all other exterior plastic surfaces, protect plastic with boards to prevent puncture from falling debris, nails, etc. (if necessary). Secure plastic to side of building with tape or other anchoring system (no gaps between plastic and building). Weight all plastic sheets down with two-by-fours or similar objects. All windows in building should be kept closed. All windows in adjacent buildings that are closer than 20 feet to the work area should be kept closed.
Signs	Post warning signs on the building and at a 20-foot perimeter around building (or less if distance to next building or sidewalk is less than 20 feet). If window is to be removed from inside, no exterior sign or barrier is necessary.
Security	Erect temporary fencing or barrier tape at a 20-foot perimeter around building (or less if distance to next building or sidewalk is less than 20 feet). Use a locked room to store debris before disposal.
Weather	Do not conduct work if wind speeds are greater than 20 miles per hour. Work must stop and cleanup must occur before rain begins or work should proceed from the inside only.
Playground, Equipment, Toys, Sandbox	Removed from work area and adjacent areas. Remove all items to a 20-foot distance from building. Large unmovable items can be sealed with taped plastic sheeting.
Cleaning	If working from inside, HEPA vacuum, wet wash, and HEPA vacuum all interior surfaces within 10 feet of work area in all directions. If working from the exterior, no cleaning of the interior is needed, unless the containment is breached. Similarly, no cleaning is needed on the exterior if all work is done on the interior and the containment is not breached. If containment is breached, then cleaning on both sides of the window should be completed. No debris or plastic should be left out overnight if work is not completed on time. All debris must be kept in a secure area until final disposal.

5.4 Worker Protection

5.4.1 Lead Contractor Protection Standards

All employees in Vermont are protected under Vermont Occupational Safety and Health Administration (VOSHA) regulations. The Vermont Regulations for Lead Control (VRLC) apply to all persons conducting lead-based paint activities.

5.4.2 Respiratory Protection

Each lead abatement contractor shall prepare and submit with its application for certification to the Department a written respiratory protection program. This program shall be followed and made available to all contractors in its employment at all lead abatement projects.

(a) Selection of Respirators

(1) The Department recommends that an approved respirator be used by any person performing any lead abatement activity. An approved respirator shall be used for exposures in accordance with the following table .

TABLE SELECTION OF RESPIRATORS

Respiratory Protection for Lead Aerosols

Airborne concentration of lead or condition of use	Required respirator ¹
Not in excess of 500 $\mu\text{g}/\text{m}^3$ (negative pressure) mode.	$\frac{1}{2}$ mask air purifying respirator with high efficiency filters. ^{2,3} $\frac{1}{2}$ mask supplied air respirator operated in demand
Not in excess of 1,250 $\mu\text{g}/\text{m}^3$	Loose fitting hood or helmet powered air purifying respirator with high efficiency filters. ³ Hood or helmet supplied air respirator operated in a continuous-flow mode--e.g., type CE abrasive blasting respirators operated in a continuous-flow mode.
Not in excess of 2,500 $\mu\text{g}/\text{m}^3$	Full face piece air purifying respirator with high efficiency filters. ³ Tight fitting powered air purifying respirator with high efficiency filters. ³ Full face piece supplied air respirator operated in demand mode. $\frac{1}{2}$ mask or full face piece supplied air respirator operated in a continuous-flow mode. Full face piece self-contained breathing apparatus (SCBA) operated in demand mode.
Not in excess of 50,000 $\mu\text{g}/\text{m}^3$	Half-mask supplied-air respirator operated in pressure-demand or other positive-pressure mode.
Not in excess of 100,000 $\mu\text{g}/\text{m}^3$	Full face piece supplied air respirator operated in pressure demand or other positive-pressure mode--e.g., type CE abrasive blasting respirators operated in a positive-pressure mode.
Greater than 100,000 $\mu\text{g}/\text{m}^3$ unknown concentration, or fire fighting.	Full face piece SCBA operated in pressure demand or other positive-pressure mode.

¹ Respirators specified for higher concentrations can be used at lower concentrations of lead. ² Full face piece is required if the lead aerosols cause eye or skin irritation at the use concentrations ³ A high efficiency particulate filter (HEPA) means a filter that is a 99.97 percent efficient against particles of 0.3 micron size or larger.

(2) Respirators shall be selected that meet or exceed the level of protection required.

(b) Fitting of Respirators

(1) Each individual exposed to lead shall be given an opportunity to select a respirator for proper and comfortable fit.

(2) Each respirator user shall be instructed in the performance of positive and negative pressure sealing checks and be able to successfully perform them. A check seal shall be performed every time a respirator is donned.

(3) Each respirator user shall be fit tested by a supervisor or another person who has been properly trained in fit testing procedures, using generally acceptable qualitative or quantitative fit testing procedures. Each person shall adequately pass the selected fit test procedure annually. Fit tests shall not be self-conducted.

(c) Prohibited Activity

(1) Individuals shall not be permitted in the work area without the respiratory protection required for the level of exposure in the work area. This requirement shall be strictly enforced by the lead abatement contractor, the on-site lead supervisor, and individual or lead consultant contractors.

5.4.3 Contractor Protection Provisions

Employers shall provide certified individuals, at a minimum, with personal protective equipment and clothing.

5.4.4 Medical Monitoring

Lead abatement contractors and lead consulting contractors shall ensure that any individual who performs lead abatement activities is medically monitored with an initial and periodic re-examinations.

5.5 Final Clearance --General Post Abatement Requirements for Target Housing and Public Buildings

- (a) Visual Examination of Non-abatement Work -Use of Non-Certified Workers Prior to Dust Clearance.

Non-certified workers, like plumbers or general contractors may enter lead abatement work areas only after successful visual clearance by a certified Inspector I or Inspector/Risk Assessor. After completion of non-lead based paint activities by these workers, the lead abatement contractor must perform final cleaning activities in all abatement areas and any areas which non-certified workers had access including entry and egress routes. A second visual clearance is required prior to collection of dust clearance sampling (see b below).

- (b) Final Visual Clearance Standards for Target Housing and Public Buildings

A visual examination shall occur no sooner than one hour after completion of the post-abatement final cleanup.

The visual clearance shall be conducted by a certified Inspector I, or Inspector/Risk Assessor to determine if the work on all interior and exterior surfaces to be treated was completed and to ensure that no visible settled dust or debris is present. Clearance documents shall be submitted to the Department in accordance with these regulations

All surfaces where paint has been removed shall pass a visual clearance before being repainted.

- (c) Final Dust Clearance Standards for Target Housing and Public Buildings

After the area has passed a visual examination, a certified Inspector/Risk Assessor shall collect dust samples. Either single surface dust sampling or composite dust sampling may be used to clear the site(s). Clearance dust sampling shall be conducted in the following manner of minimum number and location of single-surface dust samples 5:

Interior treatments with no containment within building :

Two dust samples from every room in building (whether treated or untreated). One interior window sill or window trough, alternating between rooms. One floor, and one floor sample for every 2,000 ft² of a common area room (if present).

Interior treatments with plastic sheeting containment within building (airlock on doors between treated and untreated areas):

Same as above with one floor sample outside the containment area but within 10 feet of the airlock.

(d) Re-occupancy after an abatement project:

An area shall be considered cleared for re-occupancy when the dust clearance standards in Table.5. d have been met.

Table 5.d
Clearance Dust Standards (Wipe Sampling Only)¹

Surface	Leaded Dust Loading ($\mu\text{g}/\text{ft}^2$)	Leaded Dust Loading (mg/m^2) ²
All floors	40	.43
Interior window sills	250	2.69
Window troughs	400	4.30

¹No clearance standards are currently available for vacuum sampling.

(e) Bare Soil Clearance Standards for Exterior Abatement Projects in Target Housing and Public Buildings

Exterior abatement projects that do not include soil abatement treatments shall only require a visual inspection. All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be cleaned of visible dust and debris. In addition, a visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface that was abated. If paint chips are present, they must be removed from the site.

For exterior soil abatement projects, both building perimeter and play area soil sampling shall be conducted by a certified Inspector I or Inspector/Risk Assessor. The post abatement soil sampling shall be conducted after the area has passed a visual clearance.

- (1) Perimeter Sampling Locations: One composite soil sample should be collected so that at least 5 and no more than 10 different aliquots of surface soil are collected from the building perimeter. The aliquots should be collected from all sides of the building where bare soil is present. Each spot should be at least 2 feet distant from each other and 2 feet

away from the foundation, unless the bare soil is closer than 2 feet.

- (2) Play Area Sampling Locations: A second composite sample should consist of at least 5 and no more than 10 aliquots collected along an X-shaped grid in the child's principle play area. Each spot should be at least 1 foot distant from each other. The soil where the aliquots are collected must be bare.

If clearance sampling of the perimeter shows soil levels equal to or greater than 1,200 parts per million then additional soil treatment shall be required. If clearance sampling of the play area shows soil levels equal to or greater than 400 parts per million then additional soil treatment shall be required (also applicable to perimeter if perimeter is a play area).

(f) Transportation and Disposal of Lead Waste

All lead waste shall be handled in accordance with the Resource Conservation and Recovery Act.

- (1) Transport of lead waste shall occur in a manner that is in accordance with the Vermont Agency of Transportation.
- (2) Disposal of lead waste shall occur in a manner that is in accordance with the Vermont Agency of Natural Resources, solid waste management requirements.
- (3) Disposal shall occur at a location approved for handling lead waste by the Vermont Agency of Natural Resources or other designated agency having jurisdiction over solid waste disposal. The abatement contractor shall submit copies of all disposal receipts to the facility owner and to the Department within 60 days. Documentation of disposal will include, but not be limited to the following: waste generator, transporter(s), final landfill name and address, quantity of lead waste, dated signature of landfill operator.

6. Lead Consulting Activities- Methods and Practices

The U.S. Environmental Protection Agency's 40 CFR Part 745, Section 745.227 regarding work practice standards is hereby incorporated by reference into these rules and made a part of, except for the following:

- (a) The effective date shall be the effective date of this rule;
- (b) Certifications referred to shall be Department certifications
- (c) Words and phrases used in 40 CFR Part 745, Section 745.227 shall have the meanings given to them under applicable Federal law. In the event of inconsistency between meanings given in such federal law and meanings given in these rules, the federal law shall apply except where meanings given in these rules serve to narrow, limit, or reserve the applicability of a word or phrase, in which case the narrower meaning shall apply;
- (d) If the inspection indicates lead-based paint is not present, then documentation that certifies this status shall be provided by the inspector or risk assessor to the client;
- (e) If the risk assessor determines that lead-based paint hazards must be controlled, then interim controls shall be carried out in accordance with Chapter 11 of the U.S. Department of Housing and Urban Development (HUD) *Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing* or other documented methodology under 40 CFR 745.227 (a)(3). Once identified lead-based paint hazards have been controlled, a risk assessor shall provide a certification to such effect whose duration of validity should be in accordance with Chapter 6 of the above-named HUD *Guidelines* or other documented methodology under 40 CFR 745.227(a)(3).

6.1 Consulting Contractor Protection Standards

All employees in Vermont are protected under Vermont Occupational Safety and Health Administration (VOSHA) regulations. The Vermont Regulations for Lead Control (VRLC) apply to all persons conducting lead-based paint activities.

6.1.1 Respiratory Protection

Each Lead Consulting Contractor shall prepare and submit with its application for certification to the Department a written respiratory protection program. This program shall be followed and made available to consultants in its employment at all lead abatement projects.

(a) Selection of Respirators

- (1) The Department recommends that an approved respirator be used by any person performing any lead-based paint activity. An approved respirator shall be used for exposures in accordance with Table for Selection of Respirators in this regulation .
- (2) Respirators shall be selected that meet or exceed the level of protection required.

(b) Fitting of Respirators

- (1) Each consultant shall be given an opportunity to select a respirator for proper and comfortable fit.
- (2) Each consultant shall be instructed in the performance of positive and negative pressure sealing checks and be able to successfully perform them. Every consultant shall perform a sealing check every time a respirator is donned.
- (3) Each lead consultant shall be fit tested using generally acceptable qualitative or quantitative fit testing procedures and shall adequately pass the selected fit test procedure. The consultant shall adequately pass the selected fit test procedure annually. Fit tests shall not be self administered.

(c) Prohibited Activity

- (1) Individuals shall not be permitted in the work area without the respiratory protection required for the level of exposure in the work area.

6.1.2 Consultant Contractor Protection Provisions

The Lead Consulting Contractor shall provide each lead consultant, at a minimum, with personal protective equipment and clothing.

6.1.3 Medical Monitoring

Each Lead Consulting Contractor shall prepare and submit with its application for certification to the Department a written medical monitoring program and shall make this program available to its employees.

The Lead Consulting Contractor shall ensure that any individual who performs lead-based paint consulting activities is medically monitored with an initial examination and annual periodic re-examinations.

6.1.4 Exposure Monitoring

General Requirements

Each lead consulting contractor shall prepare and submit with its application for certification to the Department a written exposure monitoring program. This program shall be followed and made available to all its employees.

(a) Personal Air Sampling

Personal air sampling shall be conducted. The analysis shall be performed by a Vermont licensed analytical laboratory.

(b) Record Keeping

Records of all air sampling shall be kept on site and available for review for the duration of the lead-based paint project. These records shall include the dates, times, and sampling locations, sampling methods, sampling rate, time period, methods of sample analysis, the results of the sample analysis, the name and signature of the analyst and the name and license number of the consultant who took the samples.

6.1.5 Documents to Be Submitted to the Department and Abatement Contractor

- (a) Copies of all clearance documents shall be submitted to the facility owner, the abatement contractor, and the Department within 30 days.

Upon request, the consultant shall submit these documents to the facility occupants.

- (b) The documents in a format approved by the Department shall include the following: visual clearance and final dust/soil clearance. The following information shall be included on each report:
- (1) Documentation of visual clearance shall include, but not be limited to the following: date of visual inspection, project location, abatement contractor, printed name, license number and signature of the consultant, and results of inspection.
 - (2) Documentation of final dust/soil clearance shall include, but not be limited to the following: specific location of the abatement project, name of the lead abatement contractor performing the project, description of the sampling activity. Specific location where samples were taken shall be indicated on a diagram, name and signature of the

consultant performing the sampling activity, date and time samples were obtained, name and address of the licensed analytical laboratory performing analysis, name and signature of the analyst, method of analysis used, detection level of the analysis, and results of analysis.

7. Abatement Requirements for Superstructures

Abatement methods shall be in accordance with documented methodologies that are appropriate for superstructures and commercial buildings. Documented methodologies include regulations, guidance, methods or protocols issued or approved by State or Federal agencies.

7.1 General Post Abatement Requirements for Commercial Buildings and Superstructures

- (a) At the completion of the lead abatement project, a visual clearance shall be conducted by a licensed Supervisor to determine that no visible residue, dust and debris is present on the grounds directly below and/or surrounding the adjacent area of the building or superstructure, and the area has been abated in accordance with the scope of the project. For abatement in areas expected to be used by children, an inspector shall utilize appropriate sampling strategies to determine bare soil clearance standards per these regulations.
- (b) All lead waste shall be handled in accordance with the Resource Conservation and Recovery Act.
- (c) Disposal of lead waste shall occur in a manner that is in accordance with the Vermont Agency of Natural Resources, Solid Waste Management requirements.
- (d) Disposal shall occur at a location approved for handling lead waste by the Vermont Agency of Natural Resources or other designated agency having jurisdiction over solid waste disposal. The abatement contractor shall submit copies of all disposal receipts to the facility owner and to the Department within 60 days. Documents shall include information defined in these regulations.
- (e) Transport of lead waste shall occur in a manner that is in accordance with the Vermont Agency of Transportation.
- (f) Copies of all clearance documents shall be submitted to the facility owner, and the Department within 30 days. The following information shall be included on each report:
 - (1) Documentation of visual clearance shall include, but not be limited to the following: date of visual inspection, project location, abatement contractor, printed name, license number and signature of the supervisor, and results of inspection.

7.2 Alternative Procedures

The Department may, on a case-by-case basis, approve an alternative procedure for an abatement project. The alternative procedure must be submitted in writing to the Department and may not be used until either a verbal or written approval is received from the Department.

7.3 Specific Requirements for Demolition of Public and Commercial Buildings and Superstructures

Demolition materials must be disposed of according to the Agency of Natural Resources requirements. Notification to the U.S. EPA per CFR Part 61 prior to the demolition activities shall be complied with.

8. CERTIFICATION STANDARDS FOR ANALYTICAL LABORATORIES

8.1 Applicability

No laboratory or individual shall provide any lead-based paint related analytical services to a lead abatement or consultant contractor, consultant, individual, or other party or in conjunction with a lead-based paint abatement project in the State of Vermont without first being licensed by the Commissioner under this section to provide such services. Analysis for disposal purposes are exempt from this section.

8.2 Requirements for Certification of Analytical Laboratories

8.2.1 General Requirements

To be licensed as a lead analytical laboratory, the party seeking certification shall apply to the Department in accordance with this regulation. The applicant shall allow the Department to perform on-site inspections of its facilities, equipment, and records. The analytical laboratory must successfully participate in the Environmental Lead Proficiency Analytical Testing Program and have received accreditation from a national laboratory accrediting organization which maintains a Memorandum of Understanding with EPA through the National Lead Laboratory Accreditation Program.

All final clearance analysis reports shall be in a Department approved format containing all required lab and analytical information including but not limited to the following:

Specific the location of the abatement project, name of the lead abatement contractor performing the project, description of the sampling activity, name and signature of the consultant performing the sampling activity. In addition, include the date and time samples were obtained, name and address of the licensed analytical lab performing analysis, name and signature of the analyst, method of analysis used, detection level of analysis, and results of analysis.

8.2.2 Chain of Custody and Quality Assurance

The applicant shall make available upon request its chain of custody protocol and quality assurance procedures to be followed during analysis of samples for lead content. The applicant shall maintain documentation that these protocols and procedures have been followed. The written report of protocol and procedures shall include but not be limited to:

- (a) Methodology of analysis.

- (b) Sample handling and storage.
- (c) Federal reference for method, equivalent, and alternate test procedures.
- (d) Instrumentation selection and use.
- (e) Calibration and standardization.
- (f) Replicate sample analysis.
- (g) Blind samples.
- (h) Data handling, evaluation, and storage procedures.
- (i) Quality control.
- (j) Inter-laboratory quality assurance.
- (k) Intra-laboratory quality assurance.

9. CERTIFICATION STANDARDS FOR TRAINING PROGRAMS AND TRAINING COURSES

9.1 General Requirements

Any applicant seeking accreditation of a lead-based paint training course shall comply with the requirements of this section and shall apply to the Department as required by these regulations before a license may be granted.

9.2 Accreditation of Training Programs

9.2.1 Summary of Requirements

In order to obtain accreditation, a Training Program shall:

- (a) Apply to the Department in accordance with these regulations 1.3 of these regulations.
- (b) Ensure that records of all training courses which the Training Program offers are maintained and retained.
- (c) Maintain evidence that training course instructor(s) are qualified and experienced.

9.2.2 Notification

A Training Program, either certified or not certified by the Department, must notify the Department in writing two weeks prior to each in-state offering of a course. A planned schedule such as a course brochure will meet this requirement. If a course is unexpectedly conducted, the Department will require notification 24 hours in advance.

9.2.3 Retention of Records

Training Program Record Keeping Requirements

- (a) Training programs must retain the following information:
 - (1) Records of training manager, principal instructor and work practice instructor qualifications.
 - (2) Curriculum/course materials including, but not limited to, written training curricula, hand-outs, and audio-visual aids.

- (3) Course test blueprints.
 - (4) Information on how the hands-on assessment was conducted including, but not limited to, who conducts the assessment, how the skills are graded, what facilities are used, and pass/fail rate.
 - (5) Student files grouped by year. Each file must contain results of the student's hands-on skills assessment and test and a copy of their certificate.
- (b) The training program must retain these records in the location (i.e., address) specified on the training program accreditation application for a minimum of five years. These records must be provided to the Department upon request. The training program shall notify the Department 30 days prior to relocating or transferring the records.

9.2.4 Requirements for Training Program Instructors

In order for a training program to obtain accreditation to teach any of the disciplines, the program must demonstrate it meets the following minimum requirements for each discipline in which the program is seeking accreditation.

- (a) The training program must employ a principal instructor who is responsible for organizing and delivering particular courses and:
 - (1) Has completed a 40 hour train-the-trainer course or has obtained a degree in adult education from an accredited college or university or has at least two year's experience in teaching workers/adults.
 - (2) Must maintain professional competency by participating in continuing education or professional development programs.
- (b) The training program must employ work practice instructors who are responsible for teaching particular skills in a specific course and who:
 - (1) Have met all the requirements listed above in (A); and
 - (2) Have had one additional year of experience in a relevant construction trade including but not limited to lead or asbestos abatement, painting, carpentry, or renovation and remodeling.

- (c) The following documents must be submitted as proof of meeting the requirements listed in (a) and (b) of this section:
 - (1) Documentation of education and
 - (2) One of the following: resumes, letters of reference, certification or accreditation in another state or documented work experience; and
 - (3) Certificates from train-the-trainer courses.
- (d) The training program must ensure that:
 - (1) Training is conducted in accordance with Department requirements.
 - (2) That individual(s) serving as principal instructors or work practice instructor(s) for each course offered by the program have met the requirements per these regulations.
- (e) The training program must ensure that adequate facilities are available for lectures and hands-on training and assessment. This includes ensuring that equipment used in training reflects current work practices.

9.2.5 Specific Accreditation Requirements

The training provider applying for certification of each lead training course (initial or refresher) must submit a completed application per this regulation. All required information must be submitted by the applicant per the instructions on the application form, including but not limited to:

- (a) A detailed outline of the course curriculum including the amount of time allotted to each topic, the name and qualifications of the training manager, the individual developing the instruction program for each topic, and the name and qualifications of the instructor of each topic.
- (b) A description of the instruction program for each topic, including teaching methods to be used, copies of written materials to be distributed (student manuals, instructor notebooks, handouts, etc.).
- (c) A description of the type of equipment to be used for demonstrations and/or "hands-on" practice exercises such as respirators, negative air units, water spray devices, protective clothing, construction materials.

- (d) Instructor-to-student ratio for "hands-on" practice exercises and demonstrations.
- (e) The training provider shall issue numbered certificates only to students who attend the course and successfully complete the written exam. The numbered certificate shall indicate the name, social security number, the course completed, the dates of the course and the examination, the expiration date of the training accreditation, the name/address/telephone number of the training provider.
- (f) The training provider shall agree to provide the Department, in writing, the names and examination scores of all course participants.

9.2.6 Granting Certification of a Lead Contractor Training Course

Certification shall be granted for a period of one year after the Department has certified the application, has conducted an on-site observation and evaluation of the training course, its instructors and its facilities, if deemed necessary, and has determined that the applicant's lead training course meets the requirements set forth in these regulations. The costs to the Department for visitation, including travel, food and lodging costs of any lead training course shall be completely at the expense of the party seeking certification of that course. In lieu of visitation, the training provider may be required to submit to the Department a representative videotape (in VHS format) of the training course for review and evaluation. Visitation may be waived, on a case by case basis, by the Department if the contractor course meets the requirements of these regulations.

Any change in a certified course must be reported to the Department prior to presenting the changed course.

9.2.7 Reciprocity

Each applicant for certification of a lead training course which is licensed, certified, permitted or approved by a state other than Vermont, or by a federal agency, may petition the Commissioner for granting of certification without visitation of the in-progress training course by the Department. The Commissioner shall evaluate the requirements for approval, permitting, or licensing permit of the approving authority and shall grant certification without visitation if the Commissioner determines that the requirements of the authority are equal to or greater than the requirements for certification in the State of Vermont. If the lead training course is not licensed, certified, permitted or approved by a state other than Vermont or by a federal agency, then visitation of the course by a Department representative is necessary and the costs to the Department for visitation shall take place completely at the expense of the party seeking certification of that course.

9.3 Initial Lead Course Content and Requirements

At a minimum, the initial training courses for Lead Workers for Target Housing and Public Buildings, Lead Supervisors for Target Housing and Public Buildings, and Lead Consultants (Inspector/Technician I and Inspector II Lead Sampling Technician, Inspector/Risk Assessors, Project Designers) shall present information as described in these regulations.

9.3.1 Inspector Technician

Inspector I

- (a) Minimum of 24 training hours with 8 of these hours as hands-on training hours.
- (b) Background information on lead.
 - (1) History of lead use.
 - (2) Sources of environmental lead contamination (paint, surface dust and soil, water, air, food, other).
- (c) Health effects.
 - (1) How lead enters the body.
 - (2) How lead affects the body.
 - (3) Symptoms and diagnosis.
 - (4) Level of concern.
 - (5) Treatment.

- (d) Regulatory background.
 - (1) Federal Department of Housing and Urban Development (HUD), Occupational Safety and Health Administration (OSHA), Environmental Protection Agency (EPA), and other agencies.
 - (2) State/local.

- (e) Lead-based paint inspection methods.
 - (1) X-ray fluorescence (XRF) analyzers.
 - (a) Introduction and operation of XRF analyzers.
 - (b) Correcting for substrate interference.
 - (c) Radiation safety.
 - (d) Similarities and differences between the two types of analyzers (direct and indirect).
 - (e) Interpretation of the XRF sampling data.
 - (f) Licensing and registration of XRF analyzers.
 - (g) Transportation of XRF analyzers.
 - (h) XRF analyzer record keeping.
 - (2) Alternative Inspection Technologies:
 - (a) Lead-based paint testing operations.
 - (3) Responsibilities.
 - (4) Formulation and implementation of the sampling plan and final inspection report.
 - (a) Formulating a plan.
 - (b) Computing sample size.
 - (c) Selecting specific units.
 - (d) Selecting the components in each unit.
 - (e) Classification of components.
 - (f) Collection and preparation of paint chip and soil samples for laboratory analysis.
 - (g) Record Keeping.
 - (5) Preparation of final inspection report of test results.
 - (6) Dust and soil clearance sampling methodologies.
 - (7) Legal liability.
 - (8) Historic Preservation
 - (a) Identifying Historical Buildings
 - (b) Identifying Historical Features

(c) Appropriate Abatement Alternatives

Inspector II Lead Sampling Technician

- (a) Minimum of 5 training hours
- (b) Background information on lead.
 - (1) Health risks of lead
 - (2) Purpose of lead sampling
- (c) Skills
 - (1) How to perform a visual assessment
 - (2) How to prepare for and collect dust wipe samples
 - (3) How to select an accredited lab
 - (4) How to submit samples
 - (5) How to interpret the results and ensure they are acceptable
- (d) Application
 - (1) Federal lead sampling requirements
 - (2) How to perform lead sampling after renovation, HUD required clearance, and other lead sampling examinations
- (e) Writing and delivering the report
 - (1) How to prepare the report and explain the results to the client

9.3.2 Inspector/Risk Assessor

- (a) All information for Inspector Technician.
- (b) Minimum of 40 training hours with 8 of these hours to be hands-on training hours which includes site visit(s).
- (c) Background information to perform risk assessment.
 - (1) Developing schematic site plan.
 - (2) Reviewing previous testing for lead-based paint or other lead-related hazards.
- (d) Visual inspection.
- (e) Risk assessment report form.
- (f) Sampling and inspection guidelines.
 - (1) Determining inspection criteria and locations to collect samples in apartment units, common areas, community

buildings, day care, health care, recreational, other program spaces accessible to children and management offices.

- (2) Soil sample collection
 - (a) Sources
 - (b) Soil clearance levels
 - (c) Soil sample collection techniques
 - (d) Number and location of soil samples
 - (e) Interpretation of soil sampling results
- (3) Dust samples.
 - (a) Sources.
 - (b) Number and location of samples.
 - (c) Interpretation of test results.
- (4) Lead in drinking water.
 - (a) Sources.
 - (b) Sampling technique for lead in drinking water.
 - (c) Interpretation of sampling results.
- (5) Data entry forms.
- (g) Interpretation of results and preparation of final report.
- (h) Recommendations to abate or reduce lead-based paint hazards including instruction on when interim controls are appropriate.
- (i) Development of an interim control plan.
- (j) Record Keeping.

9.3.3 Project Designer

- (a) Minimum of 48 training hours (supervisor course (32) hours plus project designer course (16) hours. Of the 16 hours, 4 hours will be for hands-on training which includes site visits.)
- (b) Supervisor section (see 9.3.4)
- (c) Project Designer section
 - (1) Hazard report interpretation.
 - (2) Worker protection/worker safety.
 - (3) Environmental safety.
 - (4) Project design.
 - (a) Integration with modernization projects.
 - (b) Design abatement or lead hazard reduction strategy.
 - (c) Cost estimation.
 - (5) Construction techniques.
 - (6) Abatement and lead hazard reduction methods.
 - (a) Selection of abatement or lead hazard reduction methods (i.e., which encapsulant to use, how to remove or enclose, etc.).
 - (b) Knowledge of abatement and lead hazard reduction equipment and materials.
 - (7) Operations and maintenance planning.
 - (8) Cleanup.
 - (9) Clearance testing.
 - (10) Waste disposal.
 - (11) Insurance and liability.
 - (12) Historic Preservation
 - (a) Identifying Historical Buildings
 - (b) Identifying Historical Features
 - (c) Appropriate Abatement Alternatives

9.3.4 Supervisor

- (a) Minimum of 32 training hours with 8 of these hours as hands-on training hours.
- (b) Background information on lead.
 - (1) History of lead use.
 - (2) Sources of environmental lead contamination (paint, surface dust and soil, water, air, food, other).
- (c) Regulatory review.
 - (1) Federal (OSHA, HUD, EPA, and other agencies).
 - (2) States/local.

- (d) Legal and insurance issues.
- (e) Development of pre-abatement work plan.
- (f) Hazard recognition and control.
 - (1) Health effects of lead.
 - (2) Site characterization.
 - (3) Exposure measurements.
 - (4) Material identification.
 - (5) Safety and health plan.
 - (6) Medical surveillance.
 - (7) Engineering and work practices.
- (g) Personal protective equipment.
 - (1) Respiratory protection.
 - (a) Respiratory equipment selection.
 - (b) Air purifying respirators.
 - (c) Care and cleaning of respirators.
 - (d) Respiratory program.
 - (2) Protective clothing and equipment.
- (h) Employee information and training.
- (i) Project management.
 - (1) Overview of abatement process.
 - (2) Contractor specifications.
 - (3) Supervisory techniques.
- (j) Lead paint abatement or lead hazard reduction including prohibited methods.
- (k) Interior dust abatement/cleanup or lead hazard reduction.
- (l) Soil and exterior dust abatement or lead hazard reduction.
 - (1) Soil, dust and air sampling.
 - (2) Clearance standards.
- (m) Waste disposal.
- (n) Community relations process.

- (o) Cost estimation.
- (p) Record Keeping.
- (q) Historic Preservation
 - (1) Identifying Historical Buildings
 - (2) Identifying Historical Features
 - (3) Appropriate Abatement Alternatives

9.3.5 Supervisor, Commercial Buildings and Superstructures

- (a) Training courses shall include all topics per supervisor target housing (a-p) and an additional 8 hours to include the following:
 - (1) Welding
 - (2) Burning
 - (3) Power Tools
 - (4) Abrasive Tools
 - (5) Torch Cutting
 - (6) Mechanical Disturbance of Lead

9.3.6 Lead Abatement Worker

- (a) Minimum of 24 training hours with 10 of these hours hands-on training hours.
- (b) Background information on lead.
 - (1) History of lead use.
 - (2) Sources of environmental lead contamination (paint, surface dust and soil, water, air, food, other).
- (c) Regulatory review.
 - (1) Federal (OSHA, HUD, EPA, and other agencies).
 - (2) State/local.
- (d) Hazard recognition and control.
 - (1) Health effects of lead.
 - (2) Site characterization.
 - (3) Exposure measurements.
 - (4) Material identification.
 - (5) Safety and health plan.
 - (6) Medical surveillance.
 - (7) Engineering and work practices.
- (e) Personal protective equipment.

- (1) Respiratory protection.
 - (a) Respiratory equipment selection.
 - (b) Air-purifying respirators.
 - (c) Care and cleaning of respirators.
 - (d) Respiratory program.
- (2) Protective clothing and equipment.
- (3) Hygiene practices.

- (f) Lead paint abatement and lead hazard reduction methods.
- (g) Interior dust abatement methods/cleanup or lead hazard reduction.
- (h) Soil and exterior dust abatement methods or lead hazard reduction.
- (i) Waste disposal.
- (j) Historic Preservation
 - (1) Identifying Historical Buildings
 - (2) Identifying Historical Features
 - (3) Appropriate Abatement Alternatives

9.3.7 Worker, Commercial Buildings and Superstructures

- (a) Training courses shall include all topics per worker, target housing (a-i) and an additional 8 hours to include the following:
 - (1) Welding
 - (2) Burning
 - (3) Power Tools
 - (4) Abrasive Tools
 - (5) Torch Cutting
 - (6) Mechanical Disturbance of Lead

9.4 Refresher Lead Course Content and Requirements

Training programs may not receive accreditation for a refresher training course if they do not also receive accreditation for that basic training course.

- (a) The refresher training must address the following topics:
 - (1) An overview of key safety practices.
 - (2) An update on new technologies.
- (b) The course must be a minimum of 8 hours.

- (c) A training program seeking this accreditation must submit to the Department the course materials to be used for the course and seek accreditation for each discipline.

9.5 Training Provider Exams

- (a) Training programs must provide a closed book examination at the completion of each course. Training programs must make provisions for individuals with low literacy to take the course exam. The course exam must cover the topics taught in the course. Training participants are required to pass the course exam (70% or above) in order to receive a certificate for the completion of training. All individuals are required to complete the initial training course and pass the initial exam. All individuals are required to complete the refresher training course every three years and pass the refresher examination.
- (b) The training provider shall conduct a hands-on skills assessment of hands-on training components. The hands-on skills assessment is an evaluation of the effectiveness of the hands-on training which shall test the ability of the trainees to demonstrate satisfactory performance of specified work practices and procedures. The hands-on assessment must be successfully completed in order for an individual to pass the course.