

Final Proposed Filing - Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

**PLEASE REMOVE ANY COVERSHEET OR FORM NOT
REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!**

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

Regulations for Lead Control

Todd W. Daloz _____, on 4/16/24
(signature) (date)

Printed Name and Title:

Todd W. Daloz
Deputy Secretary
Agency of Human Services

RECEIVED BY: _____

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Minutes
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:

Regulations for Lead Control

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

24P001

3. ADOPTING AGENCY:

AHS - Department of Health

4. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Meg McCarthy

Agency: AHS- Department of Health

Mailing Address: 280 State Drive, Waterbury, VT 05671-8300

Telephone: 802-951-0174 Fax: 802-951-1275

E-Mail: ahs.vdhrules@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

[http://www.healthvermont.gov/about-us/lawsregulations/
public-comment](http://www.healthvermont.gov/about-us/lawsregulations/public-comment)

5. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Natalie Weill

Agency: AHS- Department of Health

Mailing Address: 280 State Drive, Waterbury, VT 05671-8300

Telephone: 802-863-7280 Fax: 802-951-127

E-Mail: ahs.vdhrules@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

18 V.S.A. §§ 1752, 1759, and 1760, and 3 V.S.A. §
801 (b)

EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

The statute states the following:

3 V.S.A. § 801(b)(11) "Adopting authority" means, for agencies that are attached to the Agenc[y] of...Human Services...the commissioner of [that] department."

§1759(a)3: A person engaging in RRPM activities shall comply with section 1760 of this chapter and related rules adopted by the Commissioner.

(c) An owner of rental target housing or a child care facility or the owner's representative shall:

(1) file with the Department an RRPM compliance statement pursuant to rules adopted by the Commissioner, unless the property is exempt pursuant to subsection (e) of this section; and

(2) abide by any rules pertaining to the maintenance of lead-based paint and provision of notice to tenants as may be prescribed by the Commissioner.

(f) The Commissioner may adopt rules pursuant to 3 V.S.A. chapter 25 as necessary for the implementation, administration, and enforcement of this section.

9. THE FILING HAS NOT CHANGED SINCE THE FILING OF THE PROPOSED RULE.
10. THE AGENCY HAS NOT INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.
11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.
12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

14. **CONCISE SUMMARY (150 WORDS OR LESS):**

The rule provides the requirements for work practices, licensing, and training for lead-based paint activities and renovation, repair, painting and maintenance activities to prevent the creation of lead hazards that cause lead poisoning. This rulemaking proposes the following changes:

1) Amends the information required by the Department from the owners of rental target housing to obtain RRPM firm licenses to work on their own properties.

Specifically, the requirement for liability insurance has been removed.

2) Amends the activities licensed owners of rental target housing can conduct when doing RRPM activities on their own properties.

3) Amends items to be consistent with federal law, including adding a hands-on component to the training requirement for a lead-safe RRPM refresher training and adding the definition for "Dry disposable cleaning cloth."

4) Amends the training requirements for lead-based paint inspectors to be consistent with other states.

5) Amends provisions for clarity.

15. **EXPLANATION OF WHY THE RULE IS NECESSARY:**

Act 47 of 2023 amended Title 18 to change the licensure requirements for rental property owners conducting repair work on their own pre-1978 properties to eliminate the requirement for liability insurance; this rulemaking updates the rule to reflect that change.

Additional changes were made for consistency with federal law and other states' lead control regulations.

16. **EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:**

This rulemaking reflects the changes necessary for the

Health Department to implement the amendments to Title 18 made by Act 47 of 2023. The amendments made by the Department regarding these regulations are factually based, rationally connected to those factual bases, and would make sense to a reasonable person.

17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Owners of pre-1978 rental housing
Lead-based paint inspectors

18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

Owners of pre-1978 rental housing may see cost savings associated with the exemption from the requirement to obtain liability insurance when obtaining an RRPM licenses to work on their own properties. Because this exemption is in statute, the impact will be the same with or without this rulemaking.

19. A HEARING WAS HELD.

20. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 2/20/2024

Time: 03:00 PM

Street Address: 280 State Drive, Waterbury, VT

Zip Code: 05671

URL for Virtual: Call-in only:

+1 802-828-7667, ,316765279# United States, Montpelier

Phone Conference ID: 316 765 279#

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

2/27/2024

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

renovation

deteriorated paint

lead-based paint

RRPM

rental housing

landlord

lead paint

paint

lead poisoning

Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

Regulations for Lead Control

2. ADOPTING AGENCY:

AHS - Department of Health

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

Vermont Regulations for Lead Control. April 22, 2021.
Secretary of State Rule Log #21-005

Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

Regulations for Lead Control

2. ADOPTING AGENCY:

AHS - Department of Health

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

Owners of pre-1978 rental housing: may see cost savings associated with the exemption from the requirement to obtain liability insurance if they choose to obtain RRPM licenses to work on their own properties. The liability insurance is estimated at \$2,500 per year.

Lead-based paint inspectors: may see an unquantifiable cost savings due to a relaxation of the experience requirements for licensure.

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

There are no anticipated impacts to schools.

5. ALTERNATIVES: CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.

Because there are no impacts, alternatives have not been considered.

6. IMPACT ON SMALL BUSINESSES:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

The requirements of this rule apply to all businesses engaged in RRPM work.

7. SMALL BUSINESS COMPLIANCE: EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.

The risks associated with lead RRPM work are not contingent on business size, and creating such alternatives would not be appropriate.

8. COMPARISON:

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

Because this rulemaking aligns with statute, which eliminated the liability insurance requirement for owners of target rental housing, there is no alternative.

9. SUFFICIENCY: DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.

The Department has provided the relevant information it has based on as assessment of the potential impacts.

Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

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3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*
No impact is anticipated.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*
No impact is anticipated.

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*
No impact is anticipated.

6. RECREATION: *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*
No impact is anticipated.

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

No impact is anticipated.

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

No impact is anticipated.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The rule does not impact any of the areas listed above, and therefore, this analysis sufficiently captures that there will be no environmental impact.

Public Input Maximization Plan

Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

Regulations for Lead Control

2. ADOPTING AGENCY:

AHS - Department of Health

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

A public comment period and public hearing was held. The rule was posted in newspapers and online at:
http://healthvermont.gov/admin/public_comment.aspx.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

At their request, the Department met with rental property owners Alan Bjerke, Ken Grillo, and John Tracy. The Department emailed all IRC and EMP certificate holders, and existing lead licensees to engage them in the process, inviting them to provide written comment or attend the public hearing.

Public Comment Response Summary Regulations for Lead Control

The Department of Health (Department) held a public hearing on February 20, 2024, in Waterbury, Vermont, for the proposed Regulations for Lead Control and accepted written comments through February 27, 2024. The following is a summary of the 38 written comments received from the public, as well as the comments provided during the public hearing. The Department has provided a response to each comment. Comments of a similar or consistent nature have been consolidated and responded to accordingly.

- 1. Comment:** Several commenters inquired about exempting owner-occupied rental housing (e.g. a duplex in which the owner lives in one unit and a renter in the second unit) from these regulations and noted that a failure to provide such an exemption would create financial hardship.

Response: A federal exemption exists for a homeowner doing work on their own owner-occupied property, but only if the property is not occupied by “a person or persons other than the owner or the owner’s immediate family while these activities are being performed.” In other words, if part of the property is rented and the owner is doing renovations, the owner must obtain a license and follow the Renovation, Repair, Painting and Maintenance (RRPM) lead-safe work practice requirements. Alternatively, the owner may hire a licensed contractor to do so.

The Department’s rule must be as protective as the Environmental Protection Agency’s (EPA), and therefore the Department cannot propose an exemption for rental properties in which the landlord lives on-site.

- 2. Comment:** Several commenters noted that lead exposure from food and other sources is a potentially greater risk than from paint and asked about the data on lead exposure risk by source.

Response: This rulemaking is required by state and federal regulations and is not contingent on an assessment of other potential sources of lead exposure.

While it is true that there are other sources of lead exposure, such as auto body work, making stained glass, or casting lead toys, sinkers or bullets, dust from lead-based paint is the major source of lead poisoning among children. The scientific literature suggests that, nationally, lead-contaminated paint dust is the most significant source of childhood lead exposure. In 2022, lead was found in over 1,500 Vermont children under the age of 6. Common renovation activities like sanding, cutting, and demolition can also create hazardous lead dust.

People, especially children, can swallow lead dust as they eat, play, and do other normal hand-to-mouth activities.

3. **Comment:** Several commenters expressed confusion about the rulemaking, suggesting that it prohibited landlords from conducting renovation or repair work on their own rental properties.

Response: The rule and rulemaking do not prohibit landlords from doing renovation/repair work on their own properties. Under the rule, landlords can become trained and licensed to do the repairs themselves on painted surfaces over 1 square foot, or hire a contractor to do so.

4. **Comment:** Several commenters suggested that the lead laws in Vermont should be kept “closer to EMPs.”

Response: Vermont law still contains an EMP (Essential Maintenance Practices) component for landlords and child care operators; these requirements are now, since October 2022, called Inspection, Repair and Painting (IRC) practices. In October 2022, Vermont adopted and began implementing the federal Renovation, Repair and Painting law, a law which has been administered by the EPA since 2008. In Vermont it is now called Renovation, Repair, Painting and Maintenance (RRPM). Landlords doing work that disturbed lead-based painted surfaces on their rental properties were already subject to the federal RRP requirements before Vermont began implementing the rule.

5. **Comment:** Several commenters noted that RRPM training/educational requirements should not be “difficult” and should be “relax[ed]” especially since most of the work landlords conduct on their rental properties consists of repainting “scuffed or stained walls.”

Response: The federal government sets the baseline training and examination requirements for individuals who do renovation work on pre-1978 housing and child-occupied facilities, whether they own the property or conduct these services in a commercial capacity. The baseline training requirements from EPA include the minimum number of training hours, including hands-on training, for initial and refresher courses, required for RRP certification. Since the Department has adopted authority to implement the federal program in Vermont, the Vermont trainings must meet the federal requirements, at a minimum. The Department cannot relax the training requirements as proposed by the commenter.

Simply re-painting scuffed or stained walls does not require the property owner to obtain the training certificate and licensure and to use the prescribed lead-safe work practices. The training, licensure, and work practices are only required if painted surfaces are disturbed, such as by sanding or scraping. As defined in the rule, “disturb” means to engage in activities such as renovation, remodeling,

repair, maintenance, plumbing, electrical work, carpentry, window installation, painting, or weatherization that create dust and/or debris from painted surfaces.

6. **Comment:** Several commenters noted their appreciation for the rule amendment that exempts owners from the requirement to purchase liability insurance.

Response: The Department acknowledges these comments and notes that the exemption from liability insurance included in this rule is derived from statute at 18 V.S.A. § 1764(b).

7. **Comment:** Several commenters requested that the Department amend the rule to exclude the liability insurance requirement for rental property owners, noting it to be a financial burden. One commenter further noted that the required insurance “was not available” to them as a landlord.

Response: The rulemaking does not add a requirement for lead liability insurance. As required by statute, the proposed rulemaking removes the requirement for landlords to have liability insurance when conducting repairs on their own rental properties.

8. **Comment:** Several commenters requested blanket exemptions from the RRPM regulations for certain building components, or alternatives to the rule’s method of obtaining an exemption, noting the costs of compliance and the lack of Vermont-licensed lead inspectors.

Response: The requirements cited by the commenters are derived from statute and thus cannot be amended via rulemaking. Vermont statute 18 VSA §1760(a) states “All paint in target housing... is presumed to be lead-based unless the component affected by the RRPM activity is exempt pursuant to subsection (c) of this section.” 18 VSA §1760(c) states that a component is only exempt if a licensed lead-based paint inspector or inspector-risk assessor states that the component is free of lead-based paint. This inspector can conduct a lead-based paint inspection according to HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, utilizing an XRF to confirm paint is not lead-based. A licensed lead-based paint inspector or inspector-risk assessor may also take paint chip samples and have them analyzed by a qualified laboratory.

Through this rulemaking, the Department is simplifying the licensing requirements for licensed lead-based paint inspector or inspector-risk assessors such that they are comparable to neighboring states. This includes reducing the years of prior experience necessary to obtain an inspector license from two to one. Currently there are 29 lead-based paint inspectors or inspector-risk assessors licensed in Vermont and available to conduct inspections for purposes of claiming an exemption from the rule. The Department has not received complaints from the public about a lack of availability of lead inspectors. The Department anticipates that more inspectors will become licensed in Vermont

and the cost of pursuing an inspection to exempt a property will cost less as a result. Currently, the cost of a lead inspection for purposes of permanently exempting a 2-bedroom, 1-bathroom house (assuming 6 total rooms) from Vermont's lead law would range from \$600-\$800, depending on the type of building components. Inspections of properties with vinyl siding or replacement windows, for example, could take less time and cost less.

- 9. Comment:** Several commenters noted that the licensing/certification requirements for owners of rental housing should be the same as for owners of child-care facilities and that licensing fees for owners of rental housing doing their own repair work should be eliminated or reduced.

Response: The legislation at 18 VSA § 1752(d) that allows for individuals to perform RRPM services not for compensation was included by the legislature specifically to allow childcare owners to do work on their own properties with the proper training but without paying for a license because of the state of crisis in Vermont's childcare system. Further, childcare facilities are already highly regulated in Vermont; they are licensed and inspected by the Department of Children and Families (DCF), which is distinct from residential rental properties. The in-person DCF licensing inspection includes a review of whether the childcare is in compliance with the Vermont lead law and has minimized lead hazards.

Further, the Department cannot eliminate the license requirement or the licensing fee for owners of rental properties. 18 V.S.A. §1752(e) states that a person shall not perform lead-based paint activities or RRPM activities for compensation without first obtaining a license from the Commissioner. Rent is considered compensation for landlords doing RRPM activities on their rental properties.

These are not new or additional fees. Landlords were already required, under federal law, to be registered as an RRP Firm with EPA for a fee of \$300 every 5 years if conducting repair work on their rental properties. Now that Vermont implements this law, the firm license fee is \$300 every 5 years, paid to the state rather than to EPA. The Commissioner is required to impose a fee for a license by statute at 18 V.S.A. §1753.

A landlord that obtains a Repair, Renovation Painting Maintenance Firm License for \$300 as well as a Supervisor License for \$50 can train and supervise workers to do RRPM activities. Under the proposed rule, if the landlord opts to obtain a Lead-Safe RRPM Firm License for Owners of Rental Target Housing, which does not require liability insurance, it does not allow them to supervise others in doing RRPM activities.

- 10. Comment:** One commenter said, "If the EPA approves the use of a HEPA vac connected to a dust-collecting sander what could possibly be a reasonable rationale for charging a fee to use it?" and several commenters stated that

power sanders with HEPA vacuum systems should be exempt from the permit application requirements in section 5.1.3.

Response: While EPA does allow for the use of sanders or grinders that have HEPA vacuum attachment, Vermont cannot allow a blanket approval for power sanders with a HEPA dust control attachment is prohibited by Vermont statute [18 VSA §1753(c)] and would increase risks to public health.

The use of high-risk powered tools is prohibited under 18 VSA §1760 unless specifically authorized by the Department, which can be granted via a permit application. 18 VSA §1753(c) permits the use of prohibited practices such as powered tools only under a permit for a particular project. The per-project permit fee is set in statute at \$50.

Additionally, requiring that licensees apply for a power tool permit for each job is important because it provides the Department with information about the project start and end dates so Department inspectors can visit the jobsite to make sure the work using this high-risk practice is being performed safely.

11. Comment: Several commenters stated that requiring each individual who performs RRPM work to be licensed (rather than able to work under the supervision of another licensed family member without their own license) was unnecessary and costly. They recommended that rental property owners be allowed to train and supervise other owners.

Response: The Department does not require each member of a family to become separately licensed. Under the proposed rule, a landlord can choose one of the following options:

1. Obtain a Lead-Safe RRPM Firm License for Owners of Rental Target Housing, which does not allow them to supervise others in doing RRPM activities;
2. Obtain a Lead-Safe RRPM Firm License and RRPM Supervisor License, which would allow them to train and supervise others; or
3. Hire a licensed Lead-Safe RRPM Firm/contractor to do the RRPM work.

Under the proposed rule, if a landlord chooses to obtain a Lead-Safe RRPM Firm License for Owners of Rental Target Housing, which does not require them to submit proof of effective liability coverage to indemnify properly a person who suffers damage from RRPM activities, then they may not supervise others in doing RRPM activities. Without this insurance coverage, supervisees would not be financially protected in the case of a lead poisoning. Similarly, the current rule does not permit certified uncompensated child care operators to provide training to workers or supervise them in conducting RRPM activities- see Section 12.7.3.1. of the rule.

Further, the language in the recently enacted updates to 18 V.S.A. § 1764 state that “Owners of rental target housing who personally perform all work under this chapter on properties in which they have an interest shall be exempt from subsection (a) of this section [liability insurance requirements].” Accordingly, in order to obtain a license without showing proof of insurance, the owner must be personally performing all of the RRPM activities, not supervising others to do so.

12. Comment: One commenter said, “I am President of a non-profit (501(c)(3)) historical society that rents out a 1-bedroom apartment in its museum building. For past EMP purposes, I have been identified as the "Owner" (since I am the President) despite the building being owned by the Society and managed by a Board of Trustees. Also in the past, 2 Trustees have obtained EMP certification to perform the required lead paint activities. Section 12.8.3.1 states that a holder of a lead-safe RRPM firm license for owners of rental target housing shall not provide training to on-the-job workers and shall perform all RRPM activities personally. Does this mean that all Trustees who will do lead paint activities must each obtain a lead-safe RRPM license? Or would we do RRPM activities under Firm & Supervisor licenses? Additionally, is this Firm license the "Lead-Safe RRPM Landlord License" on the Licensing Portal?”

Response: Under the proposed rule, a landlord/owner of pre-1978 rental housing can choose one of the following options if they need to conduct repairs on their property:

1. Obtain a Lead-Safe RRPM Firm License for Owners of Rental Target Housing (listed as "Lead-Safe RRPM Landlord License" on the Licensing Portal), which does not require effective liability coverage to indemnify properly a person who suffers damage from RRPM activities and which does not allow them to supervise others in doing RRPM activities;
2. Obtain a Lead-Safe RRPM Firm License and RRPM Supervisor License, which would allow them to train and supervise others; or
3. Hire a licensed Lead-Safe RRPM Firm/contractor to do the RRPM work.

13. Comment: Many commenters noted that the costs associated with compliance with these regulations are too high and negatively impact owners and renters by increasing rents and/or potentially reducing the number of units available for rent because landlords would turn them into short-term rentals.

Response: The changes to the lead rule proposed by the Department in this rulemaking do not add additional financial burden for landlords. Rather, the proposed changes will provide a cost savings for landlords doing work on their own properties by not requiring them to obtain lead liability insurance. The other costs, including licensing fees and training costs, are not new; they already existed in federal law. Landlords were already required, under federal law, to be

registered with EPA for a fee of \$300/5 years if conducting repair work on their rental properties. Since Vermont assumed responsibility for enforcing these regulations in 2022, the firm license fee is still \$300 every 5 years, though now paid to the state rather than to EPA.

Converting a residential rental into a short-term rental does not eliminate the requirement to comply with Vermont lead law. While short-term rentals, like Airbnb or VRBO are not considered rental target housing subject to annual Inspection, Repair and Cleaning practices, they are still target housing subject to RRPM requirements if painted surfaces over 1 square foot in the interior or 20 square feet on the exterior are disturbed.

14. Comment: Several commenters noted concerns with the amount of waste that may be generated through RRPM work practices required by this rule.

Response: The use of plastic sheeting during renovation activities is required in federal, and therefore Vermont law and is a proven method for preventing the spread of lead dust and paint chips that can cause lead poisoning. That said, there are steps that can be taken to reduce waste generated from RRPM activities, and the Department is able to provide that information upon request.

15. Comment: One commenter asked for clarification on the allowable use of abrasive plastic in pressure washing.

Response: Section 4.2 defines “abrasive blasting” as “the procedure of removing paint from a surface by using mechanical force to apply an abrasive material (e.g. sand, grit, or other similar material) to the painted surface. This includes the use of special tools that use high speed operation or high-pressure air mixed with another medium such as sand, walnut shells, chemical salts, or dry ice to remove paint from surfaces.” The list of materials included in the definition is not exhaustive; these are just examples. Abrasive plastic applied by mechanical force to remove paint from a surface is considered abrasive blasting under Section 4.2. and is prohibited by 18 VSA §1760 and Section 5.1.2 of the regulations unless a waiver is granted to a licensed lead abatement firm for a particular permitted project pursuant to Section 8.1.2.

16. Comment: “Requiring licensure instead of certification of rental property owners working on their own properties effectively cancels the insurance protection their tenants would otherwise benefit from - leaving them less protected, not more.”

Response: The Department cannot eliminate the license requirement for owners of rental properties. 18 V.S.A. §1752(e) states that a person shall not perform lead-based paint activities or RRPM activities for compensation without first

obtaining a license from the Commissioner. Rent is considered compensation for landlords doing RRPM activities on their rental properties.

17. Comment: Some commenters noted their dissatisfaction with the Department's engagement with rental housing owners during the rulemaking process.

Response: The Department has shared multiple drafts of the rulemaking, met with stakeholders before the formal rulemaking process as well as during the formal process, and emailed all lead-related license and certificate holders, past and present, about the public hearing and public comment period. The Department considered different approaches to the regulations as proposed by stakeholders. Due to legal constraints from the federal RRP requirements, our obligation to be as protective as EPA's regulations, and our own existing state statutes, many of the changes requested by stakeholders were not feasible for the Department to make, as described throughout this response to comment.

18. Comment: A commenter noted the burden associated with section 6.2 requirements for turnover inspections, noting they were no longer allowed to do it as they had for years since their training was no longer valid. Of the five firms in their area, the commenter was only able to find contact info for two of them.

Response: The inspection required of a pre-1978 rental property at tenant turnover by Section 6.2 of the rule, which is not a new requirement, must be conducted by an individual with a current EMP (within the last five years) or IRC training certificate. This training is low (\$10) or no cost depending on where it is taken and is flexible because it is a self-study course. We encourage all rental property owners to become IRC certified and conduct these inspections themselves rather than try to hire an outside contractor.

19. Comment: One commenter noted that "good parenting" is the primary way to ensure children are not exposure to lead contamination and noted the importance of educating people on the health risks of lead exposure.

Response: The Department acknowledges these comments and notes that the Department conducts extensive education and outreach to the public with regards to the risk of lead exposure.

20. Comment: One commenter noted that they believe that section 18 V.S.A.1752(e) which states "After the adoption of rules pursuant to this section, a person shall not perform lead-based paint activities or RRPM activities for compensation without first obtaining a license from the Commissioner" should be interpreted as someone being paid specifically for doing RRPM activities, and that rental income should not be considered "compensation" for landlords/rental property owners doing repair and maintenance work on their own rental properties.

Response: Since Vermont adopted authority for implementing the Renovation, Repair and Painting Program from the U.S. Environmental Protection Agency, the Department's rule must be as protective as EPA's. EPA considers rent to be compensation paid to landlords ("Compensation includes pay for work performed, such as that paid to contractors and subcontractors; wages, such as those paid to employees of contractors, building owners, property management companies, child-occupied facility operators, State and local government agencies, and non-profits; and rent for target housing or public or commercial building space."). Accordingly, rent is understood to be compensation for landlords doing repair or renovation work on their rental properties.

21. Comment: One commenter asked for a definition for "IRC certification" and "IRC license."

Response: There is no IRC license in the Vermont Regulations for lead control. An IRC certification is described in the Regulations for Lead Control section 12.6, called "Certification to Conduct Cleaning and Paint Inspections in Rental Target Properties and Child Care Facilities." To obtain this certification, a rental target property and child care facility owner, or owner's representative must be at least 18 years of age; and must pass the course examination for the Department's cleaning and paint inspection training with a score of at least 70%. These IRC certificate holders are responsible for ensuring compliance with Section 6 of the regulations for each of the rental target housing properties or child care facilities they own- i.e. conducting the annual inspection, cleaning, and information distribution to tenants.

22. Comment: One commenter asked whether a license increases liability.

Response: This question should be posed to one's attorney or insurance agent.

23. Comment: One commenter asked for a definition of "RRPM Firm."

Response: Statue at 18 V.S.A. 1751(b)(40) defines "Lead-safe RRPM firm" as "a company, partnership, corporation, sole proprietorship or individual doing business; association; or other business entity that regularly engages in RRPM activities for compensation, that employs or contracts with persons to perform RRPM activities."

24. Comment: One commenter asked whether the Department has a public listing of licensed RRPM's with their locations?

Response: Yes, the Department maintains a look-up tool for the public to search for a licensed Lead-Safe RRPM Firm:

<https://vtalrp.imagetrendlicense.com/lms/public/portal#/lookup>

25. Comment: One commenter asked whether the Department has a list of locations in Vermont where RRPM licensing can be obtained?

Response: The Department of Health is the only entity that issues RRPM licenses in Vermont. You can apply for a license through our portal at <https://vtalrp.imagetrendlicense.com/lms/public/portal#/login>. The Department also maintains a list of accredited RRPM training providers on our website: <https://www.healthvermont.gov/RRPM>

Many commenters provided comments that were outside the scope of rulemaking (see the attached comments) to which the Department was unable to respond.

From: [Jerry Vaisey](#)
To: [McCarthy, Meg \(she/her\)](#)
Date: Tuesday, February 20, 2024 4:05:05 PM

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At 86 years old, I own my own home that is very old. Do not some Big Brother government entity to put legislation in place that is impossible for me to follow.

Sincerely,
Gerald F. Vaisey

From: [Brian French](#)

To: [AHS - VDH Lead Poisoning Program](#)

Subject: Re: Public Comment Period for Vermont Regulations for Lead Control

Date: Friday, January 26, 2024 10:35:31 AM

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I am in favor of this rule change to help try to keep the costs down for Landlords and tenants.

Brian

Brian French, President

Brian French Real Estate

On Jan 26, 2024, at 10:26 AM,
IRCpractices@vermont.gov wrote: >

Dear stakeholders, The Health Department is proposing changes to the Vermont Regulations for Lead Control. Act 47 of 2023 amended Title 18 to change the licensure requirements for rental property owners conducting repair work on their own pre-1978 properties to eliminate the requirement for liability insurance; this rulemaking updates the rule to reflect that change. Additional changes were made for consistency with federal law and other states' lead control regulations. You can find the

proposed rulemaking here: <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.healthvermont.gov%2Fflaws-regulations%2Fflaws%2Fpublic-comment&data=05%7C02%7CAHS.VDHLeadPoisoningProgram%40vermont.gov%7Cde8bba3b26b84ff9c0f308dc1e846d08%7C20b4933bbaad433c9c0270edcc7559c6%7C0%7C0%7C638418801313112456%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IjEhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=8Dsnuu11QP3cpdtd%2BWd1BDQQ18JhlqKcPwps7BXdiQs%3D&reserved=0> The public comment period for this proposed rulemaking is open through February 20, 2024. We will respond to all public comments on the lead rulemaking after the end of the public comment period so that all stakeholders are given the same information at the same time. Our responses will be posted our website, linked above. Thank you in advance for your valuable input. Vermont Department of Health Asbestos and Lead Regulatory Program 108 Cherry Street - Suite 201 Burlington, Vermont 05402 ALRP@vermont.gov
<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.healthvermont.gov%2FALRP&data=05%7C02%7CAHS.VDHLeadPoisoningProgram%40vermont.gov%7Cde8bba3b26b84ff9c0f308dc1e846d08%7C20b4933bbaad433c9c0270edcc7559c6%7C0%7C0%7C638418801313120172%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IjEhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=eDUdxAiPzef9zQou6V8WP5bYSX6JSjmMRucfvWxHUQA%3D&reserved=0>

From: [C David Belcher](mailto:C.David.Belcher@gmail.com)
To: [AHS - VDH Lead Poisoning Program](#)
Subject: Re: Public Comment Period for Vermont Regulations for Lead Control
Date: Friday, January 26, 2024 2:42:48 PM

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As a landlord with historic properties, I appreciate your law change to exempt owners from having to buy liability insurance to work on their own property.

On the topic of lead poisoning, I was diagnosed this year with high lead levels, and had done no painting as the properties are all vinyl sided. Turns out to have been my habit of eating sea salt, and sea salt potato chips. If you do research on the amount of lead in sea salts of various kinds you will be amazed. Reference Leadsafemama testing on various major brands. I wonder that the elementary cafeteria are being monitored on what salts they give our children.

I checked my local food co-operative kitchen staff on what "salt", they used to prepare meals, "Redmond salt was the reply". If you look at reported problems on this salt see lots of problems with lead contamination.

The problems with lead are not just the odd dust from older buildings, or the old leaded gasoline. Lead is in our salt and foods grown in high mineral soils. Root crops in particular are at risk for high lead levels. No testing?? I have spent \$5000+ dollars this year to do lead chelation.

My doctor regular test me for high lead levels, and until this year I was ok.

C David

On Fri, Jan 26, 2024 at 10:27 AM <IRCpractices@vermont.gov> wrote:

Dear stakeholders, The Health Department is proposing changes to the Vermont Regulations for Lead Control. Act 47 of 2023 amended Title 18 to change the licensure requirements for rental property owners conducting repair work on their own pre-1978 properties to eliminate the requirement for liability insurance; this rulemaking updates the rule to reflect that change. Additional changes were made for consistency with federal law and other states' lead control regulations. You can find the proposed rulemaking here:

<https://www.healthvermont.gov/laws-regulations/laws/public-comment> The public comment period for this proposed rulemaking is open through February 20, 2024. We will respond to all public comments on the lead rulemaking after the end of the public comment period so that all stakeholders are given the same information at the same time. Our responses will be posted our website, linked above. Thank you in advance for your valuable input. Vermont Department of Health Asbestos and Lead Regulatory Program 108 Cherry Street - Suite 201 Burlington, Vermont 05402 ALRP@vermont.gov www.healthvermont.gov/ALRP

From: [AHS - VDH Lead Poisoning Program](#)
To: [AHS - VDH ALRP General](#)
Subject: FW: Public Comment Period for Vermont Regulations for Lead Control
Date: Friday, January 26, 2024 2:59:42 PM

From: Peter Yee <peter@yellowsigncommercial.com>
Sent: Friday, January 26, 2024 11:34 AM
To: AHS - VDH Lead Poisoning Program <AHS.VDHLeadPoisoningProgram@vermont.gov>
Subject: Re: Public Comment Period for Vermont Regulations for Lead Control

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Good morning,

I am a landlord and real estate professional for almost 20 years in Vermont. I raised a family including 4 children and feel good parenting will likely prevent most lead paint issues however we seem to have some problems in our society regarding parenting. I read a couple articles and opinions about the lead paint health concerns and have come up with the following idea. Feel free to share this idea or dispose of it. Either way I am trying to help by weighing in on this topic.

The main problem in life is fear. People are concerned about others having health issues related to lead paint and older homes that have lead paint. The consensus online seems to lean toward really focusing on the children who don't have fully developed brains. During the development process of a human being's brain, it is very susceptible to deformities/problems as a result of lead paint exposure. the most common form of lead paint exposure seems to be the eating of lead paint chips. I don't care how hungry i get, i seem to steer away from eating dirt, dust, or paint chips. I tihnk if we educate tenants on the real concerns about lead paint poisoning and how they should not eat paint chips and definitely not let small children eat the paint chips we will solve a lot of the problems we fear. We are worried that parents aren't paying attention to their children which may result in a child ingesting lead paint chips. So #1 educate! Educate landlords, tenants, and perhaps all persons who purchase or live in properties built prior to 1978 about the lead paint chip concerns and dissuade people from breathing in lead paint dust by recommending using a lead paint contractor, the wet removal method, and/or using a protective mask. However, adults need to understand that it is really a concern for people with undeveloped brains.

Beyond that, I think having special licenses as a contractor shouldn't be a difficult process. Perhaps they have to read a short essay on the issues/concerns/safe practices...maybe take a 5 question test and then be certified. Lead Paint Regulation shouldn't be so difficult and cost the people so much in my opinion. It isn't rocket science. It isn't like covid. It really is just about the children. Mostly in my opinion children under 5 but perhaps we stretch the number to 8? I stopped licking my fingers or eating dirt at an early age. But if you educate people, children, and landlords/tenants, that is the main concern.

Through eliminating the fear of the unknown, perhaps we can save people from this health hazard, save landlord's money, government money to enforce, and focus our attention on much bigger issues we have in this world.

I am lead paint certified. It cost me about \$150 for a 2 hour class and I believe I can assess my properties and even help others as well. it is a nice side hustle if someone wants to motivate and get certified and offer the service at a reasonable price? I don't have any properties with young children that have peeling paint. BTW, I am talking about under the age of 5. I have one tenant with young children, she is in a freshly painted apartment built in 1979 which is borderline since the "safe" age supposedly for this concern is 1978. I have lead paint posters posted and the main areas of concern tend to be the windows and mine are all vinyl (plastic).....hmmmm i wonder if a child eats plastic if that will hurt them?

Seriously though, I believe education and elimination of fear is the true solution to a lot of the world's problems!!!

Sincerely,

PETER YEE

President

Burlington, VT

802-598-0006 (c)

yellowsignvt.com

On Fri, Jan 26, 2024 at 10:28 AM <IRCpractices@vermont.gov> wrote:

Dear stakeholders, The Health Department is proposing changes to the Vermont Regulations for Lead Control. Act 47 of 2023 amended Title 18 to change the licensure requirements for rental property owners conducting repair work on their own pre-1978 properties to eliminate the requirement for liability insurance; this rulemaking updates the rule to reflect that change. Additional changes were made for consistency with federal law and other states' lead control regulations. You can find the proposed rulemaking here: <https://www.healthvermont.gov/laws-regulations/laws/public-comment> The public comment period for this proposed rulemaking is open through February 20, 2024. We will respond to all public comments on the lead rulemaking after the end of the public comment period so that all stakeholders are given the same information at the same time. Our responses will be posted our website, linked above. Thank you in advance for your valuable input. Vermont Department of Health Asbestos and Lead Regulatory Program 108 Cherry Street - Suite 201 Burlington, Vermont 05402 ALRP@vermont.gov www.healthvermont.gov/ALRP

From: [Spruyt Properties](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: Bigger Picture.
Date: Tuesday, February 27, 2024 10:33:44 PM

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Dear Meg,

My first e-mail is the cliff-notes for what are more systemic concern.

Concerns about environmental hazards in general, and especially lead, have been on my mind for decades. I have suffered from heavy metal poisoning as an adult (more mercury than lead, inexplicably), so I take it very seriously.

I would like to put the issue in some context. There are areas where policies around lead paint intersect and effect other social and governmental priorities. Environmental, economic, housing availability, and other health priorities, can either be undermined, or if we get it right, can be mutually supportive. The devil, as ever, is in the details. What we do, and how we do it both matter.

You are focused on the intersection of health and housing, when it comes to lead poisoning.

Sticking with that narrow area of concern, let's look at where the danger comes from.

It has been well documented that the primary vector is dust. When studied it has (not surprisingly) been shown that the biggest risk factor, by far, is house-keeping. That is why the EMP program spent so much time on facilitating cleaning, and then having us do some of the harder to reach areas. That program was relatively user friendly for those of us who needed to implement it, and was seemingly very effective.

Looking at where this dust came from, we learned that it is primarily the abrading moving surfaces of doors and windows.

It makes sense to also pay attention to peeling and flaking paint in areas that are old enough that they could be lead paint.

The source of the balance of lead poisoning cases are likely blamed on a wide variety of sources. This a result of the fact that we as a species have not been able to resist its convenience whenever we have developed more highly organized societies, despite ancient Greeks knowing that it was poisonous prior to the rise of Rome.

We find it in toys, furniture, appliances, and, most disturbingly, in soil almost everywhere due in large part to decades of its use in gasoline.

The current trend towards increasingly strict and seemingly punitive rules around lead paint is, at best, confusing under the circumstances.

Lead has been banished from all that goes into home-building, with paint being the first a half century ago.

I would like you to consider whether your current response to the problem is proportional, and more importantly, effective.

When ever the regulatory environment becomes too daunting, whether it is too expensive, requires a lot of administrative effort, is too unpredictable, or is perceived as generally burdensome, people steer away from that business, often selling to others less aware of the requirements. It must be noted that of those who are most difficult to house, 70% are with private housing providers, thanks to the generosity of small time owners who have given them a chance, whether deserved or not.

When dealing with many small businesses, the best results come from largely voluntary compliance with relevant rules. The more the owner and employees are empowered to carry out the related work, the easier and more affordable compliance will be, and therefore the wider the adoption.

We now have a situation where all manner of licensed professionals are in short supply. This has lead to many other housing providers begging for the services of my one employee who I had trained to do this work on my buildings. In the current environment all sorts of businesses and private home-owners are

not able to find licensed electricians and plumbers, or even competent contractors.

This brings me to the litany unintended consequences, and opportunities for symbiosis across the seemingly competing priorities of State government.

Housing: In the current legislative biennium concern about housing availability has been front and center.

Price; Availability largely determines price, though many who spoke on the phone at your last hearing are the sort of small time housing providers who, as thoughtful members of their communities, house the vast majority of those who, for a variety of reasons, are difficult to house, at far less than 'market' rents. These are often the least able to comply with the current IRC/RRPM regulations. This, combined with the increasing number of roadblocks to holding problematic tenants accountable, is inspiring many to get out of the business, and others like them to steer clear of getting into property management in the first place.

Having stable tenants would also help, by, for instance, fully funding for the HUD Sect. 8 Rent Voucher program (that inexplicably was not even suggested as a way to provide COVID renal relief).

Availability; There are plenty of reasons for the apparent shortage of housing. I say 'apparent' not because I don't think there is an issue, but because it is not that simple. Lead regulation is only one of many things suppressing the availability of rental housing. Lead regs are one of the reasons some might switch from long term rentals to short term rentals (which helps support our tourist economy). Others are keeping their units off the market, after having a drawn out and expensive bad tenant experience. Still others are over-housed, perhaps because their kids have fledged, but they don't want to deal with a rental, with the possibility of a disruptive neighbor who is making all the other tenants miserable.

Tourism & Economic development: One of the things that draws people to Vermont is it's old-world charm, our old clapboard houses with slate roofs. We are losing them, and our farms at an alarming rate. One prominent example of our abandoning our older buildings, along with the opportunity to house more people than most any other older building in Vermont, is the Walloomsac Inn located right on Rt 9 in old Bennington.

It predates the forming of the State of Vermont, and has more historical significance to the State and nation than I dare try to recount here.

Environment: Relocating the lead contaminated components of our older buildings creates its own set of hazards.

Plastic; The immediate environmental down-sides of remediation include the use and disposal of vast amounts of plastic. Along with pesticides, plastics toxicity are myriad and poorly understood. As endocrine disruptors and estrogen mimics, they both contribute to the obesity crisis, along with numerous other health problems in this country.

Energy: Since we are not 'disarming' the lead paint, how about focusing on containment, perhaps by encapsulating or insulating from the outside? It's a chance to reduce our heating requirements, and therefore reducing greenhouse gas emissions.

Land use; Construction and renovation contribute twice as much to landfills as municipal waste, and 90% of that is demolition, according to the EPA. The odds that a building with lead paint will end up in a landfill is increased by tougher regs, after generating somewhat more waste.

Health Impacts: Everything mentioned above clearly has some health related impact, if hard to quantify.

That being your particular area of responsibility, I urge you to consider the unintended consequences of any and all decisions you make. The stress caused to housing providers by heavy-handed requirements, the possibility that you are contributing some being housing-insecure, along with the many other harder to quantify down-stream effects of the regulatory regime, are all worth considering.

In conclusion:

Anything you can do to make the current regime as close to the EMPs, the better. That will increase compliance, and therefore improve results,

It will also benefit to some degree other State priorities, especially if combined with other common-sense exemptions to the lead paint regulations.

Those are:

* Eliminate any cost, other than the training, for housing providers who have been through the training, or are working with someone who has.

- * Change the level of supervision back to that of the EMP program on any jobsite.
 - * Since often as not, we are dealing with areas either have little or no possibility of lead paint, increase rather than decrease the exempt square footage.
 - * Eliminating from scrutiny areas of a building that have been renovated after 1978. There are many valid reasons why an owner or manager might not want to do a complete "de-leading" of a building. For some it may be financial constraints, others architectural/esthetic, or perhaps historical preservation. For instance, I have whole sides of buildings where the siding was replaced decades ago, and have only seen latex solid-color stain. Another common place where we run into peeling paint is bathrooms, many of which have been renovated since 1978.
- The vast majority of windows in my buildings have been replaced, yet, by current regulations, I need to treat them as though they were the originals that are presumed to be painted with lead paint.

I believe that we can best find ways that serve the greater good by putting in the time and effort to symbiotically address all the state's priorities.

Sincerely,
Fric Spruyt
PO Box 793
Brattleboro, VT 05302

From: [Etienne Morris](#)
To: [McCarthy, Meg \(she/her\)](#)
Cc: [Paul Morris](#)
Subject: Comments from Rental Property Owners (Etienne and Paul Morris) re: RRPM amendments
Date: Tuesday, February 13, 2024 11:17:27 AM
Attachments: [image001.png](#)

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Hi Meg,

My husband and I purchased our first home in 1989 – a 3-family building originally built in ~1854. It was the only building in Stowe (my hometown) that we could afford – and one of the reasons for that was because we could use the rental income from the other two apartments to help us qualify for the mortgage. In 2004(ish), we used the equity in that building to buy a single family home – also the least expensive house on the market that year – and rented out all three of the apartments in our original building.

We are a moderate-income household – with Vermont roots going back to before Vermont was a state – trying to survive in a town where everyone assumes those who live here are millionaires and billionaires. We didn't purchase the 3-family unit as an investment property to line our pockets with cash – we purchased it because it was the only way for us to become homeowners, and we are keeping it as a safe place for our children to land if they should ever need it. And as for cash – if you average out income and expenses over the past 35 years – we operated flat, and with our recent investments this past year and a half, we're operating at a clear deficit at the moment.

The RRPM changes being proposed by the Vermont Department of Health, while heading in the right direction – fall short in a few key areas:

1. The Department Regulations should treat owners of rental housing the same as owners of child care facilities by:
 - a. Eliminate the licensing fees. Shayla Livingston from the Health Dept testified that if the health department were given authority to adopt the lead control regulations, they would not charge rental property owners any more in fees than the old EMP program. You can read her testimony [HERE](#) and listen to her testimony [HERE](#). Childcare operators pay no RRPM fees to the state.
 - b. Allow a trained, licensed RRPM rental property owner to supervise other owners of the property to perform RRPM activities with them. Many rental properties are owned by spouses or families. Requiring each member of the family to become separately licensed is expensive, unnecessary and redundant.

2. The Department Regulations should allow the use of a dust collecting sander connected to a HEPA vacuum system as a matter of course. Under Vermont's regulation, in order to use a sander attached to a HEPA vacuum, you must make a separate application and pay a \$50 fee for every project. The EPA regulations allow it as a matter of course.

There is clearly no safety rationale for the requirement of the permit.

3. The Department should allow alternative methods to exclude building components as lead free and exempt from the RRPM regulations. Currently the only way to eliminate a building component from full compliance with the RRPM regulations is to have a Vermont licensed lead inspector use a XRF Analyzer (think mini x-ray machine/spectrometer) to test all surfaces to be excluded. It is an incredibly expensive service available (at last count) from only 3 providers licensed in Vermont - - one of which is located in Connecticut. The EPA and other states allow the use of more inexpensive chemical based tests for the presence of lead paint and eliminate building components from the full RRPM protocols.

4. Vermont should treat lead paint as a dangerous hazard, but not over-react. Lead paint was eliminated from nearly all interior paints in the 1940's and all exterior paints by 1978. A 1950's building with siding replaced in the 1980's or later is probably lead free. Compliance with the complete RRPM protocol is very expensive and generates a huge amount of waste. In rental housing those costs must be passed onto and paid by renters. We should be safe, but not foolishly making housing more unaffordable.

These are common sense changes that will not fundamentally shift the original intent of the amendment – but improve it in practical and meaningful ways.

Thank you for your consideration,

Etienne and Paul Morris

460 Sylvan Park Road, Stowe, VT 05672

Etienne Morris ([she/her](#))

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From: [Bodo Liewehr](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: Comments re proposed RRPM regulations
Date: Monday, February 26, 2024 6:16:49 PM

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To: Ms Meg McCarthy
From: Mr. Bodo Liewehr
Re: the recently amended regulations for lead control (RRPM)

February 26, 2024

Dear Ms. McCarthy:

It is very unfair that rental housing owners are treated differently and more strictly than child care operators. This does not make much sense. Both landlords and child care operators are necessary components of society. There are already enough burdens imposed on rental property owners by the State without these new proposed RRPM regulations.

The financial cost of compliance with the proposed regulations would be very difficult to bear by the smaller landlords like myself, especially after three years of Covid-19 with its accompanying increased expenses but no increased rent collections. Only now can one try to make up for the loss of revenue during those years.

I strongly urge you to :

- 1) Eliminate the RRPM licensing fees for rental housing owners;
- 2) Allow a trained and licensed RRPM property owner to supervise other co-owners, or even co-managers of the property, to perform RRPM activities with them.
- 3) Allow alternative and less costly methods for lead paint testing and the determination of lead presence in building components.

There is a housing shortage in Vermont. If Vermont passes stricter regulations that are inequitable, do not pass the “common sense” test, and are expensive and very difficult to comply with, then some rental housing owners may say “Enough is enough!” and get out.

Thank you for your consideration of my thoughts.

Cordially,

Bodo Liewehr

Bodo Liewehr
742 South Main St. - Apt. 1
Stowe, VT 05672
802-253-8679

From: [Brian Sweeney](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: Common sense rrpm rules
Date: Tuesday, February 13, 2024 7:36:17 PM

You don't often get email from bsweeneyvt@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi,

I'm a landlord of just one duplex in Winooski. A building that I lived in until I was able to buy a single family home. I pride myself in having a safe, affordable, and nice property. I believe in common sense regulations. Especially ones that don't over burden small operators like myself. I don't think that the fees should be so high. And if you require testing to exclude properties that don't have lead from the burdensome regulations, then there should be affordable and accessible testing.

Please don't just pass on regulations that make Vermont even less affordable.

Sincerely,
Brian Sweeney

From: [Kahlil Zaloom](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: Feedback on Proposed Changes to RRPM
Date: Sunday, February 18, 2024 12:09:27 PM

You don't often get email from 37eastst@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Ms McCarthy,

I am writing to provide feedback on the proposed changes to the requirements to the VT Lead Law that will be discussed in the public hearing on Feb 20, 2024.

My wife and I rent our previous-primary residence in Essex Junction and work diligently to maintain a safe and affordable unit. We have a very good relationship with our tenants and currently rent well below the average monthly rent for a 3 bedroom home. These proposed changes are yet another financial and logistical burden that is applying undue pressure to small scale rental providers and will no doubt have a negative effect on the challenging housing situation in Vermont. These proposals must strike a better balance between what is effective vs what is ideological.

In short, I fully support the amendments proposed by Alan Bjerke, John Tracy, Ken Grillo. As summarized below, these amendments keep in focus the importance of providing safe housing while maintaining a more practical and sustainable process for property providers.

1. The Department Regulations should treat owners of rental housing the same as owners of child care facilities by:

a. **Eliminate the licensing fees.** Shayla Livingston from the Health Dept testified that if the health department were given authority to adopt the lead control regulations, they would not charge rental property owners any more in fees than the old EMP program. You can read her testimony [HERE](#) and listen to her testimony [HERE](#).

b. **Allow a trained, licensed RRPM rental property owner to supervise other owners of the property to perform RRPM activities with them.** Requiring each member of the family to become separately licensed is expensive, unnecessary and redundant.

2. The Department Regulations should allow the use of a dust collecting sander connected to a HEPA vacuum system as a matter of course.

Under Vermont's regulation, in order to use a sander attached to a HEPA vacuum, you must make a separate application and pay a \$50 fee for every project. The EPA regulations allow this setup as a matter of course and there is clearly no safety rationale for the requirement of the permit.

3. The Department should allow alternative methods to exclude building components as lead free and exempt from the RRPM regulations. Currently the

only way to eliminate a building component from full compliance with the RRPM regulations is to have a Vermont licensed lead inspector use a XRF Analyzer (think mini x-ray machine/spectrometer) to test all surfaces to be excluded. It is an incredibly expensive service available (at last count) from only 3 providers licensed in Vermont - one of which is located in Connecticut. The EPA and other states allow the use of more inexpensive chemical based tests for the presence of lead paint and eliminate building components from the full RRPM protocols.

Vermont should treat lead paint as a dangerous hazard, but not over-react. Lead paint was eliminated from nearly all interior paints in the 1940's and all exterior paints by 1978. A 1950's building with siding replaced in the 1980's or later is likely lead free. Compliance with the complete RRPM protocol is very expensive and generates a huge amount of waste. In rental housing those costs must be passed onto and paid by renters. We should be safe, but not take steps to further undermine the affordability of housing in Vermont.

I appreciate the opportunity to provide input into this process and hope that the Health Department integrates the practical and safe amendments proposed by those who are integral to providing safe housing in our state.

Sincerely,
Kahlil Zaloom
3 Linden Terrace, Burlington, VT 05401

802-497-4304

From: [KATHERIN SCANLAN](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: Fwd: lead paint issue
Date: Sunday, February 18, 2024 8:38:42 PM

You don't often get email from katherinescanlan@comcast.net. [Learn why this is important](#)

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----- Original Message -----

From: KATHERIN SCANLAN <katherinescanlan@comcast.net>
To: "MegMcCarthy@vermont.gov" <MegMcCarthy@vermont.gov>
Date: 02/18/2024 7:46 PM EST
Subject: lead paint issue

I own a three-apartment house that I lived in for 30 years. I bought it in 1984 when I was in my 40s. I took a licensing course and since the lead paint regs went into effect have mainly checked everything every year myself until I hit 80 and became quite lame. Since then my partner helps me. Requiring each member of our family to become separately licensed under the new rules would be expensive and unnecessary. Also, I replaced all the windows with vinyl windows and put Cement Board over all the old clapboards. We have never seen a sliver of paint anywhere and wish it would not be so expensive to get the house certified safe so we don't have to go thru the yearly inspection and paper filing. Also, it seems right that owners of rental housing should be treated the same as owners of child care facilities by eliminating the licensing fees and should allow alternative methods to exclude buildings as lead free and exempt from the RRPM regulations. Honestly, it is getting more complex and cumbersome to own and rent a pre-1978 building to the point I would as soon leave the building unoccupied in spite of the need for apartments in our town, then when I die my heirs can worry about it, or probably sell it.

Thank you,
Katherine Scanlan
Brattleboro

From: [Marcia](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: Lead Based Paint Liability Insurance Requirements
Date: Saturday, February 3, 2024 12:38:43 PM

You don't often get email from swimmingwhole@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

I am writing to give comment/feedback during the public comment period for the **Rule Filing with the Department of Health regarding annotating the text for the Regulations for Lead Control in rental properties in the state of Vermont.**

My name is Marcia Gauvin and I live in White River Junction, VT. I own a three story house on Hazen Street that was renovated in the 70's or 80's into three small apartments, one on each floor. I live on the first floor and rent out the other two apartments. The house is in excellent condition and does not have any flaking paint. I keep it in good repair and repaint the walls, trim, and exterior trim regularly. It has vinyl siding, and so it does not need exterior painting.

I am a public school teacher, and renting out these apartments helps supplement my meager teaching income, and will soon become a necessary source of income during my retirement, which is fast approaching. Adding the burden of Lead Liability Insurance to my small rental situation seems unreasonable and will only increase the rent for my tenants, in an already overpriced apartment market.

The problem of folks being able to find affordable housing in Vermont is not helped by this additional and unnecessary insurance burden, that, in most cases, is not needed, especially when the property is well maintained and in good condition. VT Lead Reporting Requirements already ensure that old aging properties with peeling paint are not on the market for tenants. These are strict requirements that already function to protect those renting from us from unsafe conditions.

I am requesting that you DO annotate the text to **exclude the liability insurance requirement for rental property owners**, as it is a huge financial burden for those of us who are just trying to help give people cheap, clean and well-cared-for housing at a reasonable price.

I also support relaxing the training/licensing requirements for being able to do work on my own rental property (which mostly consists of repainting scuffed and stained walls in between tenants). And while my house is old, I would speculate that there is almost no exposed lead paint, since it has been repainted many times and is in very good condition.

Thanks for taking my comments - feedback into account.

Sincerely,

Marcia Gauvin

24 Hazen St. Apt. #1

White River Junction, VT

05001

swimmingwhole@gmail.com

From: [Charlie and Dinah](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: Lead Control regulations
Date: Friday, February 16, 2024 5:02:22 PM

You don't often get email from cdbain@gmavt.net. [Learn why this is important](#)

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I am trying to understand the proposed changes to the Lead Control Regulations, specifically regarding a holder of a lead-safe RRPM firm license for owners of rental target housing.

I am President of a non-profit (501(c)(3)) historical society that rents out a 1-bedroom apartment in its museum building. For past EMP purposes, I have been identified as the "Owner" (since I am the President) despite the building being owned by the Society and managed by a Board of Trustees. Also in the past, 2 Trustees have obtained EMP certification to perform the required lead paint activities.

Section 12.8.3.1 states that a holder of a lead-safe RRPM firm license for owners of rental target housing shall not provide training to on-the-job workers and shall perform all RRPM activities personally. Does this mean that all Trustees who will do lead paint activities must each obtain a lead-safe RRPM license? Or would we do RRPM activities under Firm & Supervisor licenses?

Additionally, is this Firm license the "Lead-Safe RRPM Landlord License" on the Licensing Portal?

Thanks
Charlie Bain

From: [Gary Neil](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: Lead paint discussion
Date: Monday, February 19, 2024 7:06:43 AM

You don't often get email from grneil@aol.com. [Learn why this is important](#)

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Hello Meg,

I provide clean, safe and affordable housing to around 12 families in the Windsor and Quechee towns. I am careful about how work is completed at my units and operate on very low margins.

Adding steps or additional contractors to my costs when I am certain the work I control is done to code, could cause me to stop rented and sell my small family business.

I'm asking that the Department of Health eliminate licensing fees for rental property owners performing work on their own properties.
and allow Rental Property Owners to train and supervise other owners of rental property (this is currently allowed for childcare providers).

With appreciation,

Gary Neil
802 291-0200

From: [Andrew Cunningham](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: Lead paint public comment
Date: Saturday, February 17, 2024 7:52:33 AM

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Hello Ms McCarthy,

Wanted to ask that the Health Department eliminate fees for rental property owners and also allow same to train and supervise other rental property owners. I was alerted to this new rule making by Vt Landlord Assoc.

I am sure you know that adding to to costs of rental housing has a direct effect on the rents that tenants pay and they have little recourse to property tax reductions and the like. In the current environment they pay what the market will bear. Please help to keep it reasonable.

Thank you for your work on this,

Andrew Cunningham

From: [Chris Morrow](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: Lead Paint
Date: Saturday, February 17, 2024 7:59:49 AM

You don't often get email from chrismorrowwt@gmail.com. [Learn why this is important](#)

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Hello,

I would like to encourage lawmakers to eliminate licensing fees for rental property owners performing work on their own properties.

Thank you for your time.

Chris Morrow

From: [Sylvie Blanchet](#)
To: [McCarthy, Meg \(she/her\)](#)
Cc: [Alan Bjerke](#)
Subject: On lead paint practices and their regulation
Date: Tuesday, February 27, 2024 10:51:01 PM

You don't often get email from sylvie.blanchet@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Meg McCarthy,

Thank you for reconsidering the regulations governing lead paint.

I own 2 buildings with 7 apartments and have been managing them for 11 years. One of the apartments is my residence. I truly care about the safety of those who work on my buildings as well as those that live in them.

I do not think that some of the new measures on lead paint regulations are reasonable or effective in preventing the lead paint hazard. I believe keeping the regulations closer to the EMPs will gain more compliance. With 2 old buildings I find it difficult to have the rental income cover the cost of the repairs and safety requirements so I do as much of the painting and repairs on my own as I can. After 10 years the rent still only covers the repairs and maintenance of the buildings. If I have to do any future repairs only with the certified contractors, and with none of my own labor, it simply isn't cost effective to rent these buildings.

I don't understand how it makes sense that I could be allowed to do painting in my own building which has 2 other apartments and not be able to do the work in my other building with 4 apartments. If I am considered skilled enough to paint safely in one place why I am not considered knowledgeable enough to do the same in the other building? Before, I was certified in the IRC practices and supervised workers. I think I did a good job of complying with the requirements. Why is this not still adequate? I don't see the prevention practices of lead paint contamination changing as much as the strictness of the supervision which causes much greater costs.

Why am I required to not only put in my time for the trainings but also pay for the training? Isn't the state trying to motivate landlords to comply with the regulations? In the past I employed another person to help me with the painting who was also certified in the IRC practices. The cost of the contractor training is prohibitive for her so I am losing a skilled and experienced painter who I could afford and who was certified with the IRC practices. Now, neither of us will be able to work on my other building and I'm expected to hire very expensive contractors instead of the affordable option I had before. This just does not make sense to me. Am I to just pass this additional cost along to tenants who are already stretched to afford the current rental fee?

I would like to see the level of supervision changed back to that of the EMP program on any jobsite.

Thanks for your consideration, Sylvia Blanchet

--

Sylvia Blanchet

Indonesia: (+62) 361 842 7052

Cell: (62) 8133 981 8822

Skype (+1-802) 275-4042

Indo cell phone (+62) 813 3981 8822

U.S. cell phone 1-541-606-2204

“The human opportunity is to transform flashes of illumination into abiding light” Huston Smith

"Thousands of candles can be lighted from a single candle, and the life of the candle will not be shortened. Happiness never decreases by being shared."
- Buddha

"Death is not extinguishing the light; it is only putting out the lamp because the dawn has come."
- Rabindrath Tagor

From: [Leslie Rowley](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: Proposed changes to requirements for licensing/certification of lead mitigation
Date: Tuesday, February 13, 2024 9:03:33 AM

You don't often get email from lrowley@rowleyfuels.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please seriously consider making these changes to your proposed legislation:

1. The Department Regulations should treat owners of rental housing the same as owners of child care facilities by:

a. Eliminate the licensing fees. Shayla Livingston from the Health Dept testified that if the health department were given authority to adopt the lead control regulations, they would not charge rental property owners any more in fees than the old EMP program. You can read her testimony [HERE](#) and listen to her testimony [HERE](#). Childcare operators pay no RRPM fees to the state.

b. Allow a trained, licensed RRPM rental property owner to supervise other owners of the property to perform RRPM activities with them. Many rental properties are owned by spouses or families. Requiring each member of the family to become separately licensed is expensive, unnecessary and redundant.

2. The Department Regulations should allow the use of a dust collecting sander connected to a HEPA vacuum system as a matter of course. Under Vermont's regulation, in order to use a sander attached to a HEPA vacuum, you must make a separate application and pay a \$50 fee for every project. The EPA regulations allow it as a matter of course. There is clearly no safety rationale for the requirement of the permit.

3. The Department should allow alternative methods to exclude building components as lead free and exempt from the RRPM regulations. Currently the only way to eliminate a building component from full compliance with the RRPM regulations is to have a Vermont licensed lead inspector use a XRF Analyzer (think mini x-ray machine/spectrometer) to test all surfaces to be excluded. It is an incredibly expensive service available (at last count) from only 3 providers licensed in Vermont - one of which is located in Connecticut. The EPA and other states allow the use of more inexpensive chemical based tests for the presence of lead paint and eliminate building components from the full RRPM protocols.

4. Vermont should treat lead paint as a dangerous hazard, but not over-react. Lead paint was eliminated from nearly all interior paints in the 1940's and all exterior paints

by 1978. A 1950's building with siding replaced in the 1980's or later is probably lead free. Compliance with the complete RRPM protocol is very expensive and generates a huge amount of waste. In rental housing those costs must be passed onto and paid by renters. We should be safe, but not foolishly making housing more unaffordable.

If lawmakers are seriously interested in helping relieve the affordable housing shortage in this state, the above changes would be a common sense, safe and financially viable start.

Sincerely,

Leslie Rowley

J.M. Rowley Corporation
P.O. Box 21
Milton, VT 05468
802-893-7952

From: [Steve Heim](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: Public comment irc / rrpm
Date: Tuesday, February 27, 2024 6:39:16 PM

[You don't often get email from steve@heimproperties.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Meg, thanks for reconsidering the lead policy in VT. I've been a landlord in Maine and Boston, I've found Vermont to be the strictest. I'm sad to say I think it makes families with small children harder to house. It makes providing housing here that much more "not worth the hassle". I've rented to a afghan family, and their child had a high test for lead... when that happened, I panicked because I know the rules, i abide, but with the strict new rules if just a hair over 12 sq inches where discovered in exterior... it could mean I'm out of compliance... turned out nearly ALL afghan families sponsored by rotary had kids with high test levels.... from eye make up they put on their children .

The day I bought my first rental property in VT, there was an existing beef with former landlord, the tenant took pictures of a small area of flaking paint , sent it to state, so my first foray into doing business in Vermont was an investigation , and trying to get to avoid fines , and shelling out money to repaint .

I'm trying to cook dinner for my family in Brattleboro right now, I have so much to say about this issue but not time . I've been lead certified in 3 states, it's always changing Vermont old houses are getting harder and harder (more expensive) to keep up with. I don't understand why VT had to go BEYOND the epa rules.

I am irc and rrpm certified . Knowing the fines are so high , I'd rather just sub out paint work..... but where are the certified firms? Not enough. My question is, why in a housing crisis , should we make providing housing that much harder??? I'm a good carpenter and painter, but even with the insurance waiver, VT want to charge me more money beyond the certificate, to work lead safe on my own properties.

Thank you,
Steven C Heim
Sent from my iPhone

From: [sam fam](#)
To: [AHS - VDH ALRP General](#)
Subject: Re: EMP/IRC
Date: Monday, January 22, 2024 11:39:39 AM

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Hi, my questions below are by no means urgent, but I did want to follow up to just ensure this is in fact a monitored mailbox and not an out of date address.

Thanks

Kaj

On Mon, Jan 15, 2024, 6:07 PM sam fam <samfamvt@gmail.com> wrote:

Hi,

I just learned I would be prohibited from repairing/maintaining exterior paint in excess of 1sq ft. in the house where I reside.

Was there any thought given to exempting owner occupied dwellings (multi-family) from the prohibition of performing paint repair? I am EMP certified (which I see is now meaningless), live in the house but also rent units upstairs. As I understand the 2022 changes, I could not legally repair a 1sq ft. area on the exterior of my own house. This seems overly restrictive to me. That means I have to go through the time and expense of finding and paying a RRPM contractor to perform a repair on an area smaller than my computer screen. The property/liability insurance markets recognize the reduced risk of owner occupied rentals. Resident landlords take much better care of their units and tenants, have fewer complaints and tend to be much more conscientious of their property. That includes my wife and I. If the law provides Commissioner discretion in applying these rules, I encourage you to recommend an exemption for owner occupied units.

There is a severe housing shortage in Vermont, burdensome requirements such as this contribute to people not renting out space (or going the short term rental route rather than long-term), skirting or ignoring the rules, or simply not performing maintenance due to cost. I encourage you to reconsider the thresholds for triggering requirements to hire an RRPM. If this is not within the Commissioner's discretion, would he consider supporting a bill that would provide a limited exemption for owner occupied multi-family homes (4 units or less)?

Thank you

Kaj Samsom

From: [Patricia Maza](#)
To: [AHS - VDH ALRP General](#)
Subject: Proposed lead regulations All regulations imposed on landlords result in increased rents. More lead issues come from toys which should not be on store shelves, water which has lead, etc. Do statistics show that this is more of a problem than the two...
Date: Friday, January 26, 2024 1:36:50 PM

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Pat Maza

From: [Robert McCann](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: Lead Rules
Date: Friday, January 26, 2024 11:53:44 AM

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello Meg-

I'm writing as a landlord. Mostly a former landlord. I have one building left, which is a two unit house we are evicting tenants from so we can demolish it next year, mainly because of the rules around lead and renting in general here in Vermont. I have been purchasing, renovating and renting apartment buildings here in St J for the last ten years or so. During that time, I took lead mitigation training twice. While I understand the dangers of lead (I have had lead poisoning myself) I must say that here in St Johnsbury the main reason for selling these buildings was the effect of the State and Town regulations and associated fees.

An example: I had a tenant move out in the spring. Her apartment needed a turnover inspection. I attempted to contact every one of the five licensed firms/individuals listed in my county at the time as to do this inspection as I was no longer allowed to do it myself as I have for years since my training was no longer valid or perhaps just not current enough for me to do the work. Of the five firms, I was only able to find contact info for two of them. Of the two I could reach only one replied to my emails and calls reaching out. *This fellow had a one year waiting period to do the turnover inspection.* Not a viable timeframe.

Another example: I had a sink drain get clogged in the second floor apartment. My plumbers came and could not snake out the drain, so had to open up the ceiling downstairs. But I found out after the fact that they were not licensed to open up the ceiling. How is one expected to proceed when there is nobody allowed to make necessary repairs?

The complete lack of foresight in Vermont's plan in my eyes is that there seems to be nobody able or willing to spend the money and time for the required training and licensure to do this sort of work. I expect that the liability is the main concern. With the age of the housing stock in Vermont there appears to be no real way to follow the law if one is not willing or able to take the additional trainings and pay the fees themselves to do what is required. The insurance I was expected to get was not available to me as a landlord, I could only get said liability insurance if I was a professional painter. I'm not. I'm a landlord. One who has worked construction for thirty plus years, twenty-five of them in Vermont.

Besides the difficulty in finding someone to work, the added costs and work required by my own town are simply ridiculous. I was required to remove all the insulation in a low ceilinged basement or cover it with drywall. If you've ever been in the basement of an 1890s house around here you will immediately see the impossibility of drywalling a ceiling with ½" sheetrock. Especially if the ceiling would then be at about 5'4" (likely illegal in itself?? Probably. That's how ridiculous the rules can get). So I removed all the insulation. Now the heating bills are eliminating any pay for myself at this building all winter long.

It would be nice to see the State of Vermont lead by example here, as well as in every one of the mandates that us citizens are expected to navigate ourselves with no real support to do so. I

am a lifelong Democrat, leaned quite Progressive until just these last few years. I have since dropped my support of the local candidates with a progressive agenda as the ideal pristine environment that it seems the state want will NEVER be possible. There is nowhere near enough money too.

I'm actually glad to be eliminating part of this completely outdated housing stock. Our plan is to build a small energy efficient home for ourselves on that site with geothermal heat. Something impossible to accomplish in a rental property today, but something that is absolutely necessary if we are to comply with the notion of a Zero Lead State.

-Robert McCann
St. J.

From: [AHS - VDH Lead Poisoning Program](#)
To: [AHS - VDH ALRP General](#)
Subject: FW: Public Comment Period for Vermont Regulations for Lead Control
Date: Friday, January 26, 2024 3:00:03 PM

From: T <tcall154@gmail.com>
Sent: Friday, January 26, 2024 11:19 AM
To: AHS - VDH Lead Poisoning Program <AHS.VDHLeadPoisoningProgram@vermont.gov>
Subject: Re: Public Comment Period for Vermont Regulations for Lead Control

You don't often get email from tcall154@gmail.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Anyone that is a landlord in Vermont needs their head examined!

On Fri, Jan 26, 2024 at 10:30 AM <IRCpractices@vermont.gov> wrote:

Dear stakeholders, The Health Department is proposing changes to the Vermont Regulations for Lead Control. Act 47 of 2023 amended Title 18 to change the licensure requirements for rental property owners conducting repair work on their own pre-1978 properties to eliminate the requirement for liability insurance; this rulemaking updates the rule to reflect that change. Additional changes were made for consistency with federal law and other states' lead control regulations. You can find the proposed rulemaking here: <https://www.healthvermont.gov/laws-regulations/laws/public-comment> The public comment period for this proposed rulemaking is open through February 20, 2024. We will respond to all public comments on the lead rulemaking after the end of the public comment period so that all stakeholders are given the same information at the same time. Our responses will be posted our website, linked above. Thank you in advance for your valuable input. Vermont Department of Health Asbestos and Lead Regulatory Program [108 Cherry Street - Suite 201 Burlington, Vermont 05402](#)
ALRP@vermont.gov www.healthvermont.gov/ALRP

From: [Spruyt Properties](#)
To: [McCarthy, Meg \(she/her\)](#)
Cc: [Alan Bjerke](#)
Subject: Public Comment, IRC/ RRP
Date: Tuesday, February 27, 2024 6:16:20 PM

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EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To: Meg.McCarthy@vermont.gov
CC: Alan Bjerke <alan@sugarhousevt.com>

Dear Meg,

I want to thank you for reconsidering how lead paint related concerns are regulated in VT.

The current trend towards increasingly strict and seemingly punitive rules around lead paint is, at best, confusing under the circumstances. Lead has been banished from all that goes into home-building, with paint being the first a half century ago. Lead poisoning cases have dropped by orders of magnitude, thanks to the combination of Federal and State regulatory efforts.

I would like you to consider whether your current response to the problem is proportional, and more importantly, effective.

When ever the regulatory environment becomes too daunting, whether it is too expensive, requires a lot of administrative effort, is too unpredictable, or is perceived as generally burdensome, people steer away from that business, often selling to others less aware of the requirements.

The closer you can make the current regime to the EMP's, the better. That will increase compliance, and therefore improve results, It will also benefit to some degree other State priorities like increasing available housing and maintaining the charming historic agrarian character of the state bringing in tourist dollars, especially if combined with other common-sense exemptions to the lead pain regulations.

Those are:

- * Eliminate any cost, other than the training, for housing providers who have been through the training, or are working with someone who has.
- * Change the level of supervision back to that of the EMP program on any jobsite.
- * Since, often as not, we are dealing with areas either have little or no possibility of lead paint, increase rather than decrease the exempt square footage.
- * Eliminating from scrutiny areas of a building that have been renovated after 1978. There are many valid reasons why an owner or manager might not want to do a complete "de-leading" of a building. For some it may be financial constraints, others architectural/esthetic, or perhaps historical preservation. For instance, I have whole sides of buildings where the siding was replaced decades ago, and have only seen latex solid-color stain. Another common place where we run into peeling paint is bathrooms, many of which have been renovated since 1978. The vast majority of windows in my buildings have been replaced, yet, by current regulations, I need to treat them as though they were the originals that are presumed to be painted with lead paint.

For almost half century I have enjoy providing safe, stable and affordable housing to, in some cases, generations of families. Increasingly over recent years, housing providers have been treated like a pariah, rather than partners and legitimate stakeholders in the cause of making sure as many as possible have safe and affordable housing. This has not been in the best interest of anyone, least of all those who are the most vulnerable and difficult to house.

Thanks for listening,
Eric Spruyt
PO Box 793
Brattleboro, VT 05302
c. 802-579-5970

From: [Yana Walder](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: public comment
Date: Tuesday, February 13, 2024 9:47:55 AM

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Good morning,

I would like to submit a public comment regarding lead control RRPM. It is important to adopt a commonsense, easy to follow approach to safely address lead hazards in housing. Making it expensive and complicated will have a direct effect on renters and rent, and will make it complex for smaller property owners to follow. Also, it should be considered that in Vermont not every rental property owner is a large investor with a lot of resources. Some property owners are doing what they can to provide safe, clean, healthy, and affordable housing, while barely covering the expenses.

Thank you for your time and consideration.

I support the following modifications:

1. Eliminate the licensing fees. Shayla Livingston from the Health Dept testified that if the health department were given authority to adopt the lead control regulations, they would not charge rental property owners any more in fees than the old EMP program. You can read her testimony [HERE](#) and listen to her testimony [HERE](#).

Childcare operators pay no RRPM fees to the state.

b. Allow a trained, licensed RRPM rental property owner to supervise other owners of the property to perform RRPM activities with them. Many rental properties are owned by spouses or families. Requiring each member of the family to become separately licensed is expensive, unnecessary and redundant.

2. The Department Regulations should allow the use of a dust collecting sander connected to a HEPA vacuum system as a matter of course. Under Vermont's regulation, in order to use a sander attached to a HEPA vacuum, you must make a separate application and pay a \$50 fee for every project. The EPA regulations allow it as a matter of course. There is clearly no safety rationale for the requirement of the permit.

3. The Department should allow alternative methods to exclude building components as lead free and exempt from the RRPM regulations. Currently the only way to eliminate a building component from full compliance with the RRPM regulations is to have a Vermont licensed lead inspector use a XRF Analyzer (think mini x-ray machine/spectrometer) to test all surfaces to be excluded. It is an incredibly expensive service available (at last count) from only 3 providers licensed in Vermont - one of which is located in Connecticut. The EPA and other states allow the use of more inexpensive chemical based tests for the presence of lead paint and eliminate building components from the full RRPM protocols.

4. Vermont should treat lead paint as a dangerous hazard, but not over-react. Lead paint was eliminated from nearly all interior paints in the 1940's and all exterior paints by 1978. A 1950's building with siding replaced in the 1980's or later is probably lead free. Compliance with the complete RRPM protocol is very expensive and generates a huge amount of waste.

--

[Yana Walder](#) | Director of Leasing | cell 802-999-7411

Realtor | Lake Point Properties

65 Main St, Suite 401, Burlington, VT 05401

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yana@lakepointvt.com

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From: [Kate Kinney](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: Public Hearing Feb. 20th Comments
Date: Tuesday, February 13, 2024 11:05:04 AM

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Good Morning Ms. McCarthy,

As a rental manager in Chittenden County, I would urge the Health Department to use a little more common sense as you plan to change regulations around lead paint exposure in public housing. Specifically:

1. The Department Regulations should treat owners of rental housing the same as owners of child care facilities by:

a. Eliminate the licensing fees. Shayla Livingston from the Health Dept testified that if the health department were given authority to adopt the lead control regulations, they would not charge rental property owners any more in fees than the old EMP program. You can read her testimony [HERE](#) and listen to her testimony [HERE](#). Childcare operators pay no RRPM fees to the state.

b. Allow a trained, licensed RRPM rental property owner to supervise other owners of the property to perform RRPM activities with them. Many rental properties are owned by spouses or families. Requiring each member of the family to become separately licensed is expensive, unnecessary and redundant.

2. The Department Regulations should allow the use of a dust collecting sander connected to a HEPA vacuum system as a matter of course. Under Vermont's regulation, in order to use a sander attached to a HEPA vacuum, you must make a separate application and pay a \$50 fee for every project. The EPA regulations allow it as a matter of course. There is clearly no safety rationale for the requirement of the permit.

3. The Department should allow alternative methods to exclude building components as lead free and exempt from the RRPM regulations. Currently the only way to eliminate a building component from full compliance with the RRPM regulations is to have a Vermont licensed lead inspector use a XRF Analyzer (think mini x-ray machine/spectrometer) to test all surfaces to be excluded. It is an incredibly expensive service available (at last count) from only 3 providers licensed in Vermont - one of which is located in Connecticut. The EPA and other states allow the use of more inexpensive chemical based tests for the presence of lead paint and eliminate building components from the full RRPM protocols.

4. Vermont should treat lead paint as a dangerous hazard, but not over-react. Lead paint was eliminated from nearly all interior paints in the 1940's and all exterior paints by 1978. A 1950's building with siding replaced in the 1980's or later is probably lead free. Compliance with the complete RRPM protocol is very expensive and generates

a huge amount of waste. In rental housing those costs must be passed onto and paid by renters. We should be safe, but not foolishly making housing more unaffordable.

Yes, these points are boiler plate and you'll probably see them many times. But they are well said and I agree with all. I hope you will give serious consideration to these points. With all of the housing shortages and difficulties in our state, it ridiculous to make it even more difficult and expensive for landlords (driving up prices to renters), especially when considering point 4 – the absence of lead paint since the 1940s for interior paint and 1978 for exterior paint.

Kate Kinney
Appletree Bay Property Management
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Burlington, VT 05408
802-863-6940
kate@appletribay.com

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From: [Kaj Samsom](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: Re: in waiting room, public hearing - Lead Reg.
Date: Tuesday, February 20, 2024 2:40:35 PM

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Here are my comments on the changes to the lead rule. (actually can't make it at 3pm):

-Insurance requirements should not apply to owner occupied rental units if the owner has the proper training and wishes to do their own work (paint/repair their own house).

-I'm not sure whether the proposed rules have an exemption for owner occupied, owner performed work. If they do not, it should be noted that this along with so many other forces and costs facing small landlords (owner occupied included) will drive us to consider conversion of long term leased residential space into commercial or short-term rental space, thus compounding our housing crisis. This is what I am considering doing based on these proposed rules, two years of double digit property tax increase, and a proposed ordinance change impacting rental units in Montpelier

-As a general rule, the requirements of an owner-occupied rental building should be in line with owner-occupied single family homes, not in line with large scale property owners.

-Overall the requirements seem like they will make it that much harder and more expensive to find compliant contractors to do the work. The result will not be safer rentals, but dilapidated properties, conversion away from target rental housing, increase costs and thus average rents, and increased non-compliance.

-If the Department wishes to decrease the incidence of lead exposure to children, I believe the best approach is targeted testing/monitoring of rentals with families that also have high complaints etc. I imagine it is the bottom 5% of landlords causing 80% of the problems, so focus on them.

Thank you,
Kaj Samsom, Montpelier

On Tue, Feb 20, 2024 at 2:12 PM McCarthy, Meg (she/her) <Meg.McCarthy@vermont.gov> wrote:

Hi Kaj,

The meeting begins at 3 pm. You may want to dial in closer to the meeting time.

Thanks,

Meg

From: Kaj Samsom <kaj.samsom@gmail.com>

Sent: Tuesday, February 20, 2024 2:11 PM

To: McCarthy, Meg (she/her) <Meg.McCarthy@vermont.gov>

Subject: in waiting room, public hearing - Lead Reg.

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Hi, I have dialed in for the Lead regulation and am waiting to be admitted or joined. Nice music, but I am hoping I can participate. Kaj Samsom

802-279-7565

From: [Maura Cirillo](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: Re:
Date: Friday, February 16, 2024 9:30:57 PM

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I read the attached article. I now understand. I'm also very disappointed in the health department as during my training class to do the cleaning they review the next steps and at no point during the training was the insurance piece mentioned...

I'll definitely write something, thank you

Maura Cirillo

On Fri, Feb 16, 2024, 9:18 PM Maura Cirillo <mauracirillo@gmail.com> wrote:

Hi Meg, I just got this email. I'm really confused as I have been through the new training for inspection.. I am due to take the second course that will allow me to work on my own property. This email contradicts what the health department is telling me.

I'm wondering if because I'm owner occupied I can .. or has something changed in the last week that I'm not understanding.

Maura

From: [Joyce](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: Requested RRPM Modifications
Date: Tuesday, February 13, 2024 1:46:10 PM

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I hereby request the following RRPM modifications

1. The Department Regulations should treat owners of rental housing the same as owners of child care facilities by:

a. Eliminate the licensing fees. Shayla Livingston from the Health Dept testified that if the health department were given authority to adopt the lead control regulations, they would not charge rental property owners any more in fees than the old EMP program. Childcare operators pay no RRPM fees to the state.

b. Allow a trained, licensed RRPM rental property owner to supervise other owners of the property to perform RRPM activities with them. My husband and I own our apartment building together so requiring both of us to become separately licensed is expensive, unnecessary and redundant.

2. The Department Regulations should allow the use of a dust collecting sander connected to a HEPA vacuum system as a matter of course. Under Vermont's regulation, in order to use a sander attached to a HEPA vacuum, you must make a separate application and pay a \$50 fee for every project. The EPA regulations allow it as a matter of course. There is clearly no safety rationale for the requirement of the permit.

3. The Department should allow alternative methods to exclude building components as lead free and exempt from the RRPM regulations. Currently the only way to eliminate a building component from full compliance with the RRPM regulations is to have a Vermont licensed lead inspector use a XRF Analyzer (think mini x-ray machine/spectrometer) to test all surfaces to be excluded. It is an incredibly expensive service available (at last count) from only 3 providers licensed in Vermont - - one of which is located in Connecticut. The EPA and other states allow the use of more inexpensive chemical based tests for the presence of lead paint and eliminate building components from the full RRPM protocols.

4. Lead paint was eliminated from nearly all interior paints in the 1940's and all exterior paints by 1978. A 1950's building with siding replaced in the 1980's or later is probably lead free. Compliance with the complete RRPM protocol is very expensive and causes landlords to raise rents making them less affordable.. We should be safe, but not unnecessarily making housing more unaffordable.

Thank you for your consideration
Joyce George

Meg McCarthy

2/24/2024

Draft Lead Control Regulation Amendments

Thank you very much for the opportunity to preview the draft proposed amendments to the Lead Control Regulations. I would like to suggest 2 changes to the proposed regulations

1. In paragraph one (1) it states that rent received from renting an apartment is considered compensation. I don't believe that is what the legislature perceived when passing the law 18 V.S.A. 1752 in section 18V.S.A.1752(e). it seems much more reasonable to interpret that to mean someone is being paid **specifically** for performing the RRPM function. Such as being licensed and performing that function and being paid to do it not receiving rent for renting an apartment. The interpretation used would be like saying the landlord is receiving direct compensation for providing electricity, which could possibly be interrupted to mean they are a utility, removing the garbage, plowing or shoveling the snow, I believe that is a misinterpretation of the law, it was not meant to mean that at all. I would like to see that interpretation changed. From what I can find rental income is a passive income (money made on money) and does not count as a Rental income is considered "passive," and does not count as a compensation from working such as someone doing maintenance work for a fee. Example Traditional and Roth IRA contributions must come from "active" income, or compensation from working.
2. In paragraph two (2) If a couple were a husband and wife and the property was in the wife's name because a trust attorney advised the couple to split the ownership names on their assets, what is written in the new rules reads that the husband could not do the RRPM function on the property because it's in the wife's name even though he has been certified to do RRPM work. In order to follow the new rules and allow the husband to do the maintenance then it appears that the ownership documents, deed, town recording, etc would have to be changed and the trusts redone by an attorney, which is expensive and doesn't really change anything except change the name on a document and mess up what a trust lawyer took the time and effort and expense to doing setting up the trusts. the maintenance would still be done by the same person. That is just because of the name on the deed and also the interpretation of compensation.. It seems like the rule could be worded such that a wife could allow her husband to do the work if he was certified, can't that be done? Also again the interpretation of compensation seems to be incorrect.

Robert Williams

165 College Street

Poultney, Vermont 05764

bobwillia@comcast.net

802-282-7770

From: [Forrest Wallace](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: RRPM Amendments
Date: Tuesday, February 13, 2024 10:55:23 AM

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Hi Meg,

I was born and raised in Vermont, and now own a rental property locally. I am broadly concerned about the direction the state is trending in, as exemplified by the amended RRPM regulations.

Vermont is blessed with incredible natural beauty and strong communities. However, the trend in legislation to limit development and innovation and create barriers to change is gradually eroding the values that make Vermont such an incredible place and creating a state that is by the rich, for the rich. I worked exceptionally hard to scrap and save in order to buy an investment property, and hope to purchase more in the future. I want to continue to invest in the future of Vermont, but excessive regulations, like the amendments to RRPM, make this increasingly difficult. As a single individual, I am responsible for maintaining my property myself, staying abreast of regulation changes, and ensuring that I am compliant with state regulations. The more restrictive these regulations become, the harder it is to maintain compliance and remain financially viable, and the fewer opportunities there are for locals, like me, to invest in their own state.

This transition is especially apparent in Chittenden county, where housing has become so expensive that many locals are forced to leave, and out of state or institutional investors are swooping in to capitalize. Please, make Vermont a place that welcomes and celebrates individuals and small businesses, and makes it easy for them to thrive. To do this, we need to embrace change, and shape it to preserve the values that we love - not reject it and create a society that only the wealthy have the resources to navigate effectively.

In particular, I am concerned about the following issues with the amendments:

1. The Department Regulations should treat owners of rental housing the same as owners of child care facilities by:
 1. Eliminate the licensing fees. Shayla Livingston from the Health Dept testified that if the health department were given authority to adopt the lead control regulations, they would not charge rental property owners any more in fees than the old EMP program. Childcare operators pay no RRPM fees to the state.
 2. Allow a trained, licensed RRPM rental property owner to supervise other owners of the property to perform RRPM activities with them. Many rental properties are owned by spouses or families. Requiring each member of the family to become separately licensed is expensive, unnecessary and redundant.
2. The Department Regulations should allow the use of a dust collecting sander connected to a HEPA vacuum system as a matter of course. Under Vermont's regulation, in order to use a sander attached to a HEPA vacuum, you must make a separate application and pay a \$50 fee for every project. The EPA regulations allow it as a matter of course. There is clearly no safety rationale for the requirement of the permit.

3. The Department should allow alternative methods to exclude building components as lead free and exempt from the RRPM regulations. Currently the only way to eliminate a building component from full compliance with the RRPM regulations is to have a Vermont licensed lead inspector use a XRF Analyzer (think mini x-ray machine/spectrometer) to test all surfaces to be excluded. It is an incredibly expensive service available (at last count) from only 3 providers licensed in Vermont - - one of which is located in Connecticut. The EPA and other states allow the use of more inexpensive chemical based tests for the presence of lead paint and eliminate building components from the full RRPM protocols.
4. **Vermont should treat lead paint as a dangerous hazard, but not over-react. Lead paint was eliminated from nearly all interior paints in the 1940's and all exterior paints by 1978. A 1950's building with siding replaced in the 1980's or later is probably lead free. Compliance with the complete RRPM protocol is very expensive and generates a huge amount of waste. In rental housing those costs must be passed onto and paid by renters. We should be safe, but not foolishly making housing more unaffordable.**

Best,

--

Forrest Wallace

802-989-8965

forrest.wallace.vt@gmail.com

From: [Lucinda McGovern](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: RRPM comments on revisions
Date: Tuesday, February 13, 2024 8:53:00 AM

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Dear Meg McCarthy,

PLEASE read through these regulations as if you were a single person who rents a separate apartment in her home.

When you create rules that make renting more complicated, expensive and difficult for property owners, this is more likely to LOSE housing units than to create safer housing units.

I just wanted to tell you that revisions like these would sooner or later cause me to stop renting out units.

Sincerely,
Lucinda McGovern
Brattleboro

From: [Penny Wright](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: RRPM Public Hear Satement
Date: Tuesday, February 27, 2024 6:46:48 PM

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Hi Meg,

Here are my thoughts and questions.

1. IRC- certification vs license Define both:
2. Does a license increase liability?
3. Define RRPM firm:
4. Does the Department of Health have a public listing of licensed RRPM's with their locations?
5. Does the DOH have a list of locations in Vt where RRPM licensing can be obtained, including Northern Vt (above Burlington/St. Albans and St. Johnsbury) and the Northeast Kingdom?
6. How many rental property owners were notified of this meeting and how? How could you improve notifications in future?
7. What is the rationale for changing what Childcare providers in pre 1978 homes requirements/licensing vs. rentals?
8. Why was there not anyone present to answer questions at the meeting to have an in depth conversation on concerns/consequences (Apartments closing due to the inability to be in compliance with these new regulations). Some regulations seem to be excessive- ie. all family members/owners need licenses for the same rental (everyone working on the same job needs to be licensed?) Pay a \$50 dollar fee each time you use a dust collecting sander (although you don't get the equipment?)

I have two thoughts: "Corporate America is here" and we are being nickeled and dimed to

death. Let's use a little of that Vermont common sense, please! I will be notifying the Committee on Housing to let them know that they have lost two housing units.

--

Penny S. Wright

From: [Laura](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: RRPM public hearing
Date: Monday, February 19, 2024 10:42:08 AM

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The changes mentioned are of no benefit to anyone except the coffers of the state. I have yet to hear any rational explanation for the lead paint laws to continually be lenient towards child care facilities and financially punitive towards landlords. After all, children need the same, if not more, protection from lead poisoning as do the families they live with.

If the EPA approves the use of a HEPA vac connected to a dust-collecting sander What could possibly be a reasonable rationale for charging a fee to use it?? It seems to me that, as usual, there is an overreaction to a common sense problem. We already have a shortage of affordable housing and the new laws may well make problems worse. Landlords will have to pass the financial burden onto their tenants or stop renting at all.

From: [Rich Finigan](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: RRPM reg changes
Date: Tuesday, February 13, 2024 12:12:06 PM

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Team Gov,

.We are in EPA accredited RRP training provider and have been from the beginning. I have been licensed and certified as a lead risk assessor for decades I also maintain a variety of other environmental accreditations.

My comment is in regards to 4.2 in the state and federal regulations pressure washing is not addressed or identified whether or not it is appraiser plastic. Since it is so frequently used in the house painting process and I have received hundreds of questions over time from students it would be good for the regulations to weigh in on whether or not it's abrasive plastic.

Thank you for your time and consideration.

Respectfully submitted,



Francis (Rich) X. Finigan, CEO
Calypso Continuing Education™
Office: 802-565-8111
Cell: 802-310-8235
calypsoedu.com

From: [Dan Kirk](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: RRPM Regulations Comment
Date: Tuesday, February 13, 2024 9:27:07 AM

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Hello,

Please consider the following comments in taking a more commonsense approach for maintaining tenant safety in regards to lead paint.

1. The Department Regulations should treat owners of rental housing the same as owners of child care facilities by:

a. Eliminate the licensing fees. Shayla Livingston from the Health Dept testified that if the health department were given authority to adopt the lead control regulations, they would not charge rental property owners any more in fees than the old EMP program. You can read her testimony [read her testimony here](#) and listen to her testimony [listen to her testimony here](#). Childcare operators pay no RRPM fees to the state. Conceivably, this regulation seeks to protect the same population, so having similar regulations for each group (childcare owners and landlords) would make sense.

b. Allow a trained, licensed RRPM rental property owner to supervise other owners of the property to perform RRPM activities with them. Many rental properties are owned by spouses or families. Requiring each member of the family to become separately licensed is expensive, unnecessary and redundant.

2. The Department Regulations should allow the use of a dust collecting sander connected to a HEPA vacuum system as a matter of course. Under Vermont's regulation, in order to use a sander attached to a HEPA vacuum, you must make a separate application and pay a \$50 fee for every project. The EPA regulations allow it as a matter of course. There is clearly no safety rationale for the requirement of the permit.

3. The Department should allow alternative methods to exclude building components as lead free and exempt from the RRPM regulations. Currently the only way to eliminate a building component from full compliance with the RRPM regulations is to have a Vermont licensed lead inspector use a XRF Analyzer to test all surfaces to be excluded. It is an incredibly expensive service available (at last count) from only 3 providers licensed in Vermont - - one of which is located in Connecticut. The EPA and other states allow the use of more inexpensive chemical based tests for the presence of lead paint and eliminate building components from the full RRPM protocols.

4. Vermont should treat lead paint as a dangerous hazard, but not over-react. Lead paint was eliminated from nearly all interior paints in the 1940's and all exterior paints by 1978. A 1950's building with siding replaced in the 1980's or later is probably lead free. Compliance with the complete RRPM protocol is very expensive and generates a huge amount of waste.

In rental housing those costs must be passed onto and paid by renters. We should be safe, but not foolishly make housing more unaffordable.

My efforts are to provide safe, clean, reliable housing at below market-rates to my tenants. Adding more regulatory onus will undoubtedly increase the cost of rent due to the increase in time and resources outlined and required here.

Thank you
Dan Kirk
Burlington VT
8023434612

From: [Pat & Dave Sanders](#)
To: [McCarthy, Meg \(she/her\)](#)
Subject: Testimony re: Lead Paint regulations
Date: Saturday, February 17, 2024 4:37:17 PM

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Dear Ms. McCarthy,

As I am unable to attend, either in person or by phone, the Hearing on February 20, 2024, regarding the new lead paint regulations, I would like to have my comments entered into the hearing records.

As an owner of rental buildings in North Troy Vermont, all of which are pre-1978 construction, I am concerned about the additional financial burden the new Lead Paint regulations has placed on Landlords and am requesting that the Department of Health

1. Eliminate licensing fees for rental property owners performing work on their own properties.
2. Allow Rental Property Owners to train and supervise other owners of the rental property, as is currently allowed for childcare providers.
- 3.

My reasons for the request are as follows:

1. The RRPM Firm and Supervisor licensing is not required by Federal or State law, for landlords who only work on their own property and the current Vermont regulations are waived for owners who operate childcare facilities even though they are subject to the same Federal regulations as Rental Target Housing operators. Singling out one type of housing operator over another is not only discriminatory, especially in light of the fact that Childcare facilities cater to the most vulnerable age group with regards to lead safety but also places Landlords of pre-1978 rental buildings at a financial disadvantage.
2. The licensing fees for Landlords only performing work on their own property and the required professional liability insurance for Landlords (which I believe has since been dropped), places a large financial burden on the property owner/landlord. As I mentioned, all of our buildings are pre-1978. Last summer one of our units needed to have siding replaced on one side of the three-story building. Since there are approximately only 35 licensed contractors working in Vermont, we were unable to hire anyone to do the work in a timely manner and therefor decided to complete the work ourselves. In order to do the work, my husband had to take the initial training course for \$300, then obtain a Repair, Renovation Painting Maintenance Firm License for an additional \$300 along with a Supervisor License for \$50, even though he was performing the work totally by himself. I could not help him unless I also paid the additional \$600 to get licensed nor could he hire anyone who was not licensed, so basically, he

had to pay the \$50 fee to supervise himself doing the work! The Required Liability Insurance was not available to us as homeowners, so we had to rely on increasing our umbrella policy to cover the potential liability.

3. The inability to hire licensed contractors who can perform the work within a limited time frame, is creating problems for landlords to complying with the regulation to remedy issues with lead paint in a timely manner. Small problems can intensify quickly if not dealt with immediately and waiting for a contractor is not in anyone's best interest. However, having to shoulder the additional financial burden of obtaining licensing in order to perform work on their own buildings, prohibits, many landlords from completing the work themselves, as does the astronomically high prices of hiring licensed contractors, assuming you are able to find one; thereby creating an even larger potential safety hazard for their tenants because issues are not being dealt with in a timely manner.
4. Many of us who own and are renovating pre-1978 buildings do so because we are sincerely interested in providing affordable rental housing in our respective towns but cannot afford to purchase post-1978 houses or build newer style housing. Many of us elect to conduct the maintenance and upkeep of the buildings ourselves with limited contracted labor in order to keep the rental fees within an affordable price range for our area. We understand and appreciate the need for regulations with regards to safety for our tenants, but the increased cost of these regulations is resulting in many of us either selling our rental housing to single family owners thereby taking them off the rental market all together or electing to place the building into the more economically viable short term rental market.

Thank you for your consideration of my request to change the new Lead Regulations to reduce the financial burden on those of us who are providing the bulk of the most affordable, market rate, workforce, rental housing in the State of Vermont.

I would also like to thank you for your interest in serving the needs of the constituents in your districts and taking the time to read and enter into testimony my comments regarding the Lead Paint regulations.

Pat Sanders
Jay, Vermont

Alan Bjerke

February 20, 2024

Meg McCarthy
Vermont Department of Health
Waterbury, Vermont

Re: Public Comment Lead Control Regulations

Dear Ms McCarthy,

Rental housing in Vermont is increasingly becoming less affordable for Vermonters. The number of rent-burdened households has reached unprecedented levels - with ~88,000 households paying more than 30% of their income for housing and ~39,000 households paying more than half of their income just on housing. See VHFA survey attached.

The Health Department is exacerbating Vermont's affordable housing crisis with the Lead Control Regulations, and in particular the significantly greater expense the regulations impose on owners of rental housing. Those greater expenses are passed onto tenants as higher rents.

Lead and lead paint are dangerous substances and the state is right to take appropriate steps to reduce potential harm. But the steps these regulations take often impose costs with no corresponding public health benefit.

- Charging rental property owners the same licensing fee as a professional contractor provides no health benefit to the public. In 2018, the Health Department unequivocally testified that rental property owners would not be required to pay licensing fees. See Testimony of Shayla Livingston and Katie McLinn attached.
- Requiring each and every owner of rental housing who works on their own property to be separately trained and licensed imposes enormous unnecessary costs, not imposed on professional contractors or owners of child care facilities. A licensed Owner of Target Rental Housing should be allowed to supervise other owners of the property as is permitted for professional contractors and owners child care facilities.
- Requiring very expensive XRF Analyzer testing instead of the much less expensive chemical test for the presence of lead and component exclusion creates a high hurdle to public safety, when you should be charting a course to eliminate barriers to maximum safety.
- Creating barriers to component exemption and requiring the use of RRPM practices where there is in fact no lead present forces the costs to maintain property significantly higher and generates significantly more waste. Vermont is also running out of options to dispose of its waste. We should be working to generate less, not more landfill waste.

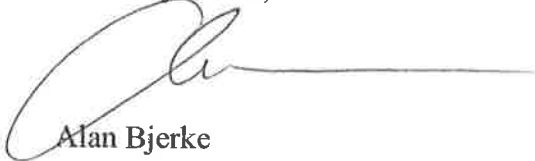
- Requiring licensure instead of certification of rental property owners working on their own properties effectively cancels the insurance protection their tenants would otherwise benefit from - leaving them less protected, not more. See Jeff Lyon Letter attached.
- Requiring special permitting fees for the common setup of a dust collecting sander to a HEPA vacuum as is allowed under the Federal EPA regulations without such special permit does nothing to protect public health. It is simply a money grab and the Department's own records show that no one is getting the permit - so it isn't working anyway. See power tool permit lookup attached.

Rental hosing providers have attempted to work with the department to establish regulations that are equally as safe, without imposing unnecessary costs and burdens on property owners, which in turn drive up the costs of rental housing for tenants. The Department has turned a deaf ear to those concerns. I ask that you return to the drafting table and further amend the lead control regulations with an eye towards reducing the costs on providers of rental housing, just as you did for owners of child care facilities.

If I can be of any further assistance to you, please do not hesitate to contact me.

Thank you very much.

Sincerely Yours,



Alan Bjerke

Housing cost burden: Vermont

- An estimated 88,000 Vermont households spend more than 30% of their income for housing. This threshold is the level at which housing expenses are no longer likely affordable for the average household, indicating a state of “cost burden.”
- Cost-burdened households comprise 34% of all Vermont households that live here year-round.
- Nearly 39,000 households statewide pay more than **half** of their income for housing, leaving few funds for other necessities such as food. These households are at high risk of eviction, foreclosure and homelessness.
- Vermont’s renters are more likely than homeowners to be cost burdened. Half of all renter households in the state pay more than 30% of their income for housing.



Data source: U.S. Census Bureau, 2018 American Community Survey 5-year estimates, from www.housingdata.org.

Transcript: House Human Services Committee
February 27, 2018
Re: H.736

“Shayla Livingston with the Health Department, so I’m happy to address that question first. The fees are remain only for those who are getting licenses, so those who are doing work for compensation. A landlord is going to take a training, there’s no fee in this statute about, around that training, it does still require them to take a training and that will be again, outlined in rule, as it is currently outlined in rule. To the Representative’s question earlier: the practices, the Essential Maintenance Practices that are currently in statute will be moving to rule, but they will be staying the same in terms of making sure the deteriorated and chipping paint is not, you know in a property. A place where a tenant or a child can be exposed to it, etc., etc. **The cost effective way in which landlords are able comply with this law will remain the same. They do not need to pay permitting fees, they do not need to pay licensing fees. Again, they will just be required to take the training, as they are required to do that now.** “

Rep. Ann Pugh: What about the comment that the Federal standards are for big projects?

“Yeah, so that maybe is an excellent example of where, you know, the Health Department is really hoping with this rewrite to be able to put some more time, energy and resources into doing education and outreach, in the sense that if a landlord is going to hire somebody to do work for bigger projects then yes, that is correct, right? If you’re hiring somebody to do work for compensation then they need to comply with these RRPM standards. If you are doing your own work, then you do not, under current law and that will continue to be the case going forward. So, you know, that is probably true. If you’re going to do a huge renovation, you might be hiring an somebody to work. That individual that you hired is required to comply with RRPM “

Overview: H.736 – An act relating to lead poisoning prevention

What does it do?

Consolidates the authority to regulate activities related to lead-based paint under the Vermont Department of Health. Currently, regulatory authority is split between the Environmental Protection Agency (EPA) and the Vermont Department of Health (VDH).

Why is it needed?

The current requirements of the state and EPA are duplicative, confusing, burdensome and incongruent for property owners and contractors. This leads to lack of awareness and exposure to lead due to unsafe work practices.

Three goals:

1. Reduce confusion and regulatory redundancy (cut red tape)
 - Eliminates duplicative regulations for rental housing and child care facilities
2. Expand education, outreach, and training regarding lead-paint laws
 - Coordinated training courses will reduce confusing and to increased training availability
 - Increases state-level guidance for do-it-yourself renovators and homeowners
 - Allows state to implement a system to search licensed contractors
3. Improve compliance through better outreach at the state level
 - Establishes VDH as the one source for compliance and technical assistance for property owners, property managers, and contractors

Did you know?

- 627 children ages 1 to 5 years old were poisoned in Vermont in 2016.
 - 9 out of 10 cases investigated by VDH are from pre-1978 housing and the source is either deteriorated lead-based paint or unsafe renovation practices.
- There is no safe level of lead in the body, especially for children, where lead interferes in neurological and other developmental processes.
- Lead poisoning is permanent but is 100% preventable.
- The greatest contributor to childhood lead poisoning is lead dust and residue found in homes and soil surrounding homes.
- Most of this lead contamination is caused by lead-based paint that has deteriorated or has been disturbed through renovation or preparation for re-painting. Because lead was banned as an additive to residential-use paint in 1978, lead from paint is most likely to be found in structures that were built prior to 1978.
 - Most (70%+) residential buildings in Vermont were built before 1978 and likely contain lead paint.
- Lead poisoning is just as likely to occur in owner-occupied housing as in rental housing.

What are the laws now?

In 2008, the United States adopted, and in 2010 implemented, regulations for “Lead-Based Paint Poisoning Prevention in Certain Residential Structures: Residential Property Renovation” (40 CFR 745, Subpart E). The EPA currently administers these regulations under a program called the Lead-Safe Renovation, Repair, and Painting Rule (the “RRP Rule”). The RRP Rule requires contractors to use lead-safe work practices and educate their customers regarding the risks of lead-based paint. These are required anytime a contractor will be doing a project in a residential property or child-occupied facility that was built prior to 1978.

In Vermont, the RRP Rule overlaps with requirements for repair and maintenance of lead-based paint in pre-1978 rental property housing and child care facilities. Pre-1978 property owners in Vermont must seek guidance from two regulatory agencies, the EPA and the Vermont Department of Health.

Contractors and Property Managers

Who does this apply to?

- Only applies if the contractor or property manager performs renovation, repairs, painting, or maintenance at pre-1978 residential properties or child-occupied facilities

What are the requirements?

- If the company has more than one employee, it must have a Lead-Safe RRPM Firm license, issued by the Department of Health (same fee schedule as EPA)
- For each regulated job, there must be a trained *and* VT-licensed Lead-Safe RRPM Supervisor on site to perform or supervise the project
- For pre-1978 rental housing and child care facilities: Lead-safe work practices are required for any job that impacts 1 ft² or more of painted surface, interior (per room) or exterior (per exterior wall)
- For owner-occupied housing and child-occupied facilities that are *not* child care facilities (e.g., kindergarten classroom): Lead-safe work practices are required for window and door replacement and for any job that impacts painted surfaces over 6 ft² interior (per room)/20 ft² exterior
- Use of unsafe work practices is prohibited (18 V.S.A. §1760) without permit from the Vermont Department of Health

Pre-1978 Rental Property Owners

Who does this apply to?

- Owners of pre-1978 residential rental properties

What are the requirements?

- Rental property owners will continue to be responsible for routine lead-safe maintenance of their rental properties, annual filing of lead law compliance statements, and communication with their tenants regarding lead hazards
- Lead-safe maintenance must be performed or supervised by someone who has taken an accredited Lead-Safe RRPM training course
- If a property owner hires someone to perform lead-safe renovation, repairs, painting, or maintenance, that contractor or property manager must be a VT-licensed Lead-Safe RRPM Supervisor
- Use of unsafe work practices is prohibited (18 V.S.A. §1760) without permit from the Vermont Department of Health

Child Care Facility Owners

Who does this apply to?

- Owners of pre-1978 child care facilities licensed by the Department of Children and Families

What are the requirements?

- Child care facility owners will continue to be responsible for routine lead-safe maintenance of their rental properties, annual filing of lead law compliance statements (which is confirmed by DCF Child Care Licensing), and communication with families regarding lead hazards
- Lead-safe maintenance must be performed or supervised by someone who has taken an accredited Lead-Safe RRPM training course
- If a child care facility owner hires someone to perform lead-safe renovation, repairs, painting, or maintenance, that person must be a VT-licensed Lead-Safe RRPM Supervisor
- Use of unsafe work practices is prohibited (18 V.S.A. §1760) without permit from the Vermont Department of Health

Transcript: House Human Services Committee
February 21, 2018
Re: H.736

Katie McLinn:

“In terms of who needs a license: For persons performing lead based paint activities or RRPM activities for compensation in a residential house or child-occupied property, there’s a license required. Similarly for persons in rental housing or child care facilities. **But not for persons performing the work themselves in their own facility, although they will need to have the training and certification that they have completed the training.** And then, in commercial / industrial facilities: Yes, for persons performing lead based paint or RRPM activities. They need to have that license.”

McLinn2-21-18.mpg

H.726: An act relating to lead poisoning prevention

Table compiled by the Department of Health and the Office of Legislative Council

February 20, 2018

	Pre-1978 residential housing and child-occupied properties	Pre-1978 rental housing and child care facilities	Commercial and industrial sites with lead-based paint coatings
Currently regulated by?	40 CFR 745, subpart E	18 V.S.A. Chapter 38	40 CFR 745, subpart L
Required to address lead hazards (e.g. chipping paint)	No	Yes	No
Required to use lead-safe RRPM work practices (§1759)	Yes, except homeowner performing RRPM activities in private home	Yes	No
Trigger for using lead-safe RRPM work practices	If work disturbs in excess 6ft ² of painted surface per room for interior activities or in excess of 20ft ² of exterior painted surface	If work disturbs in excess of 1ft ² of interior or exterior painted surfaces	N/A
Prohibited from using unsafe work practices (§1760)	Yes, when disturbing 1ft ² of interior or exterior painted surfaces	Yes, when disturbing 1ft ² of interior or exterior painted surfaces	Yes, when disturbing 1ft ² of interior or exterior painted surfaces
Responsible party	Contractors and property managers performing services	Rental property and child care facility owners (or owner's representatives)	Contractors and property managers performing services Property owners are responsible for informing contractors about potential lead-based paint hazards
Training (§1752)	Yes, for persons performing lead-based paint or RRPM activities for compensation Not for private homeowners doing their own work	Training required for all people performing any RRPM activities	Yes, for persons performing lead-based paint for compensation

	Pre-1978 residential housing and child-occupied properties	Pre-1978 rental housing and child care facilities	Commercial and industrial sites with lead-based paint coatings
Licenses	Yes, for persons performing lead-based paint or RRPM activities for compensation	Yes, for persons performing lead-based paint or RRPM activities for compensation Not for people performing the work themselves on their own facility (although they will have to be trained and certified)	Yes, for persons performing lead-based paint or RRPM activities for compensation
Compliance Statement	No compliance statement required	RRPM compliance statement required annually or within 60 days of purchasing property	No compliance statement required

Jeffrey Lyon
5 Ridgewood Drive
Burlington, Vermont 05408
802 658-3166

March 27, 2023

Alan Bjerke
145 Lakeview Terrace
Burlington, VT 05401

Re: Obtaining Insurance under Vermont's new lead control regulation

Dear Alan,

You have asked for my opinion concerning the availability of liability insurance which would satisfy the requirements of 18 V.S.A. §1762 for licensure as a Renovation, Repair, Painting and Maintenance (RRPM) Firm and Supervisor pursuant to Vermont's Lead Control Law and Regulations. The minimum requirement for such insurance is that it have a minimum coverage amount of \$300,000 and "indemnify properly a person who suffers who suffers damage from lead-based paint activities or RRPM activities . . ." It is my understanding that the Vermont Department of Health requires that a rental property owner who does RRPM activities (i.e. Painting) on their own property obtain a professional license in order to lawfully perform the activities.

It is my opinion that damage resulting from the performing or failure to properly perform RRPM activities when a license would be required to perform such activities would be excluded from liability coverage uniformly provided by the property insurance policies which typically insure buildings containing residential rental units such as yours. These would include the ISO Homeowner 3, 5, & 6 policies, as well as the ISO Business Owner's policy. These policies all contain uniform exclusions for "professional services" which includes the rendering or failure to render a professional service. Professional services are most commonly those which require a license to perform, such as plumbing, electrical work or in this case RRPM activities. There are no endorsements conventionally available for these existing policies that would waive the exclusion for professional services that I have seen in my career.

The alternative would be for you to obtain a separate policy of insurance for Professional Liability. The most common would be a Commercial General Liability policy with a specific endorsement for RRPM activities. In my experience, it would not be surprising if you could not find a company to write you such a policy. In order to qualify to obtain such a policy you would need to be a full time professional painter certified for lead paint removal, which you are not. You are a landlord who only works on properties that you own and therefore only paints maybe one or two units a year.

It is important to note that even if the Health Department were to approve your application for licensure based upon your Homeowner or Business owner's policies, it is my opinion that these policies would not actually afford your tenants any liability coverage for lead exposure resulting from improper RRPM activities since they are not the "named insured" on the policy and because of the conventional exclusions uniformly contained in the policies. The opinions stated in this letter are based upon my 23 year career as an independent insurance agent in Vermont. I have assisted hundreds of Vermont individuals and businesses with securing the most appropriate insurance policies for the property and activities they seek insurance to cover. I have negotiated coverage with dozens of insurance companies in order to provide my clients with options to cover their needs. While I worked at the Essex Agency in Essex Junction, Vermont for 23 years, I retired in 2021. The views stated in this letter are my own and not necessarily those of the Essex Agency or any insurance company I worked with while there.

Sincerely,

Jeffrey Lyon

A handwritten signature in black ink, appearing to read "Jeffrey Lyon", with a long horizontal flourish extending to the right.



Company or RRPM Firm Lookup

Enter search criteria to find a Vermont licensed company or RRPM firm

For Lead-Safe RRPM firms, scroll down and select **Lead-Safe RRPM Firm**

To see more information, select the company or firm name

To see more search results, on the lower right select **Next** or change the number per page

***License Type:**

New Permit 

Name:

City:

County:

License Number:

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Search Results

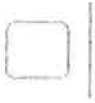
▶ Matthew Stryker

Records 1-1 of 1

First Previous Next Last

Page 1

▼ Per Page 10 ▼



Company or RRPM Firm Lookup Detail

Company or RRPM Firm: Matthew Stryker

Name: Matthew Stryker

Address: None

City: None

County: None

License Type: New Permit

Expiration Date: None

Publicly facing phone number: None

Publicly facing website: None

Willing to perform IRC Practices: None

Publicly facing email: None

 **Back**

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Vermont Department of Health
Asbestos and Lead Regulatory Program (ALRP)
280 State Street

Waterbury, Vermont 05671-8350

www.healthvermont.gov/ (<http://www.healthvermont.gov/environment/asbestos-lead>)ALRP
(<http://www.healthvermont.gov/ALRP>)

ALRP@vermont.gov



Company or RRPM Firm Lookup

Enter search criteria to find a Vermont licensed company or RRPM firm

For Lead-Safe RRPM firms, scroll down and select **Lead-Safe RRPM Firm**

To see more information, select the company or firm name

To see more search results, on the lower right select **Next** or change the number per page

* License Type:

Lead-Safe RRPM Firm

Name:

Matthew Stryker

City:

County:

License Number:

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Chapter 6 – Environmental Health Rules

Subchapter 3

Vermont Regulations for Lead Control

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1.0 Authority

- 1.1 This rule is adopted pursuant to 3 V.S.A. §§ 801(b)(11) and 3003(a); 18 V.S.A. §§102, 1752(b) and 1759(f).
- 1.2 Severability: If any provision 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.

2.0 Purpose

This rule seeks to protect public health by reducing lead exposure for the public with specific precautions for children who are more vulnerable to lead hazards. The rule provides the requirements for work practices, licensing, and training for lead-based paint activities and renovation, repair, painting and maintenance activities to prevent the creation of lead hazards that cause lead poisoning.

3.0 Scope

This rule applies to those who perform or train individuals to perform renovation, repair, painting and maintenance (RRPM) activities or lead-based paint activities, property owners of pre-1978 target housing or child-occupied facilities, and homeowners when conducting RRPM activities or lead-based paint activities in their own private target housing residences.

4.0 Definitions

Words and phrases used in this rule and not defined herein shall have the meaning given to them in 18 V.S.A. Chapter 38 and the Federal Residential Lead-Based Paint Hazard Reduction Act of 1992. In the event of inconsistency between meanings given in Chapter 38 and the federal act, 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.

- 4.1 “Abatement” means any set of measures designed to eliminate lead hazards permanently in accordance with standards established by appropriate state and federal agencies.
 - 4.1.1 “Abatement” includes 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 components, and the removal or permanent covering of lead-contaminated soil; and

- 4.1.1.1 All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.
 - 4.1.1.2 Removing lead bearing components with the intent of permanently eliminating existing lead-based paint hazards is considered abatement.
 - 4.1.2 “Abatement” does not include interim controls or RRPM activities. Scraping deteriorated paint as preparation for painting is not abatement.
 - 4.1.3 Removing deteriorated paint is considered preparation for painting, not abatement, unless such scraping is a project or part of a project designed to permanently eliminate lead-based paint or lead paint hazards. Evidence of intent to conduct an abatement project includes but is not limited to:
 - 4.1.3.1 The existence of a written work contract, stating that a contractor will be conducting activities to permanently eliminate lead-based paint hazards;
 - 4.1.3.2 Abatement measures are undertaken by a lead-based paint abatement contractor licensed under the requirements of this rule; and
 - 4.1.3.3 Abatement measures are undertaken by an individual(s) or contractor that asserts they are (through advertising or promotional literature or otherwise) capable of doing lead abatement work, even if they are not properly licensed as lead-based paint abatement contractors.
- 4.2 “Abrasive blasting” means the procedure of removing paint from a surface by using mechanical force to apply an abrasive material (e.g. sand, grit, or other similar material) to the painted surface. This includes the use of special tools that use high speed operation or high-pressure air mixed with another medium such as sand, walnut shells, chemical salts, or dry ice to remove paint from surfaces.
- 4.3 “Accessible surface” means any interior or exterior surface such as sills and protruding surfaces that a young child can mouth or chew.
- 4.4 “Accredited training program” means a training program that has been approved by the Commissioner of Health to provide training for individuals engaged in lead-based paint activities or RRPM activities. Training program accreditation is issued to a specific training provider who shall receive accreditation for each training discipline that the accredited training program offers as a course.

- 4.5 “Agent” means any party who enters into a contract with a seller or lessor, including any party who enters into a contract with a representative of the seller or lessor, for the purpose of selling or leasing target housing. This term does not apply to purchasers or any purchaser's representative who receives all compensation from the purchaser.
- 4.6 “Bare soil” means soil or sand not covered by grass, sod, other live ground covers, wood chips, gravel, artificial turf, or similar covering.
- 4.7 “Business day” means Monday through Friday except for federal and state holidays.
- 4.8 “Child” or “children” means an individual or individuals under 18 years of age, except where specified as a child or children six years of age or younger.
- 4.9 “Child care facility” means a child care facility or family child care home as defined in 33 V.S.A. Section 3511 that was constructed prior to 1978.
- 4.10 “Child-occupied facility” means a building or portion of a building constructed prior to 1978, visited regularly by the same child six years of age or younger on at least two different days within any week, provided that each day’s visit lasts at least three hours and the combined weekly visits last at least six hours and the combined annual visits last at least 60 hours. Child-occupied facilities include child care facilities, preschools, and kindergarten classrooms.
- 4.10.1 Child-occupied facilities may be located in target housing or in public or commercial facilities.
- 4.10.2 With respect to common areas in public or commercial facilities that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children six years of age or younger, such as restrooms and cafeterias.
- 4.10.3 Common areas that children six years of age or younger only pass through, such as hallways, stairways, and garages are not included. In addition, with respect to exteriors of public or commercial facilities that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the facility that are immediately adjacent to the child-occupied facility or the common areas routinely used by children six years of age or younger.
- 4.11 “Cleaning verification card” means a card developed and distributed, or otherwise approved, by the EPA for the purpose of determining, through

comparison of wet and dry disposable cleaning cloths with the card, whether post-RRPM cleaning has been properly completed.

- 4.12 “Commercial facility” means any building constructed for the purposes of commercial or industrial activity and not primarily intended for use by the public, including, but not limited to, office complexes, industrial buildings, warehouses, factories, and storage facilities.
- 4.13 “Commissioner” means the Commissioner of the Vermont Department of Health or their duly authorized agent. Unless otherwise specified in these Regulations, the term “Department” shall be synonymous with Commissioner.
- 4.14 “Common area” means a portion of a building generally accessible to all residents/users/occupants/guests, including, but not limited to, hallways, stairways, porches, laundry and recreational rooms, playgrounds, community centers, boundary fences, basements, and sheds, except as defined in 4.10.3.
- 4.15 “Component” or “building component” means specific design or structural elements or fixtures of a facility or residential dwelling that are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as: ceilings, crown moldings, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs, sills or stools and troughs), built in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners; and exterior components such as: painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, cornerboards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, windowsills or stools and troughs, casings, sashes and wells, and air conditioners.
- 4.16 “Containment” means a process to protect workers and the environment by controlling exposures to the lead-contaminated dust and debris created during abatement, lead-based paint activities, or RRPM activities.
- 4.17 “Contractor” means any firm, partnership, association, corporation, sole proprietorship or other business concern, as well as any governmental, religious, or social organization or union that agrees to perform services covered by these regulations, including RRPM activities and lead-based paint activities.
- 4.18 “Course examination” means an evaluation of the overall effectiveness of the training which shall test the trainee’s knowledge and retention of the topics covered during the course.

- 4.19 “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 facilities, bridges, or other structures or superstructures. De-leading is considered abatement.
- 4.20 “Department” means the Vermont Department of Health.
- 4.21 “Deteriorated paint” means any interior or exterior lead-based paint or other coating that is peeling, chipping, chalking, flaking, or cracking or any paint or other coating located on an interior or exterior surface or fixture component that is otherwise damaged or separated from the substrate.
- 4.22 “Discipline” means one of the specific types or categories of lead-based paint activities or RRPM activities identified in this rule for which individuals may receive training from accredited programs and become licensed or certified by the Department. For example, “abatement worker” is a discipline.
- 4.23 “Disturb” means to engage in activities such as renovation, remodeling, repair, maintenance, plumbing, electrical work, carpentry, window installation, painting, or weatherization that create dust and/or debris from painted surfaces.
- 4.24 “Dripline” means the area within three feet surrounding the perimeter of a building.
- 4.25 “Dry disposable cleaning cloth” means a commercially available dry, electrostatically charged, white disposable cloth designed to be used for cleaning hard surfaces.
- 4.26 “Dry sanding” means sanding without moisture and includes both hand and machine sanding.
- 4.27 “Due date” means the date by which an owner of rental target housing or a child-occupied facility shall file with the Department the compliance statement required by Section 6 of this rule. The due date is one of the following:
- 4.27.1 No later than 365 days after the most recent compliance statement was received by the Department;
 - 4.27.2 Within 60 days after the closing of the purchase of the property if no compliance statement was filed with the Department within the past 12 months;
 - 4.27.3 Any other date agreed to by the owner and the Department; or

- 4.27.4 Any other date set by the Department.
- 4.28 “Dust clearance” means a visual examination and collection of dust samples by a lead-based paint inspector or lead-based paint inspector-risk assessor. The lead-based paint inspector or lead-based paint inspector-risk assessor shall use methods specified by the Department and analysis by an accredited laboratory to determine whether or not lead exposures exceed limits set by the Department.
- 4.29 “Dwelling unit” means a:
- 4.29.1 Single-family dwelling, including attached structures such as porches and stoops; or
- 4.29.2 Housing unit in a structure that contains more than one separate housing unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the home or separate living quarters of one or more persons.
- 4.30 “Encapsulant” means a manufactured product other than paint, specifically formulated to form a barrier between lead-based paint and the environment using a liquid-applied coating (with or without reinforcement materials) or an adhesively bonded covering material.
- 4.31 “Encapsulation” means the application of an encapsulant which covers, seals, or encapsulates a lead-based painted surface in a manner that is designed to reduce human exposure to lead.
- 4.32 “Enclosure” means the use of rigid, durable, airtight construction materials that are mechanically fastened and sealed to the substrate in order to act as a barrier between lead-based paint and the environment. Enclosure may be used as a method of abatement if it is designed to be permanent (see definition of “permanent”).
- 4.33 “EPA” means the U.S. Environmental Protection Agency.
- 4.34 “Facility” means any institutional, commercial, public, private, or industrial structure, installation, building or private residence and its grounds.
- 4.35 “Firm” means a company, partnership, corporation, sole proprietorship or individual doing business; association or business entity; a federal, state, tribal or local government agency; or a nonprofit organization.
- 4.36 “Friction surface” means an interior or exterior painted surface that is subject to abrasion or friction during normal use, including, but not limited to, certain window, floor, and stair surfaces.

- 4.37 “Hands-on skills assessment” means an evaluation which tests the trainees' ability to satisfactorily perform specific work practices and procedures taught in a training course.
- 4.38 “Hazardous waste” means any waste determined to be hazardous waste pursuant to the Vermont Hazardous Waste Management Regulations.
- 4.39 “HEPA vacuum” means a vacuum cleaner which has been designed with a high-efficiency particulate air (HEPA) filter as the last filtration stage. A HEPA filter is a filter that is capable of capturing particulates of 0.3 microns or greater with 99.97% efficiency. The vacuum cleaner shall be designed so that all the air drawn into the machine is expelled through the HEPA filter with none of the air leaking past it. HEPA vacuums shall be operated and maintained in accordance with the manufacturer's instructions.
- 4.40 “Housing for the elderly” means retirement communities or similar types of housing reserved for households composed of one or more persons 62 years of age or more at the time of initial occupancy.
- 4.41 “HUD” means the U.S. Department of Housing and Urban Development.
- 4.42 “Impact surface” means an interior or exterior surface that is subject to damage by repeated sudden force such as certain parts of door frames.
- 4.43 “Independent” means having no financial interest in either the work being performed or the property to be inspected, having no employment or familial relationship with the persons performing the work or the owner of the property.
- 4.44 “Interim controls” means a hazard-reduction alternative designed to reduce human exposure, or likely exposure, to lead-based paint hazards that may include specialized cleaning, repairs, maintenance, paint stabilization, painting, temporary enclosure, or containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs. Interim controls shall be based on the nature, severity, and location of existing lead-based paint hazards and are not considered abatement.
- 4.45 “Interior windowsill” means the portion of the horizontal window ledge that protrudes into the interior of the room, adjacent to the window sash when the window is closed. The interior windowsill is sometimes referred to as the window stool.
- 4.46 “Lead-based paint” means paint or other surface coatings that contain lead in an amount:

- 4.46.1 Equal to 1.0 milligram per square centimeter or 0.5 percent by weight or greater;
 - 4.46.2 Lower than that described in Section 4.46.1 as may be established by the Secretary of the U.S. Department of Housing and Urban Development pursuant to Section 302(c) of the Lead-Based Paint Poisoning Prevention Act; or
 - 4.46.3 Lower than that described in Section 4.46.1 as may be established by the Administrator of the U.S. Environmental Protection Agency.
- 4.47 "Lead-based paint abatement supervisor" means any individual who has a current license issued by the Department pursuant to Section 12.12 or 12.13 to supervise and conduct abatement projects and prepare occupant protection plans and abatement reports.
- 4.48 "Lead-based paint abatement worker" means any individual who has a current license issued by the Department pursuant to Section 12.14 or 12.15 to perform abatement work.
- 4.49 "Lead-based paint activities" means:
- 4.49.1 With regard to target housing or a child-occupied facility: risk assessment, inspection, visual inspection for risk assessment, project design, abatement, visual inspection for clearance, dust clearance after an abatement project, and lab analysis of paint chip or dust wipe samples collected for the purpose of an inspection or risk assessment; and
 - 4.49.2 With regard to a public facility constructed before 1978, a commercial facility, bridge, or other structure: inspection, risk assessment, project design, abatement, de-leading, removal of lead from bridges and other superstructures, visual inspection for clearance, dust clearance after an abatement project, and lab analysis of paint chip or dust wipe samples collected for the purposes of an inspection or risk assessment.
- 4.50 "Lead-based paint consultant" means an individual with a lead-based paint inspector, lead-based paint inspector-risk assessor, or lead-based paint project designer license pursuant to Section 12.16, 12.17, or 12.18, who inspects, designs, oversees, or evaluates lead hazard reduction projects, and provides services including lead-based paint inspections, risk assessment, project design, clearance examinations, dust clearance, lead sampling.

- 4.51 “Lead-based paint contractor entity” means any entity that employs one or more individuals licensed by the Department and has a current license issued by the Department pursuant to Section 12.11 to conduct lead-based paint activities. A Lead-based paint contractor entity may include a sole proprietorship.
- 4.52 “Lead hazard” means any condition that causes exposure to lead from contaminated dust, lead-contaminated soil, lead containing coatings, lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects:
- 4.52.1 Dust lead hazard: Surface dust that contains lead equal to or exceeding 10 micrograms per square foot on floors or 100 micrograms per square foot on interior windowsills based on wipe samples, or any lower standard set by the Secretary of the U.S. Department of Housing and Urban Development or the Administrator of the U.S. Environmental Protection Agency.
- 4.52.2 Soil lead hazard: A residential soil lead hazard is bare soil that contains total lead equal to or exceeding 41 parts per million based on soil samples.
- 4.53 “Lead-based paint 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. Lead-based paint inspections may be conducted by a licensed lead-based paint inspector or lead-based paint inspector-risk assessor.
- 4.54 "Lead-based paint inspector" means any individual who has a current license issued by the Department pursuant to Section 12.16 to conduct lead-based paint inspections and post-abatement clearance testing.
- 4.55 "Lead-based paint inspector-risk assessor" means any individual who has a current license issued by the Department pursuant to Section 12.17 to conduct lead-based paint inspections, risk assessments, and post-abatement clearance testing.
- 4.56 "Lead-based paint project designer" means any individual who has a current license issued by the Department pursuant to Section 12.18 to prepare lead abatement project designs, occupant protection plans, and abatement reports.
- 4.57 “Lead-bearing component” means any element that has or had lead-based paint on it and which may still contain lead in the substrate which has the potential for yielding a dust lead hazard when subjected to friction impact.

- 4.58 “Lead hazard reduction” means any activity which reduces the risk of human exposure to lead-based paint or lead containing materials or substances through environmental modification such as covering of bare soil or covering lead-paint coated surfaces. Lead hazard reduction shall also include any measures which reduce the concentration of lead in lead-contaminated dust, soil or drinking water.
- 4.59 “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)(8).
- 4.60 “Lead-safe RRPM firm” means a company, partnership, corporation, sole proprietorship or individual doing business; association; or other business entity that regularly engages in RRPM activities for compensation, that employs or contracts with persons to perform RRPM activities, and is licensed by the Department pursuant to Section 12.8 or 12.9.
- 4.61 "Lead-safe RRPM supervisor" means an individual who has a current license issued by the Department pursuant to Section 12.10. This individual is authorized to perform RRPM activities in target housing or a child-occupied facility for compensation, or to supervise RRPM activities in target housing or a child-occupied facility.
- 4.62 “Lead waste” means any lead-based paint and soil removed during lead-based paint activities and RRPM activities and those materials used during lead-based paint activities and RRPM activities that have been contaminated by the activities.
- 4.63 “License” means the document issued to an individual, entity, or firm indicating that the standards for licensure for each discipline, category of entity, or firm established in this rule have been met.
- 4.64 “Licensee” means any person who engages in lead-based paint or RRPM activities and has obtained a license to perform such activities for compensation.
- 4.65 “Living area” means any area of a residential dwelling used by one or more children age six and under, including, but not limited to, living rooms, kitchen areas, dens, playrooms, and children's bedrooms.
- 4.66 “Loading” means the quantity of a specific substance present per unit of surface area, such as the amount of lead in micrograms contained in the dust collected from a certain surface area divided by the surface area in square feet or square meters.

- 4.67 “Maintenance” means work intended to maintain and preserve target housing, a child-occupied facility, a pre-1978 public facility, a commercial facility, bridge or other superstructure. It does not include minor RRPM activities.
- 4.68 “Minor RRPM activities” means maintenance and repair activities that disturb less than one square foot of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities if the work does not involve window replacement or demolition of painted surface areas, and none of the work practices prohibited or restricted by Section 5.1 are used. Minor RRPM activities for rental target housing or child care facilities means maintenance and repair activities that disturb less than one square foot of painted surface per room for interior activities or one square foot or less of painted surface for exterior activities if the work does not involve window replacement or demolition of painted surface areas and none of the work practices prohibited or restricted by Section 5.1 are used.
- 4.68.1 With regard to removing painted components or portions of painted components, the entire surface area removed is the amount of painted surface disturbed.
- 4.68.2 Work, other than emergency RRPM activities, performed in the same room within the same 30-day period shall be considered the same work for the purposes of determining whether the work is a minor RRPM activity.
- 4.68.3 For purposes of this definition, demolition of painted surface areas means an activity that removes or otherwise disrupts a painted component in a way that destroys or ruins the component.
- 4.69 “Nonprofit” means an entity which has demonstrated to any branch of the federal government or to a state, municipal, tribal or territorial government, that no part of its net earnings inure to the benefit of any private shareholder or individual.
- 4.70 "Occupant" means any person who resides in, or regularly uses, a dwelling, dwelling unit, mobile dwelling, or structure.
- 4.71 “On-the-job worker” means any person conducting RRPM activities who has been trained by a licensed lead-safe RRPM supervisor according to protocols established by the Department.
- 4.72 “OSHA” means the Occupational Safety and Health Administration of the U.S. Department of Labor.
- 4.73 "Owner" means any person who, alone or jointly or severally with others:

- 4.73.1 Has legal title to any dwelling or child-occupied facility with or without actual possession of the property.
- 4.73.2 Is the chief executive officer of the municipal or state agency that owns, leases, or controls the use of publicly owned target housing or a child-occupied facility.
- 4.73.3 Is a person who has taken full legal title of a dwelling or child-occupied facility through foreclosure, deed in lieu of foreclosure, or otherwise.
- 4.74 "Owner" does not include a person who holds indicia of ownership given by the person in lawful possession for the primary purpose of assuring repayment of a financial obligation. Indicia of ownership includes interests in real or personal property held as security or collateral for repayment of a financial obligation such as a mortgage, lien, security interest, assignment, pledge, surety bond, or guarantee and includes participation rights of a financial institution used for legitimate commercial purposes in making or servicing the loan. "Owner's representative" means any person who has charge, care, or control of any dwelling or child care facility as property manager, agent, or guardian of the estate.
- 4.75 "Paint" means any substance applied to a surface as a surface coating, including, but not limited to, household paints, varnishes and stains.
- 4.76 "Paint stabilization" means repairing any physical defect in the substrate of a painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint.
- 4.77 "Paint testing" means the process of determining, by a licensed lead-based paint inspector or risk assessor, the presence or the absence of lead-based paint on deteriorated paint surfaces or painted surfaces.
- 4.78 "Paint removal" means a method of abatement that permanently eliminates lead-based paint from surfaces.
- 4.79 "Painted surface" means a component surface covered in whole or in part with paint or other surface coatings.
- 4.80 "Pamphlet" means the EPA pamphlet titled Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools developed under section 406(a) of TSCA for use in complying with section 406(b) of TSCA, and the Vermont-specific addendum developed by the Department. This includes legible reproductions of the pamphlet when copied in full and without revision or deletion of material from the pamphlet.

- 4.81 “Permanent” means an expected design life of at least 20 years.
- 4.82 “Person” means any natural or judicial person including any individual, firm, corporation, partnership, or association; any Indian tribe, state, or political subdivision thereof; any interstate body; and any department, agency, or instrumentality of the federal government.
- 4.83 “Personal protective equipment (PPE)” means protective equipment that may be used to insulate an individual from the chemical, thermal, explosive or other hazards presented by the environment in which they are working.
- 4.84 “Protective clothing” means clothing designed to protect from lead hazards, including but not limited to gloves, hat, shoe covers, coveralls and eye protection.
- 4.85 “Public facility” means a house of worship, courthouse, jail, municipal room, state or county institution, railroad station, school building, social hall, hotel, restaurant, or building used or rented to boarders or roomers, place of amusement, factory, mill, workshop or building in which persons are employed; building used as a nursery, convalescent home, or home for the aged; tent and outdoor structure used for public assembly; and barn, shed, office building, store, shop, shop other than a workshop, and space where goods are offered for sale, wholesale or retail. It does not include a family residence registered as a child care facility.
- 4.86 “Renovation” means the modification of any existing structure or portion of an existing structure that results in the disturbance of a painted surface unless the activity is performed as part of a lead-based paint abatement activity or is a minor RRPM activity.
- 4.86.1 Renovation includes the following when it results in the disturbance of a painted surface: the removal, modification, re-coating, or repair of a painted surface or painted component of a surface; the removal of building components, unless the intent is to permanently eliminate existing lead-based paint hazards, in which case the removal is abatement; a weatherization project; and interim controls that disturb painted surfaces.
- 4.86.2 Renovation includes the performance of activities for the purpose of converting a building or part of a building into target housing or a child-occupied facility when it results in the disturbance of a painted surface.
- 4.87 "Rental target housing" means target housing offered for lease or rental under a rental agreement as defined in 9 V.S.A. Section 4451.8. "Rental target

housing" does not include a rented single room located within a dwelling in which the owner of the dwelling resides unless a child six years of age or younger resides in or is expected to reside in that dwelling. "Rental target housing" does not include units in a hotel, motel, or other lodging, including condominiums that are rented for transient occupancy for 30 days or less.

- 4.88 "Repair" means the restoration of paint or other coatings that have been damaged, 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. It does not include minor RRPM activities.
- 4.89 "Risk assessment" means an on-site investigation by a lead-based paint inspector-risk assessor to determine and report the existence, nature, severity, and location of lead-based paint hazards including:
- 4.89.1 Information gathering regarding the age and history of the housing and occupancy by children under age six;
 - 4.89.2 Visual inspection;
 - 4.89.3 Limited wipe sampling or other environmental sampling techniques;
 - 4.89.4 Other activity as may be appropriate; and
 - 4.89.5 Provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.
- 4.90 "Room" means a separate part of the inside of a building, such as a bedroom, living room, dining room, kitchen, bathroom, laundry room, or utility room. To be considered a separate room, the room shall be separated from adjoining rooms by built-in walls or archways that extend at least six inches from an intersecting wall. Half walls or bookcases count as room separators if built-in. Movable or collapsible partitions or partitions consisting solely of shelves or cabinets are not considered built-in walls. A screened in porch that is used as a living area is a room.
- 4.91 "RRPM" means the Renovation, Repair, Painting, and Maintenance Program that pertains to projects that disturb lead-based paint on target housing and child-occupied facilities.
- 4.92 "RRPM activities" means lead-safe renovation, repair, painting, and maintenance practices required by Section 7 of this rule. It does not include minor RRPM activities.

- 4.93 “Seller” means any entity that transfers legal title to target housing, in whole or in part, in return for consideration, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations. The term “seller” also includes:
- 4.93.1 An entity that transfers shares in a cooperatively owned project, in return for consideration; and
 - 4.93.2 An entity that transfers its interest in a leasehold, in jurisdictions or circumstances where it is legally permissible to separate the fee title from the title to the improvement, in return for consideration.
- 4.94 “Single room occupancy (SRO) housing” means housing consisting of zero-bedroom dwelling units that may contain food preparation or sanitary facilities or both (see Zero-bedroom dwelling).
- 4.95 “Soil sample” means a sample collected in a representative location using ASTM E1727, “Standard Practice for Field Collection of Soil Samples for Lead Determination by Atomic Spectrometry Techniques,” or equivalent method.
- 4.96 “Standard treatments” means a series of hazard reduction measures designed to reduce all lead-based paint hazards in a dwelling unit without the benefit of a risk assessment or other evaluation.
- 4.97 “State” means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, or any other territory or possession of the United States.
- 4.98 “Structure” means a whole facility, building or a major portion thereof, such as a building wing.
- 4.99 “Substrate” means the material directly beneath the painted surface out of which the components are constructed, including wood, drywall, plaster, concrete, brick or metal.
- 4.100 “Superstructure” means a large steel or other industrial structure such as a bridge or water tower, that may contain lead-based paint.
- 4.101 “Target housing” means any dwelling constructed prior to 1978, except any zero-bedroom dwelling or any dwelling located in multiple-unit buildings or projects reserved for the exclusive use of elders or persons with disabilities, unless a child six years of age or younger resides in or is expected to reside in that dwelling.

- 4.102 “Tenant” means the individual named as the lessee in a lease, rental agreement or occupancy agreement for a dwelling unit.
- 4.103 “Training curriculum” means an established set of course topics for instruction in an accredited training program for a particular discipline designed to provide specialized knowledge and skills.
- 4.104 “Training hour” means at least 50 minutes of actual learning, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and hands-on experience.
- 4.105 “Training manager” means the individual responsible for administering a training program and monitoring the performance of principal instructors and guest instructors.
- 4.106 “Training provider” means any organization or entity accredited pursuant to these regulations to offer lead-based paint activities or RRPM activities training courses.
- 4.107 “TSCA” means the Toxic Substances Control Act, 15 U.S.C. 2601, as amended.
- 4.108 “Uncompensated child care operator” means the owner of a child care or another adult related through blood or marriage living in their household who has a current certification issued by the Department pursuant to Section 12.7 to perform RRPM activities in their own child care facility for no compensation.
- 4.109 “Unit” means a room or connected group of rooms used or intended to be used by a single tenant or owner.
- 4.110 “Vertical containment” means a vertical barrier consisting of plastic sheeting or other impermeable material over scaffolding or a rigid frame, or an equivalent system of containing the work area. Vertical containment is required for some exterior RRPM activities but it may be used on any RRPM activities project.
- 4.111 “Visual inspection” means looking for, as applicable: deteriorated paint; visible surface dust, debris or residue as part of a risk assessment or clearance examination; or the completion of or failure of a hazard reduction measure.
- 4.112 “Wet disposable cleaning cloth” means a commercially available, pre-moistened white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.

- 4.113 “Wet mopping system” means a device with the following characteristics: a long handle, a mop head designed to be used with disposable absorbent cleaning pads, a reservoir for cleaning solution, and a built-in mechanism for distributing or spraying the cleaning solution onto a floor, or a method of equivalent efficacy.
- 4.114 “Window trough” means, for a typical double-hung window, the portion of the exterior windowsill between the interior windowsill (or stool) and the frame of the storm window. If there is no storm window, the window trough is the area that receives both the upper and lower window sashes when they are both lowered. The window trough is sometimes referred to as the window “well.”
- 4.115 “Wipe sample” means a sample collected by wiping a representative surface of known area, as determined by ASTM E1728, “Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques”, or equivalent method, with an acceptable wipe material as defined in ASTM E 1792, “Standard Specification for Wipe Sampling Materials for Lead in Surface Dust.”
- 4.116 “Work area” means the area that the licensed RRPM supervisor or certified uncompensated child care operator establishes to contain the dust and debris generated by RRPM activities, or an interior or exterior area where lead-based paint activities take place. There may be more than one work area in a dwelling unit, at a target housing and child-occupied facility, or within a work site.
- 4.117 “X-ray fluorescence (XRF) analyzer” means an instrument used to determine lead concentration by X-ray fluorescence.
- 4.118 “Zero-bedroom dwelling” means any residential dwelling in which the living areas are not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory or single room occupancy housing, military barracks, and rentals of individual rooms in residential dwellings.

5.0 General Requirements and Prohibitions

5.1 Prohibited Work Practices

- 5.1.1 Pursuant to 18 V.S.A. §1760, no person shall disturb lead-based paint using prohibited work practices in target housing, child-occupied facilities, and pre-1978 public facilities, commercial facilities, and bridges or other superstructures, unless specifically authorized by the Department per 5.1.3.

- 5.1.2 The following work practices to disturb lead-based paint are prohibited:
 - 5.1.2.1 Open flame burning or torching
 - 5.1.2.2 Use of heat guns operated at or above 1,100 degrees Fahrenheit
 - 5.1.2.3 Dry scraping or dry sanding
 - 5.1.2.4 Use of powered tools
 - 5.1.2.5 Hydro-blasting or high-pressure washing
 - 5.1.2.6 Abrasive blasting or sandblasting
 - 5.1.2.7 Chemical stripping
 - 5.1.2.8 The failure to employ one or more of the relevant lead-safe work practices as described in Sections 6 through 10 of this rule.
- 5.1.3 A person may use powered, mechanical tools with a HEPA vacuum dust control attachment to disturb lead-based paint only if a person is licensed pursuant to Section 12.0 of this Subchapter and have the express written pre-authorization of the Department for a particular work area under a specific set of circumstances that adequately minimize the risk of releases of and exposures to lead hazards. These practices may not be used for building components taken to an off-site facility and stripped of lead paint; this is considered lead abatement.
 - 5.1.3.1 Licensees may apply to use powered, mechanical tools with a HEPA vacuum dust control attachment by submitting a written request to the Department for review no fewer than 10 business days before the expected project start. The request may be submitted as part of the project permit application, if applicable, or separately, using forms provided by the Department.

5.2 Lead Exposure Control and Worker Protection

- 5.2.1 Employees are protected by the OSHA regulations at 29 CFR 1926.62. The worker protection regulations in this Chapter apply to all persons conducting lead-based paint activities or RRPM activities, regardless of employment status.

5.2.2 Each individual involved in lead abatement activities or RRP activities shall abide by the following provisions to minimize exposure to lead hazards and prevent contamination to areas outside a lead work area.

5.2.2.1 The methods used in the removal, handling, and containment of lead-based paint, lead-bearing components, or lead waste shall prevent the creation of lead-based paint hazards to human health or the environment from fumes, dust, vapors or liquids.

5.2.2.2 The consumption of food or beverages, the use of tobacco products, and the application of cosmetics within a lead work area are prohibited.

5.2.2.3 Each individual conducting activities within a lead work area shall be equipped with appropriately maintained personal protective equipment and protective clothing, including footwear, to prevent direct contact with lead contamination.

5.2.2.4 Each individual shall wear a respirator that complies with 29 CFR 1910.134 and 29 CFR 1926.62(f) while conducting activities within a lead work area where airborne lead exposures exceed the permissible exposure limit set in 29 CFR 1926(c) or have not been evaluated in accordance with 29 CFR 1926.62(d).

5.2.2.5 All lead work sites shall be equipped, at a minimum, with the following hygiene facilities, located contiguous to lead work areas:

5.2.2.5.1 Change area(s) meeting the requirements in 29 CFR 1926.62 (i)(2).

5.2.2.5.1.1 Individuals shall put on personal protective equipment and protective clothing and respirator (as applicable) in a designated clean zone in the change area prior to entering the lead work area.

5.2.2.5.1.2 Individuals shall remove personal protective equipment and protective clothing in a designated area of the change area prior to exiting a lead work area.

5.2.2.5.1.3 Disposable protective clothing such as gloves, hats, coveralls and shoe covers are considered lead waste material and shall be placed in an appropriate waste receptacle.

5.2.2.5.2 Hand washing stations(s) and shower facilities (when required because airborne lead exposures exceed the permissible exposure limit set in 29 CFR 1926(c)) shall comply with the requirements in 29 CFR 1926.51(f).

5.2.2.5.2.1 Individuals shall wash hands and face upon exiting a lead work area, after removing respirators.

5.2.2.5.2.2 Shower facilities (when required) shall comply with 29 CFR 1926.51(f) and be located contiguous to a lead work area unless a waiver has been granted by the Department.

5.2.2.6 Each lead-based paint abatement contractor entity or lead-safe RRPM firm shall conduct an exposure assessment at each specific lead abatement or RRPM work area in accordance with 29 CFR 1926.62(d).

5.2.2.7 Lead waste must be handled and disposed of in accordance with Vermont's Solid Waste Management Rules or Hazardous Waste Management Regulations, as applicable.

5.3 Transfer of Ownership of Target Housing

5.3.1 Target Housing: Prior to the time a purchase and sale agreement for target housing is executed, the seller shall provide the buyer with the following documents:

5.3.1.1 EPA's "Protect Your Family from Lead" brochure

5.3.1.2 EPA's "Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools" pamphlet and the Vermont-specific addendum.

5.3.1.3 The following information, as applicable:

5.3.1.3.1 Any lead-based paint inspection or risk assessment report or letter of exemption associated with the target housing; and

5.3.1.3.2 Any on-going 18 V.S.A. Chapter 38 enforcement action associated with the target housing, including any notices of non-compliance or violation, assurances of discontinuance, administrative orders, or court orders, if the terms required by these actions have not been completed.

5.3.1.4 At the time of purchase of target housing, sellers and other transferors shall provide the buyer or transferee with any of the materials listed in 5.3.1.1.-5.3.1.3 that were not previously disclosed.

5.3.2 Rental Target Housing:

5.3.2.1 Prior to the time of sale of rental target housing, the real estate agents, sellers, and other transferors of title shall provide the buyer or transferee with the following information:

5.3.2.1.1 EPA's "Protect Your Family from Lead" brochure.

5.3.2.1.2 EPA's "Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools" pamphlet and the Vermont-specific addendum.

5.3.2.1.3 Any lead-based paint inspection or risk assessment report or letter of exemption associated with the rental target housing.

5.3.2.1.4 Any on-going 18 V.S.A. Chapter 38 enforcement action associated with the rental target housing, including any notices of non-compliance or violation, assurances of discontinuance, administrative orders, or court orders, if the terms required by these actions have not been completed.

5.3.2.1.5 Verification that requirements of Section 6 have been met, including that the current annual compliance statement has been filed with the Department.

5.3.2.1.6 A copy of the current annual compliance statement required in Section 6.

5.3.2.2 A buyer or other transferee of title of rental target housing shall at the time of sale or transfer of ownership, or both, report the sale or transfer to the Department on forms provided by the Department.

5.3.2.3 A buyer or other transferee of title to rental target housing who has purchased or received a building or unit that is not in full compliance with 18 V.S.A. §1759 shall bring the rental target housing into compliance within 60 days after the closing.

5.3.2.3.1 No later than 10 days before the 60-day period concludes, the buyer or transferee may submit a written request for an extension of time for compliance on forms provided by the Department. The Department may grant an extension request for a specific period of time for good cause only.

5.4 Exemptions

5.4.1 Component exemption

5.4.1.1 For a component to be exempt from this rule a licensed lead-based paint inspector or lead-based paint inspector-risk assessor shall:

5.4.1.1.1 Conduct an inspection according to HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing to determine whether the component is free of lead-based paint;

5.4.1.1.2 Certify through a written inspection report that the component to be impacted by lead-based paint activities, renovation, repair, painting, and/or maintenance activity is free of lead-based paint; and

5.4.1.1.3 Provide a copy of this report to the owner and/or firm requesting the inspection.

5.4.1.2 An owner of target housing, rental target housing or a child-occupied facility, or owner's representative, shall provide a copy of the written inspection report to the Department for review and determination of exempt status.

5.4.1.3 Removing all paint from a component does not exempt the component from the requirements of this section.

5.4.1.4 Removal of a lead-based paint-containing component may be considered abatement, subject to the abatement work practice requirements in Section 8.0.

5.4.2 Property exemption

5.4.2.1 For a property to be exempt from this rule, a licensed lead-based paint inspector or lead-based paint inspector-risk assessor shall:

5.4.2.1.1 Conduct an inspection according to the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing using an XRF analyzer on all surfaces to determine whether the property is free of lead-based paint;

5.4.2.1.2 Certify through a written inspection report that all accessible surfaces are free of lead-based paint; and

5.4.2.1.3 Provide a copy of the report to the owner or firm requesting the inspection.

5.4.2.2 An owner of target housing, rental target housing or a child-occupied facility, or owner's representative, provides a copy of the written certification report to the Department for review and determination of exempt status.

5.4.2.3 If a property has been remodeled or gutted, it is not exempt from this section unless the full requirements of 5.4.2 are met.

5.4.2.4 A new written inspection report pursuant to Section 5.4.2. is required to maintain exempt status if lead hazards are created as a result of RRPM activities performed or if previously inaccessible components are exposed after the date of the original written inspection report.

5.4.3 Homeowner Exemption

5.4.3.1 Homeowners that reside and intend to conduct lead-based paint abatement in their own private residences are exempt from the abatement requirements in Section 8 and licensing requirements in Section 12, unless the residential dwelling is

occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level.

5.4.3.1.1 When conducting abatement, homeowners are prohibited from using the unsafe work practices described in 18 V.S.A. Section 1760 and Section 5.1 of this rule.

5.4.3.1.2 However, if a homeowner chooses to hire an outside contractor to conduct abatement or other lead-based paint activities, then the contractor must be Vermont-licensed and follow all relevant requirements per this rule.

5.4.3.2 Homeowners that reside and intend to conduct RRPM activities in their own private residences are exempt from the requirements in Section 7 and licensing and certification requirements in Section 12, unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level.

5.4.3.2.1 When conducting RRPM activities, homeowners are prohibited from using the unsafe work practices described in 18 V.S.A. Section 1760 and Section 5.1 of this rule.

5.4.3.2.2 However, if a homeowner chooses to hire an outside contractor to conduct RRPM activities, then the contractor must be Vermont-licensed and follow all relevant requirements per this rule.

6.0 Inspections, Repairs and Cleaning in Rental Target Housing and Child Care Facilities

- 6.1 Owners of rental target housing and child care facilities are subject to the requirements in this Section unless the exemption in Section 5.4.2 has been granted by the Department.
- 6.2 Owners of rental target housing and child care facilities, or the owner's representative, must be certified pursuant to Section 12.6 and ensure the following:

- 6.2.1 18-gauge coil stock window well inserts have been installed in all pre-1978 wooden sash windows with a window well or trough, or window well or troughs have been protected by another method approved by the Department.
- 6.2.2 A notice to occupants emphasizing the importance of promptly reporting deteriorated paint to the owner or to the owner's representative is posted in a prominent place in a building containing rental target housing or a child care facility at all times the building is occupied. The notice must include the name, address, and contact information of the owner or the owner's representative.
- 6.2.3 All interior horizontal surfaces, except ceilings, are cleaned using specialized techniques. Cleaning, which includes wet wiping or washing, using a HEPA vacuum, cleaning from higher to lower, cleaning walls starting at the ceiling and working down to the floor, wiping surfaces and objects, mopping uncarpeted floors thoroughly, and visually checking for dust and debris, must be conducted:
 - 6.2.3.1 At least once a year in common areas accessible to tenants or children; and
 - 6.2.3.2 At each change of tenant, in the unit with the change of tenant.
- 6.2.4 All visible paint chips are removed from the ground on the property.
- 6.2.5 A visual inspection of all interior and exterior painted surfaces and components at the property is performed to identify deteriorated paint. This inspection must occur:
 - 6.2.5.1 At least once a year; and
 - 6.2.5.2 At each change of tenant.
- 6.2.6 If more than one square foot of deteriorated paint is found per room for any interior surface or for any exterior surface located within any area of the premises to which access by tenants or children is not restricted, owners of rental target housing and child care facilities, or the owner's representative must ensure that:
 - 6.2.6.1 The deteriorated paint stabilization is conducted within 30 days by a licensed RRPM firm or a certified uncompensated child care operator pursuant to the requirements in Section 7 of this Chapter, and

- 6.2.6.2 Access to the areas of deteriorated paint is restricted until the paint can be stabilized as required in Section 6.2.6.1.
- 6.2.6.3 Any deteriorated exterior paint identified after November 1 must be stabilized no later than the following May 31, provided that access to surfaces and components with deteriorated paint and areas directly below those surfaces is clearly restricted. Owners of rental target housing and child care facilities, or the owner's representative must file an extension request pursuant to Section 6.5.
- 6.2.7 A compliance statement is filed with the Department by the annual due date certifying that the requirements of this Section have been performed. The compliance statement must be submitted using forms provided by the Department and must include all of the following:
 - 6.2.7.1 The addresses of each rental target housing or child care facility for which the requirements of this Section were performed;
 - 6.2.7.2 The dates of completion;
 - 6.2.7.3 The name, RRPM firm license or uncompensated child care operator certification number, and address for the person(s) who performed the RRPM activities to stabilize the deteriorated paint, if paint has been stabilized;
 - 6.2.7.4 A certification of compliance with this Section; and
 - 6.2.7.5 Any additional information required by the Department on the form.
- 6.3 Owners of rental target housing must ensure the following:
 - 6.3.1 Annually, a copy of the compliance statement described in Section 6.2.7 is provided to:
 - 6.3.1.1 The owner's liability insurance carrier;
 - 6.3.1.2 An adult occupant of each unit.
 - 6.3.2 Written materials, approved by the Department, regarding lead hazards are provided to an adult occupant of each unit.
 - 6.3.3 Prospective tenants are provided with written materials, approved by the Department, regarding lead hazards and a copy of the most recent

compliance statement described in Section 6.2.7 for the property, prior to entering into a lease agreement.

6.4 The owner of the premises of a child care facility must ensure the following:

6.4.1 Annually, a copy of the compliance statement required in Section 6.2.7 is provided to:

6.4.1.1 The owner's liability insurance carrier.

6.4.1.2 The Vermont Department for Children and Families.

6.4.1.3 The adult representative of the child care facility.

6.4.2 Written materials, approved by the Department, regarding lead hazards and a copy of the most recent compliance statement described in Section 6.2.7 must be:

6.4.2.1 Posted in a location visible to parents and guardians at the child care, and

6.4.2.2 Provided to any parent or guardian upon request.

6.5 Extensions: If an owner of rental target housing or a child care facility, or the owner's representative desires an extension of time for filing the compliance statement in Section 6.2.7 they must file a written request for an extension with the Department no later than 10 days before the due date using forms provided by the Department. The Department may grant an extension for good cause.

6.6 Owners of rental target housing and child care facilities or the owner's representative must take a cleaning and paint inspection training provided by the Department and obtain a certification number, pursuant to Section 12.

7.0 Renovation, Repair, Painting, and Maintenance Activities

7.1 Renovation, repair, painting, and maintenance activities that disturb one square foot or more of interior painted surface per room or 20 square feet or more of exterior painted surface in target housing and child-occupied facilities are subject to the requirements in this Section. Renovation, repair, painting, and maintenance activities in rental target housing and child care facilities that disturb one square foot or more of painted surface for exterior activities are subject to the requirements in this Section.

7.2 Information distribution requirements

7.2.1 RRPM Activities in dwelling units. No more than 60 days before beginning RRPM activities in any residential dwelling unit of target housing, the lead-safe RRPM firm or licensed RRPM Supervisor performing the RRPM activities must:

7.2.1.1 Provide the owner of the unit with the pamphlet, as defined in Section 4.80, and obtain one of the following:

7.2.1.1.1 A written acknowledgment from the owner that the owner has received the pamphlet.

7.2.1.1.2 A certificate of mailing at least seven days prior to the beginning RRPM activities.

7.2.1.2 In addition to the requirements in Section 7.2.1.1, if the owner does not occupy the dwelling unit, the lead-safe RRPM firm or licensed lead-safe RRPM supervisor must provide an adult occupant of the unit with the pamphlet, and comply with one of the following:

7.2.1.2.1 Obtain, from the adult occupant, a written acknowledgment that the occupant has received the pamphlet, as defined in Section 4.80, or certify in writing that a pamphlet has been delivered to the dwelling and that the lead-safe RRPM firm or licensed lead-safe RRPM supervisor performing the RRPM activities has been unsuccessful in obtaining a written acknowledgment from an adult occupant. Such acknowledgement must include:

7.2.1.2.1.1 The address of the unit undergoing RRPM activities;

7.2.1.2.1.2 The date and method of delivery of the pamphlet;

7.2.1.2.1.3 The names of the persons delivering the pamphlet;

7.2.1.2.1.4 The reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available);

7.2.1.2.1.5 The signature of the licensed lead-safe RRPM supervisor performing the RRPM activities; and

7.2.1.2.1.6 The date of signature.

7.2.1.2.2 Obtain a certificate of mailing at least seven days prior to the RRPM activities.

7.2.2 RRPM activities in common areas. No more than 60 days before beginning RRPM activities in common areas of multi-unit target housing, the lead-safe RRPM firm or licensed RRPM Supervisor performing the RRPM activities must:

7.2.2.2 Provide the owner with the pamphlet, and comply with one of the following:

7.2.2.2.1 Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet.

7.2.2.2.2 Obtain a certificate of mailing at least seven days prior to the RRPM activities.

7.2.2.3 Comply with one of the following:

7.2.2.3.1 Notify in writing, or ensure written notification of, each affected unit and make the pamphlet available upon request prior to the start of RRPM activities. Such notification must be accomplished by distributing written notice to each affected unit. The notice must describe:

7.2.2.3.1.3.1 The general nature and locations of the planned RRPM activities;

7.2.2.3.1.3.2 The expected starting and ending dates; and

7.2.2.3.1.3.3 A statement of how the occupant can obtain the pamphlet and a copy of the records required by Section 7.4.3 and 7.4.4, at no cost to the occupants.

7.2.2.3.2 While the RRPM activities are ongoing, post informational signs describing the general nature and locations of the RRPM activities and the anticipated completion date. These signs must:

7.2.2.3.2.3.1 Be posted in areas where they are likely to be seen by the occupants of all of the affected units;

7.2.2.3.2.3.2 Be accompanied by a posted copy of the pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from

the licensed lead-safe RRPM supervisor at no cost to occupants; and

7.2.2.3.2.3.3 Include information on how interested occupants can review a copy of the records required by Section 7.2.3.2 and 7.2.3.3 or obtain a copy from the licensed lead-safe RRPM supervisor at no cost to the occupants.

7.2.2.4 Prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended RRPM activities and to provide the pamphlet.

7.2.2.5 If the scope, locations, or expected starting and ending dates of the planned RRPM activities change after the initial notification, and the lead-safe RRPM firm or licensed lead-safe RRPM supervisor provided written initial notification to each affected unit, the lead-safe RRPM firm or licensed lead-safe RRPM supervisor must provide a revised written notification to the owners and occupants regarding the ongoing or planned activities. This subsequent notification must be provided before work is initiated beyond that which was described in the original notice.

7.2.3 RRPM activities in child-occupied facilities. No more than 60 days before beginning RRPM activities in any child-occupied facility, the lead-safe RRPM firm, licensed lead-safe RRPM supervisor or certified uncompensated child care operator performing the RRPM activities shall:

7.2.3.2 Provide the owner of the building with the pamphlet (unless the certified uncompensated child care operator is performing the renovation), and obtain one of the following:

7.2.3.1.1 A written acknowledgment from the owner that the owner has received the pamphlet.

7.2.3.1.2 A certificate of mailing at least seven days prior to the RRPM activities.

7.2.3.3 If the owner of the child-occupied facility is not the owner of the building, provide an adult representative of the child-occupied facility with the pamphlet, and comply with one of the following:

7.2.3.3.1 Obtain, from the adult representative, a written acknowledgment that the adult representative has received the pamphlet or

7.2.3.3.2 Certify in writing that a pamphlet has been delivered to the facility and that the lead-safe RRPM firm, licensed lead-safe RRPM supervisor or certified uncompensated child care operator performing the RRPM activities has been unsuccessful in obtaining a written acknowledgment from the adult representative. The certification shall include:

7.2.3.3.2.3.1 The address of the child-occupied facility undergoing RRPM activities;

7.2.3.3.2.3.2 The date and method of delivery of the pamphlet;

7.2.3.3.2.3.3 The names of the persons delivering the pamphlet;

7.2.3.3.2.3.4 The reason for lack of acknowledgment (e.g., representative refuses to sign);

7.2.3.3.2.3.5 The signature of the licensed lead-safe RRPM supervisor or certified uncompensated child care operator performing the RRPM activities; and

7.2.3.3.2.3.6 The date of signature.

7.2.3.3.3 Obtain a certificate of mailing at least seven days prior to the RRPM activities.

7.2.3.4 Provide the parents and guardians of children using the child-occupied facility with information concerning RRPM activities by complying with one of the following:

7.2.3.4.1 The pamphlet and the information describing the general nature and locations of the RRPM activities and the anticipated completion date to each parent or guardian of a child using the child-occupied facility;

7.2.3.4.2 While the RRPM activities are ongoing, post informational signs describing the general nature and locations of the RRPM activities and the anticipated completion date.

7.2.3.4.2.3 The signs shall be posted in areas where they can be seen by the parents or guardians of the children frequenting the child-occupied facility.

7.2.3.4.2.4 The signs shall be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the pamphlet or obtain a free copy from the lead-safe RRPM firm, licensed lead-safe RRPM supervisor or certified uncompensated child care operator.

7.2.3.4.2.5 The signs shall also include information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the records required by 7.4.2 and 7.4.3 or obtain a free copy from the lead-safe RRPM firm, licensed lead-safe RRPM supervisor or certified uncompensated child care operator.

7.2.3.4.3 The licensed lead-safe RRPM supervisor or certified uncompensated child care operator shall prepare, sign, and date a statement describing the steps performed to notify all parents and guardians of the intended RRPM activities and to provide the pamphlet.

7.2.4 Written acknowledgment. The written acknowledgments required by 7.2.1., 7.2.2 and 7.2.3. shall:

7.2.4.1 Include a statement recording the owner or occupant's name and acknowledging receipt of the pamphlet prior to the start of RRPM activities, the address of the unit undergoing renovation, the signature of the owner or occupant as applicable, and the date of signature.

7.2.4.2 Be either a separate sheet or part of any written contract or service agreement for the RRPM activities.

7.2.4.3 Be written in the same language as the text of the contract or agreement for the RRPM activities or, in the case of nonowner occupied target housing, in the same language as the lease or rental agreement or the pamphlet.

7.3 Work practice standards

RRPM activities shall be performed by a certified uncompensated child care operator, a licensed lead-safe RRPM firm with a licensed lead-safe RRPM supervisor, or a holder of a lead-safe RRPM firm license for owners of rental target housing.

7.3.1 Posting signs

7.3.1.1 The lead-safe RRPM firm, licensed lead-safe RRPM supervisor or certified uncompensated child care operator shall post signs clearly defining the work area and warning occupants and other persons not involved in RRPM activities to remain outside of the work area.

7.3.1.2 To the extent practicable, these signs shall be in the primary language of the occupants.

7.3.1.3 These signs shall be posted before beginning the RRPM activities and shall remain in place and readable until the RRPM activities and the post-RRPM activities, visual inspection, and cleaning verification have been completed.

7.3.1.4 If warning signs have been posted in accordance with 24 CFR 35.1345(b)(2) or 29 CFR 1926.62(m), additional signs are not required by this section.

7.3.1.5 The signs shall state the following: “DANGER: LEAD WORK AREA; MAY DAMAGE FERTILITY OR THE UNBORN CHILD; CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM; DO NOT EAT, DRINK OR SMOKE IN THIS AREA.”

7.3.2 Containing the work area

7.3.2.1 Before beginning the RRPM activities, the lead-safe RRPM firm, licensed lead-safe RRPM supervisor, on-the-job workers, or certified uncompensated child care operator shall isolate the work area so that no dust or debris leaves the work area while the RRPM activities are being performed.

7.3.2.1.1 The lead-safe RRPM firm, licensed lead-safe RRPM supervisor or certified uncompensated child care operator shall maintain the integrity of the

containment by ensuring that any plastic or other impermeable materials are not torn or displaced, taking any other steps necessary to ensure that no dust or debris leaves the work area while the RRPM activities are being performed.

7.3.2.1.2 Containment shall be installed in such a manner that it does not interfere with occupant and worker egress in an emergency.

7.3.2.2 Interior RRPM activities. The lead-safe RRPM firm, licensed lead-safe RRPM supervisor or their on-the-job workers, or certified uncompensated child care operator shall:

7.3.2.2.1 Remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed.

7.3.2.2.2 Close and cover all duct openings in the work area with taped-down plastic sheeting or other impermeable material.

7.3.2.2.3 Close windows and doors in the work area.

7.3.2.2.4 Cover doors with plastic sheeting or other impermeable material. Doors used as an entrance to the work area shall be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

7.3.2.2.5 Cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing RRPM activities or a sufficient distance to contain the dust, whichever is greater. Floor containment measures may stop at the edge of the vertical barrier when using a vertical containment system consisting of impermeable barriers that extend from the floor to the ceiling and are tightly sealed at joints with the floor, ceiling and walls.

7.3.2.2.6 Use precautions to ensure that all personnel, tools, and other items, including the exteriors of containers of

waste, are free of dust and debris before leaving the work area.

7.3.2.3 Exterior RRPM activities. The lead-safe RRPM firm, licensed lead-safe RRPM Supervisor or their on-the-job workers, or certified uncompensated child care operator shall:

7.3.2.3.1 Close all doors and windows within 20 feet of the renovation. On multi-story buildings, close all doors and windows within 20 feet of the RRPM activities on the same floor as the RRPM activities, and close all doors and windows on all floors below that are the same horizontal distance from the RRPM activities.

7.3.2.3.2 Ensure that doors within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

7.3.2.3.3 Cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system.

7.3.2.3.4 If the RRPM activities will affect surfaces within 10 feet of the property line, the lead-safe RRPM firm, licensed lead-safe RRPM supervisor or their on-the-job workers, or certified uncompensated child care operator shall erect vertical containment or equivalent extra precautions in containing the work area to ensure that dust and debris from the RRPM activities does not contaminate adjacent buildings or migrate to adjacent properties. Vertical containment or equivalent extra precautions in containing the work area may also be necessary in other situations to prevent contamination of other buildings, other areas of the property, or adjacent buildings or properties.

7.3.2.3.5 Ensure RRPM activities are not conducted if wind speeds are greater than 20 miles per hour or it is

raining. Work shall stop and cleanup be conducted before rain or wind begins.

- 7.3.3 Waste from RRPM activities. The lead-safe RRPM firm, licensed lead-safe RRPM supervisor or their on-the-job workers, or certified uncompensated child care operator shall contain waste from RRPM activities to prevent releases before the waste is removed from the work area for storage or disposal.
 - 7.3.3.1 If a chute is used to remove waste from the work area, it shall be covered.
 - 7.3.3.2 At the conclusion of each work day and at the conclusion of the RRPM activities, waste that has been collected from the activities shall be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.
 - 7.3.3.3 When the lead-safe RRPM firm, licensed lead-safe RRPM supervisor or certified uncompensated child care operator transports waste from RRPM activities, the waste shall be contained to prevent releases.
 - 7.3.3.4 All lead waste shall be managed in accordance with Vermont's Solid Waste Management Rules or Hazardous Waste Management Regulations, as applicable.
- 7.3.4 Cleaning the work area. After the RRPM activities have been completed, the lead-safe RRPM firm, licensed lead-safe RRPM supervisor or their on-the-job workers, or certified uncompensated child care operator shall clean the work area until no dust, debris or residue remains.
 - 7.3.4.1 Interior and exterior RRPM activities. The lead-safe RRPM firm, licensed lead-safe RRPM supervisor or their on-the-job workers, or certified uncompensated child care operator shall:
 - 7.3.4.1.1 Collect all paint chips and debris and, without dispersing any of it, seal this material in a heavy-duty bag.
 - 7.3.4.1.2 Mist the plastic sheeting before folding it, fold the dirty side inward, and either tape shut to seal or seal in heavy-duty bags.

7.3.4.1.3 Plastic sheeting used to isolate contaminated rooms from non-contaminated rooms shall remain in place until after the cleaning and removal of other plastic sheeting.

7.3.4.1.4 Dispose of the plastic sheeting and any paint chips and debris as lead waste in accordance with Vermont's Solid Waste Management Rules or Hazardous Waste Management Regulations, as applicable.

7.3.4.2 Additional cleaning for interior RRPM activities. The lead-safe RRPM firm, licensed lead-safe RRPM supervisor or their on-the-job workers, or certified uncompensated child care operator shall clean all objects and surfaces in the work area and within two feet of the work area in the following manner, cleaning from higher to lower:

7.3.4.2.1 Clean walls starting at the ceiling and working down to the floor by either vacuuming with a HEPA vacuum or wiping with a damp cloth.

7.3.4.2.2 Thoroughly vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA vacuum. The HEPA vacuum shall be equipped with a beater bar when vacuuming carpets and rugs.

7.3.4.2.3 Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth.

7.3.4.2.4 Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the two-bucket mopping method, or using a wet mopping system.

7.3.4.2.5 Wash water must be handled and disposed of in accordance with Vermont's Solid Waste Management Rules or Hazardous Waste Management Regulations, as applicable.

7.3.5 Standards for post-RRPM activities cleaning verification

7.3.5.1 Interiors: A licensed lead-safe RRP firm supervisor, holder of a lead-safe RRP firm license for owners of rental target housing, or certified uncompensated child care operator shall perform a visual inspection to determine whether dust, debris or residue is still present. If dust, debris or residue is present, these conditions shall be removed by re-cleaning and another visual inspection shall be performed.

7.3.5.2 After the visual inspection is performed, licensed lead-safe RRP supervisor, certified uncompensated child care operator, or holder of a lead-safe RRP firm license for owners of rental target housing shall do the following:

7.3.5.2.1 Verify that each windowsill in the work area has been adequately cleaned, using the following procedure.

7.3.5.2.1.1 Wipe the windowsill with a wet disposable cleaning cloth that is damp to the touch. If the cloth matches or is lighter than the cleaning verification card, the windowsill has been adequately cleaned.

7.3.5.2.1.2 If the cloth does not match and is darker than the cleaning verification card, re-clean the windowsill as directed in Section 7.3.4.2., then either use a new cloth or fold the used cloth in such a way that an unused surface is exposed, and wipe the surface again. If the cloth matches or is lighter than the cleaning verification card, that windowsill has been adequately cleaned.

7.3.5.2.1.3 If the cloth does not match and is darker than the cleaning verification card, wait for one hour or until the surface has dried completely, whichever is longer.

7.3.5.2.1.4 After waiting for the windowsill to dry, wipe the windowsill with a dry disposable cleaning cloth. After this wipe, the windowsill has been adequately cleaned.

- 7.3.5.2.2 Wipe uncarpeted floors and countertops within the work area with a wet disposable cleaning cloth. Floors must be wiped using an application device with a long handle and a head to which the cloth is attached. The cloth must remain damp at all times while it is being used to wipe the surface for post-renovation cleaning verification. If the surface within the work area is greater than 40 square feet, the surface within the work area must be divided into roughly equal sections that are each less than 40 square feet. Wipe each such section separately with a new wet disposable cleaning cloth. If the cloth used to wipe each section of the surface within the work area matches the cleaning verification card, the surface has been adequately cleaned.
- 7.3.5.2.3 If the cloth used to wipe a particular surface section does not match and is darker than the cleaning verification card, re-clean that section of the surface as directed in Section 7.3.4.2., then use a new wet disposable cleaning cloth to wipe that section again. If the cloth matches or is lighter than the cleaning verification card, that section of the surface has been adequately cleaned.
- 7.3.5.2.4 If the cloth used to wipe a particular surface section does not match and is darker than the cleaning verification card after the surface has been re-cleaned, wait for one hour or until the entire surface within the work area has dried completely, whichever is longer.
- 7.3.5.2.5 After waiting for the entire surface within the work area to dry, wipe each section of the surface that has not yet achieved post-renovation cleaning verification with a dry disposable cleaning cloth. After this wipe, that section of the surface has been adequately cleaned.
- 7.3.5.2.6 When the licensed lead-safe RRPM supervisor, holder of a lead-safe RRPM firm license for owners of rental target housing, or certified uncompensated child care operator has conducted the visual inspection and the work area passes the post-

renovation cleaning verification, the warning signs may be removed from the work area.

7.3.5.3 Exteriors. A licensed lead-safe RRPM supervisor, holder of a lead-safe RRPM firm license for owners of rental target housing, or certified uncompensated child care operator shall perform a visual inspection to determine whether dust, debris or residue is still present on surfaces in and below the work area, including window sills and the ground.

7.3.5.3.1 If dust, debris or residue is present, these conditions shall be eliminated, and another visual inspection shall be performed.

7.3.5.3.2 When the area passes the visual inspection, warning signs may be removed from the area.

7.3.5.4 Optional dust clearance testing. Cleaning verification need not be performed if the contract between the RRPM firm and the person contracting for the RRPM activities or another law or regulation requires:

7.3.5.4.1 The RRPM firm to perform dust clearance sampling at the conclusion of a renovation covered by this subpart.

7.3.5.4.2 The dust clearance samples are required to be collected by a licensed lead-based paint inspector or lead-based paint inspector-risk assessor, in accordance with 40 CFR 745.227(e)(8)(v).

7.3.5.4.3 The RRPM firm is required to re-clean the work area until the dust clearance sample results are below the clearance standards in Section 8.3.7.3.

7.3.5.5 Activities conducted after post-RRPM activities inspection and cleaning verification: Activities that do not disturb paint, such as applying paint to walls that have already been prepared, are not regulated by this subpart if they are conducted after post-RRPM activities inspection and cleaning verification has been performed.

7.4 Recordkeeping and reporting requirements.

- 7.4.1 Lead-safe RRPM firms, licensed lead-safe RRPM supervisors or certified uncompensated child care operators performing RRPM activities shall retain and, if requested, make available to the Department all records necessary to demonstrate compliance with this subpart for a period of six years following completion of the RRPM activities. This six-year retention requirement does not supersede longer obligations required by other provisions for retaining the same documentation, including any applicable state or tribal laws.
- 7.4.2 Records that shall be retained pursuant to Section 7.4.1 shall include (where applicable):
- 7.4.2.1 Records or reports certifying that a determination had been made that lead-based paint was not present on the components affected by the RRPM activities, as described in Section 5.4.1. These records or reports include:
- 7.4.2.1.1 Reports prepared by a licensed lead-based paint inspector or licensed lead-based paint inspector-risk assessor.
- 7.4.2.1.2 Records prepared by a licensed lead-based paint inspector or lead-based paint inspector-risk assessor if they used an XRF analyzer, including a description of the components that were tested and their locations, and the result of each test.
- 7.4.2.1.3 Records prepared by a licensed lead-based paint inspector or lead-based paint inspector-risk assessor after collecting paint chip samples, including a description of the components that were tested and their locations, the name and address of the licensed analytical testing laboratory performing the analysis, and the results for each sample.
- 7.4.2.2 Signed and dated acknowledgments of receipt as described in 7.2.1.1.1.
- 7.4.2.3 Certifications of attempted delivery as described in 7.2.1.2.1.
- 7.4.2.4 Certificates of mailing as described in 7.2.1.1.2.
- 7.4.2.5 Records of notifications performed regarding common area RRPM activities as described in 7.2.2, and RRPM activities in child-occupied facilities, as described in 7.2.3.

7.4.2.6 Documentation of compliance with the work practice standard requirements of 7.3, including:

7.4.2.6.1 Documentation that a licensed RRPM supervisor or certified uncompensated child care operator was assigned to the project;

7.4.2.6.2 Documentation that the licensed RRPM supervisor provided training, according to Department protocols, for all on-the-job workers conducting RRPM activities on the project, if applicable;

7.4.2.6.3 Documentation that the licensed RRPM supervisor, holder of a lead-safe RRPM firm license for owners of rental target housing, or certified uncompensated child care operator performed all of the work practice tasks described in 7.3, or that a licensed RRPM supervisor directed on-the-job workers who performed all of the work practice tasks described in 7.3;

7.4.2.6.4 Documentation that the licensed RRPM supervisor, holder of a lead-safe RRPM firm license for owners of rental target housing, or certified uncompensated child care operator performed the post- RRPM activities inspection described in 7.3.5;

7.4.2.6.5 Documentation of the post-renovation cleaning verification (the results of which must be briefly described, including the number of wet and dry cloths used) required by Section 7.3.5.

7.4.2.6.6 Documentation of the nature of the emergency and the provisions of the rule that were not followed during an emergency as defined in Section 7.5. This documentation shall include a copy of the licensed lead-safe RRPM supervisor, holder of a lead-safe RRPM firm license for owners of rental target housing, or certified uncompensated child care operator's training certificate, and a written statement by the licensed lead-safe RRPM supervisor, holder of a lead-safe RRPM firm license for owners of rental target housing, or certified uncompensated child care operator conducting the emergency RRPM activities.

7.4.2.6.7 Documentation of disposal of lead waste in accordance with Vermont's Solid Waste Management Rules or Hazardous Waste Management Regulations, as applicable.

7.4.3 When the final invoice for the RRPM activities is delivered or within 30 days of the completion of the RRPM activities, whichever is earlier, the lead-safe RRPM firm, licensed RRPM supervisor or certified uncompensated child care operator shall provide information pertaining to compliance with this subpart to the following persons:

7.4.3.1 The owner of the building, if renovations conducted by a licensed RRPM supervisor; and, if different,

7.4.3.2 An adult occupant of the residential dwelling, if the RRPM activities took place within a residential dwelling, or an adult representative of the child-occupied facility, if the renovation took place within a child-occupied facility.

7.4.4 When performing RRPM activities in common areas of multi-unit target housing, the licensed RRPM supervisor, holder of a lead-safe RRPM firm license for owners of rental target housing, or certified uncompensated child care operator shall post the information required by this subpart or instructions on how interested occupants can obtain a copy of this information. This information shall be posted in areas where it is likely to be seen by the occupants of all of the affected units.

7.4.4.1 The information may be provided by completing the sample form titled "Sample Renovation Recordkeeping Checklist" or a similar form containing the XRF analyzer information required by 7.4.2.1.2 and the training and work practice compliance information required by 7.4.2.6.

7.4.4.2 The licensed RRPM supervisor, holder of a lead-safe RRPM firm license for owners of rental target housing, or certified uncompensated child care operator shall provide, when the final invoice for the RRPM activities is delivered or within 30 days of the completion of the RRPM activities, whichever is earlier, a copy of the dust sampling report to:

7.4.4.2.1 The owner of the building; and, if different,

7.4.4.2.2 An adult occupant of the residential dwelling, if the RRPM activities took place within a residential

dwelling, or an adult representative of the child-occupied facility, if the RRPM activities took place within a child-occupied facility.

7.4.4.3 When performing RRPM activities in common areas of multi-unit target housing, the licensed RRPM supervisor or holder of a lead-safe RRPM firm license for owners of rental target housing shall post these dust sampling reports or information on how interested occupants can obtain a copy of the report. This information shall be posted in areas where they are likely to be seen by the occupants of all of the affected units.

7.5 Emergency Exemption

7.5.1 The Department may provide a temporary exemption, to the extent necessary, to respond to an emergency, from the following requirements if a sudden, unforeseeable emergency presents an imminent risk to public health or safety, or a threat of significant damage to equipment and/or property such that RRPM activities are immediately necessary:

7.5.1.1 The information distribution requirements in Section 7.2;

7.5.1.2 The warning sign requirements in Section 7.3.1.; and

7.5.1.3 The work area containment requirements in 7.3.2.

8.0 Work Practice Requirements for Lead Abatement

8.1 Permitting of lead abatement projects

8.1.1 A lead-based paint contractor entity intending to engage in a lead abatement project shall notify the Department in writing by doing the following:

8.1.1.1 The lead-based paint contractor entity shall notify the Department by submitting a permit application to the Department on a Department-provided form at least 10 business days before beginning any on-site lead abatement work.

8.1.1.2 The lead-based paint contractor entity shall include in the permit application a diagram, occupant protection plan when applicable, and a written abatement plan of the work area.

8.1.1.3 The lead-based paint contractor entity shall notify the Department within 24 hours of changes to the permit application.

8.1.2 The lead-based paint contractor entity shall send to the Department a written request for any waivers to the lead abatement work practice requirements with the original permit application form, if necessary.

8.1.2.1 Waivers to lead abatement work practice requirements may be granted 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.

8.1.2.2 The written request for waiver shall include a justification that presents clear and convincing evidence that the lead abatement project is distinctive in some way and the proposed alternative(s) to required work practices will comply with the intent of these rules and other state law.

8.1.2.3 Waivers require written authorization from the Department prior to implementation.

8.1.2.4 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.

8.1.2.5 The lead-based paint contractor entity shall notify the Department if it will not be on the work site for a day or more.

8.1.3 Recordkeeping

8.1.3.1 The following information shall be recorded in a written report by the licensed lead-based paint abatement supervisor when conducting abatement.

8.1.3.1.1 Start and completion date(s) of abatement;

8.1.3.1.2 Names and addresses of all licensed lead-based paint abatement supervisors and lead-based paint abatement workers on the work site and their license number(s);

8.1.3.1.3 The name, address, and signature of the independent party responsible for dust clearance

and/or monitoring, date of dust clearance testing and/or monitoring and proof of license;

8.1.3.1.4 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;

8.1.3.1.5 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; and

8.1.3.1.6 Treatment, storage and disposal sites of all solid and hazardous waste;

8.1.3.2 The records in 8.1.3.1 shall be maintained by the building owner and lead-based paint contractor entity conducting the abatement for a minimum of six years.

8.1.3.3 Each lead-based paint contractor entity shall make these records available to the Department upon request.

8.2 Documents retained on the work site

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

8.2.1.1 A current copy of this rule;

8.2.1.2 Copies of the lead-based paint contractor entity's procedures for using the decontamination system, enclosure system or any other procedures which have been established to prevent contamination of areas outside the work area;

8.2.1.3 Copies of the lead-based paint contractor entity's procedures for medical emergencies including phone numbers of the nearest fire and police departments, local health officer, hospital and rescue squad, and directions for emergency personnel to the work site location shall be posted by the nearest telephone and at the entrance to the work area;

8.2.1.4 Copies of Vermont licenses held by the lead-based paint contractor entity, lead-based paint abatement supervisor and for all persons actively engaged in the abatement;

8.2.1.5 Records of all exposure sampling (personal air samples) as required in these regulations;

8.2.1.6 A list of all individuals entering the work area, entry and exit times and purpose for entry; and

8.2.1.7 Documentation of respirator fit testing and a physician's respirator consent form for each person wearing a respirator.

8.3 Abatement performance standards

8.3.1 The contractor shall ensure that a licensed lead-based paint abatement supervisor remains present on the work site during all active phases of any permitted lead abatement project.

8.3.2 The methods used in the removal of lead-based 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 of materials or from the lead-based paint being removed. Abatement shall be conducted in compliance with Section 5.0 and Sections 8.0 and 9.0 of this rule, as applicable.

8.3.3 Interior work area preparation and cleanup: work area preparation for abatement projects in target housing and public facilities shall include the following:

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

8.3.3.2 Occupant location:

8.3.3.2.1 Occupants shall be removed from the building for the duration of the project, unless the Department has approved a waiver request pursuant to 8.1.2., supported by an occupant protection plan.

8.3.3.2.2 Occupants shall not return until clearance has been achieved.

8.3.3.3 Barrier system: All floor surfaces shall be covered by two layers of plastic. One layer may be used on hard, non-porous surfaces only.

8.3.3.3.1 If entire unit is being treated, cleaned, and cleared, individual room doorways need not be sealed.

8.3.3.3.2 All entrances to rooms or areas that are not part of the work area shall be sealed with plastic sheeting to avoid including these sealed areas in the final cleaning and clearance phases of the work area.

8.3.3.3.3 Windows shall be covered with a minimum of one 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.

8.3.3.4 Warning signs: Warning signs shall be posted at all entrances to the work area for the duration of the lead abatement project and shall state the following: “DANGER: LEAD WORK AREA; MAY DAMAGE FERTILITY OR THE UNBORN CHILD; CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM; DO NOT EAT, DRINK OR SMOKE IN THIS AREA”

8.3.3.5 Ventilation: The ventilation system shall be turned off and all vents in the work area shall be sealed with plastic. During winter months, vents can be temporarily opened during non-abatement activities to allow for heating the work area.

8.3.3.6 Moveable objects: 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.

8.3.3.7 Preclearance cleaning: The work area shall be cleaned up prior to visual and dust clearance, first using a HEPA vacuum, then wet washing, then using a HEPA vacuum on all surfaces.

8.3.4 Exterior work area preparation and cleanup

8.3.4.1 Occupant location:

8.3.4.1.1 Occupants shall not be present in the building for the duration of the lead abatement project unless the Department has approved a waiver request pursuant to 8.1.2., supported by an occupant protection plan or the exterior work is interim controls like paint stabilization.

8.3.4.1.2 Occupants shall not return until clearance has been achieved during exterior lead abatement project.

8.3.4.2 Barrier system: One layer of plastic sheeting shall be installed on ground surfaces, extending 10 feet beyond the perimeter of working surfaces. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system.

8.3.4.2.1 Ladder feet shall not be anchored on top of plastic sheeting; the plastic shall be punctured to anchor ladders securely to the ground.

8.3.4.2.2 For all other exterior surfaces covered in plastic sheeting, ensure that the integrity and effectiveness of the plastic sheeting are protected at all times and solid and liquid releases are contained at all times.

8.3.4.2.3 The plastic sheeting shall be secured to the side of the building with tape or other anchoring system with no gaps between plastic and building.

8.3.4.2.4 All windows within 20 feet of the working surface shall be closed and sealed with plastic sheeting, including windows of adjacent structures.

8.3.4.3 Moveable items: All moveable items, including playground equipment, toys, sandboxes, etc., shall be removed to a 20-foot distance from working surfaces. Items that cannot be readily moved to a 20-foot distance shall be sealed with taped plastic sheeting.

8.3.4.4 Security: Temporary fencing or barrier tape shall be erected at a 20-foot perimeter around working surfaces.

8.3.4.4.1 If the distance to the next building or sidewalk is less than 20 feet, barriers shall be erected closer.

8.3.4.4.2 If an entryway is within 10 feet of working surfaces, an alternative entryway is required.

8.3.4.4.3 If practical, vertical containment using plastic sheeting shall be installed to prevent exposure.

8.3.4.4.4 A locked dumpster, covered truck, or locked room shall be used to store lead waste before disposal.

8.3.4.5 Warning signs: Warning signs shall be posted at a 20-foot perimeter around the building (or less if the distance to the next building or sidewalk is less than 20 feet) for the duration of the lead abatement project and shall state the following: “DANGER: LEAD WORK AREA; MAY DAMAGE FERTILITY OR THE UNBORN CHILD; CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM; DO NOT EAT, DRINK OR SMOKE IN THIS AREA”

8.3.4.6 Inclement weather: Work shall not be conducted if wind speeds are greater than 20 miles per hour. Work shall stop and cleanup be conducted before rain begins.

8.3.4.7 Preclearance cleaning: Debris and plastic shall not be left out overnight. All lead waste shall be kept in a secured area (in accordance with 8.3.4.4.4) until final disposal.

8.3.5 Window treatment or replacement work area preparation and cleanup

8.3.5.1 Barrier system: In addition to meeting the requirements in Section 8.3.4.2, the following requirements apply:

8.3.5.1.1 One layer of plastic sheeting on ground or floor extending 5 feet beyond perimeter of window being treated/replaced.

8.3.5.1.2 One layer of plastic taped to interior wall if working on window from outside; if working from inside, tape one layer of plastic to exterior wall or inside storm of window.

8.3.5.2 Warning signs: Warning signs as required by 8.3.4.5 shall be posted at a 20-foot perimeter around the building (or less if distance to the next building or sidewalk is less than 20 feet). If window is to be removed from inside, no exterior sign or barrier is necessary.

8.3.5.3 Security: Temporary fencing or barrier tape shall be erected at a 20-foot perimeter around building (or less if distance to the next building or sidewalk is less than 20 feet). A locked, dumpster, covered truck, or locked room shall be used to store lead waste before disposal.

8.3.5.4 Inclement weather: Work shall not be conducted if wind speeds are greater than 20 miles per hour. Work conducted outside shall stop and cleanup shall occur before rain begins; work may proceed from the inside only.

8.3.5.5 Moveable items: All moveable items, including playground equipment, toys, sandboxes, etc., shall be removed to a 20-foot distance from working surfaces. Items that cannot be readily moved to a 20-foot distance shall be sealed with taped plastic sheeting.

8.3.5.6 Preclearance cleaning: Debris and plastic shall not be left out overnight. All lead waste shall be kept in a secured area (in accordance with 8.3.4.4.4) until final disposal.

8.3.5.6.1 If working from inside, all interior surfaces within 10 feet of work area in all directions shall be cleaned with a HEPA vacuum, wet washed, and cleaned with a HEPA vacuum again. If all work is done on the interior and the containment is not breached, no cleaning is needed on the exterior.

8.3.5.6.2 If working from the exterior, no cleaning of the interior is needed unless the containment is breached. If containment is breached, then cleaning on both sides of the window shall be conducted.

8.3.6 Abatement Personnel Protection

8.3.6.1 Employees are protected under OSHA regulations, and the abatement personnel protection requirements in this rule apply to all persons conducting lead-based paint activities.

8.3.6.2 Respiratory Protection: Each lead-based paint contractor entity shall prepare and submit a written respiratory protection program with its license application. The contractor shall follow this program and make it available to all personnel in its employment at all lead abatement projects.

8.3.6.2.1 Each individual shall wear a respirator that complies with 29 CFR 1910.134 and 29 CFR 1926.62(f) while conducting activities within the work area where airborne lead exposures exceed the permissible exposure limit set in 29 CFR 1926(c) or have not been evaluated in accordance with 29 CFR 1926.62(d).

8.3.6.2.2 Fitting of Respirators:

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

8.3.6.2.2.2 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.

8.3.6.2.2.3 Each respirator user shall be fit tested by a lead-based paint abatement 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.

8.3.6.2.3 Prohibited Activity: The on-site lead-based paint abatement supervisor shall not permit individuals from entering the work area without the respiratory protection required for the level of exposure in the work area.

8.3.6.3 Personal Protective Equipment and Clothing: Employers shall provide personnel with personal protective equipment and clothing.

8.3.6.4 Medical Monitoring: Lead-based paint contractor entities shall ensure that any individual who performs lead abatement activities is medically monitored with an initial and periodic re-examination.

8.3.7 Final Clearance: General Post Abatement Requirements for Target Housing and Public Facilities

8.3.7.1 Visual Clearance of Non-abatement Work - Use of Unlicensed Personnel Prior to Independent Dust Clearance

8.3.7.1.1 Personnel not licensed under this rule, such as plumbers or general contractors, may enter lead abatement work areas only after successful visual clearance by a licensed lead-based paint inspector or licensed lead-based paint inspector-risk assessor.

8.3.7.1.2 After completion of non-lead-based paint activities by these personnel, the lead-based paint contractor entity shall perform final cleaning activities in all work area and any areas which unlicensed personnel had access including entry and egress routes.

8.3.7.1.3 A second visual clearance by a licensed lead-based paint inspector or lead-based paint inspector-risk assessor is required prior to collection of independent dust clearance sampling.

8.3.7.2 Final Visual Clearance Standards for Target Housing and Public Facilities

8.3.7.2.1 A licensed lead-based paint inspector or licensed lead-based paint inspector-risk assessor shall conduct a visual examination no sooner than one hour after completion of the post-abatement final cleanup.

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

8.3.7.2.3 The visual clearance shall be conducted by a licensed lead-based paint inspector or licensed lead-based paint 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.

8.3.7.3 Final Independent Dust Clearance Standards for Target Housing and Public Facilities

8.3.7.3.1 After the work area has passed a visual examination, a licensed lead-based paint inspector-risk assessor shall collect dust samples.

8.3.7.3.1.1 Either single surface dust sampling or composite dust sampling may be used to clear the work area(s).

8.3.7.3.1.2 Clearance dust sampling shall be conducted in the following manner of minimum number and location of single surface dust samples:

8.3.7.3.2 Interior treatments with no containment within building:

8.3.7.3.2.1 Two dust samples from every room in building (whether treated or untreated);

8.3.7.3.2.2 One interior windowsill or window trough, alternating between rooms;

8.3.7.3.2.3 One floor; and

8.3.7.3.2.4 One floor sample for every 2,000 square feet of a common area room (if present).

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

8.3.7.3.3.1 Samples required in 8.3.7.3.2.1-8.3.7.3.2.4; and

8.3.7.3.3.2 One floor sample outside the containment area, but within 10 feet of the airlock.

8.3.7.4 Re-occupancy after an abatement project:

8.3.7.4.1 An area shall be considered cleared for re-occupancy when the independent dust clearance standards in Table.1 have been met.

Table 1
Clearance Dust Standards (Wipe Sampling Only)¹

Surface	Leaded Dust Loading (Micrograms per square feet) [µg/ft ²]
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All floors	10
Interior windowsills	100
Window troughs	100

¹ No clearance standards are currently available for vacuum sampling.

8.3.7.5 Bare Soil Clearance Standards for Exterior Abatement Projects in Target Housing and Public Facilities

8.3.7.5.1 Exterior abatement projects that do not include soil abatement treatments require a visual inspection.

8.3.7.5.1.1 All horizontal surfaces of exterior building components closest to the abated surface shall be cleaned of visible dust and debris.

8.3.7.5.1.2 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.

8.3.7.5.1.3 If paint chips are present, they shall be removed from the site and managed as lead waste in accordance with Vermont's Solid Waste Management Rules or Hazardous Waste Management Regulations, as applicable.

8.3.7.5.2 Exterior soil abatement projects require both building perimeter and play area soil sampling.

8.3.7.5.2.1 Soil sampling shall be conducted by a licensed lead-based paint inspector or licensed lead-based paint inspector-risk assessor.

8.3.7.5.2.2 Post abatement soil sampling shall be conducted after the area has passed a visual clearance.

8.3.7.5.3 Perimeter Sampling Locations:

8.3.7.5.3.1 One composite soil sample shall be collected so that at least five and no more than 10 different aliquots of surface soil are collected from the building perimeter.

8.3.7.5.3.2 The aliquots shall be collected from all sides of the building where bare soil is present.

8.3.7.5.3.3 Each spot shall be at least two feet distant from each other and two feet away from the foundation, unless the bare soil is closer than two feet.

8.3.7.5.4 Play Area Sampling Locations:

8.3.7.5.4.1 A second composite sample shall consist of at least five and no more than 10 aliquots collected along an X-shaped grid in the child's principle play area.

8.3.7.5.4.2 Each spot should be at least one foot distant from each other.

8.3.7.5.4.3 The soil where the aliquots are collected shall be bare.

8.3.7.5.5 If clearance sampling of the perimeter or play area shows soil lead levels equal to or greater than 41 parts per million, then additional soil treatment shall be required.

8.3.7.6 Transportation and Disposal of Lead Waste

8.3.7.6.1 All lead waste shall be handled and disposed of in accordance with the Vermont Solid Waste Management Rules and/or Vermont Hazardous Waste Management Regulations, as applicable.

8.3.7.6.2 Transport of lead waste shall occur in a manner that is in accordance with 49 CFR Subchapter C, as applicable.

8.3.7.6.3 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, if disposed of outside of Vermont.

8.3.7.6.4 The lead-based paint contractor entity shall submit copies of all disposal receipts and documentation to the building owner and to the Department within 60 days upon completion of the abatement project.

8.3.7.6.5 Documentation of disposal includes but is not limited to the following: waste generator, transporter(s), final disposal site name and address, quantity of lead waste, dated signature of disposal site operator.

9.0 Standards for Abatement in Superstructures and Commercial Facilities, and Industrial De-Leading

9.1 General Post Abatement Requirements for Commercial Facilities and Superstructures

9.1.1 Visual clearance: At the completion of the lead abatement project, a visual clearance shall be conducted by a licensed lead-based paint abatement 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.

9.1.2 Soil sampling: For abatement in areas expected to be used by children six years of age or younger, a licensed lead-based paint inspector-risk assessor shall utilize appropriate sampling strategies to determine pre- and post-abatement bare soil lead levels. Any proposed treatments or other methods to control identified soil lead hazards must be communicated to the Department in advance and receive approval.

9.1.3 Disposal of lead waste: All lead waste shall be handled and disposed of in accordance with the Vermont Solid Waste Management Rules and/or Vermont Hazardous Waste Management Regulations, as applicable.

9.1.3.1 The lead-based paint contractor entity shall submit copies of all shipping papers for the disposal of lead waste (e.g., Bills of Lading for solid waste and, if applicable, Uniform Hazardous Waste Manifests for hazardous waste) to the Department within 60 days upon completion of the abatement project.

9.1.4 Transportation of lead waste: Transportation of lead waste shall occur in a manner that is in accordance with 49 CFR Subchapter C, applicable.

9.1.5 Reporting: Copies of all clearance documents shall be submitted to the facility owner and the Department within 30 days upon completion of the abatement project. Documentation of visual clearance shall include, but not be limited to the following:

9.1.5.1 Date of visual inspection;

9.1.5.2 Project location;

9.1.5.3 Lead-based paint contractor entity;

9.1.5.4 Printed name, license number and signature of the lead-based paint abatement supervisor; and

9.1.5.5 Results of the inspection.

9.2 Alternative Procedures: The Department may, on a case-by-case basis, approve an alternative procedure for an abatement project. The proposed waiver shall adequately protect human health and safety and the environment from exposure to lead hazards. The alternative procedure shall be submitted in writing to the Department and may not be used until a written approval is received from the Department.

10.0 Lead-Based Paint Consulting Methods and Practices

10.1 Licensed lead-based paint consultants shall use documented methodologies that are appropriate for the buildings and facilities where lead-based paint consulting services are provided. Documented methodologies include regulations, guidance, methods or protocols issued or approved by State or Federal agencies, such as the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, ASTM E1728, E1729, E1792, E2115, E2252, E2255, and E2271.

10.2 Lead-based Paint Consultant Protection Standards: Employees are protected under OSHA regulations, and the personnel protection requirements in this rule apply to all persons conducting lead-based paint activities.

10.2.1 Respiratory Protection

10.2.1.1 Each lead-based paint consulting firm shall have a written respiratory protection program. This program shall be followed and made available to lead-based paint consultants in its employment.

10.2.1.2 Selection of Respirators

10.2.1.2.1 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 1 of 29 CFR 29 CFR 1926.62.

10.2.1.2.2 The respirators selected shall meet or exceed the level of protection required.

10.2.1.3 Fitting of Respirators

10.2.1.3.1 Each lead-based paint consultant shall be given an opportunity to select a respirator for proper and comfortable fit.

10.2.1.3.2 Each lead-based paint consultant shall be instructed in the performance of positive and negative pressure sealing checks and be able to successfully perform them.

10.2.1.3.3 Every lead-based paint consultant shall perform a sealing check every time a respirator is donned.

10.2.1.3.4 Each lead-based paint consultant shall be fit tested using generally acceptable qualitative or quantitative fit testing procedures and shall adequately pass the selected fit test procedure annually.

10.2.1.3.5 Fit tests shall not be self-administered.

10.2.1.4 Prohibited Activity

10.2.1.4.1 Individuals shall not be permitted in a work area without the respiratory protection required for the level of exposure in that area.

10.3 Personal Protection: The lead-based paint consulting firm shall provide each lead-based paint consultant with personal protective equipment and clothing.

10.3.1 Medical Monitoring

10.3.1.1 Each lead-based paint consulting firm shall prepare and submit with its application for certification to the Department a written medical monitoring program.

10.3.1.2 The written medical monitoring program shall be made available to the firm's employees.

10.3.1.3 The lead-based paint consulting firm shall ensure that any individual who performs lead-based paint consulting activities is medically monitored on an appropriate basis.

10.3.2 Exposure Monitoring

10.3.2.1 General Requirements:

10.3.2.1.1 Each lead-based paint consulting firm shall prepare and submit with its application for certification to the Department a written exposure monitoring program.

10.3.2.1.2 This program shall be followed and made available to all its employees.

10.3.3 Recordkeeping

10.3.3.1 Each lead-based paint consulting firm shall maintain records of all lead-based paint activities and lead-based paint projects where consulting services were provided and shall make these records available to the Department upon request.

10.3.3.2 The lead-based paint consulting firm shall maintain, for no less than six years, the following records for each lead abatement project at which the firm's consulting services were provided:

10.3.3.2.1 The name, address, and license number of each lead-based paint consultant participating in the project;

10.3.3.2.2 The scheduled plan for monitoring, the location of the project and the estimated amount of lead-based paint involved in the project;

10.3.3.2.3 Scheduled and actual starting and completion dates;

10.3.3.2.4 Copies of all lead-based paint related correspondences with regulatory agencies concerning the project, if able to obtain;

10.3.3.2.5 Descriptions of unplanned exposures to lead dust and work site accidents, including their resolution;

10.3.3.2.6 Documentation of visual clearances, in accordance with these regulations; and

10.3.3.2.7 The methodology and results of all dust/soil sampling conducted during the project, the name and license number of the lead-based paint consultant performing the dust/soil sampling, name and signature of the analyst performing the analysis, and the name and license number of the analytical testing laboratory employed to analyze such samples.

10.3.4 Reporting

10.3.4.1 The lead-based paint consulting firm shall submit the following documents to the Department, in a format approved by the Department, within 30 days of completion of a lead abatement project at which the firm's consulting services were provided, and to the facility occupants, upon request:

10.3.4.1.1 Documentation of visual clearance including but not limited to the following:

10.3.4.1.1.1 Date of inspection;

10.3.4.1.1.2 Project location;

10.3.4.1.1.3 Lead-based paint contractor entity performing the abatement project;

10.3.4.1.1.4 Printed name(s), license number(s) and signature(s) of the lead-based paint consultant(s); and

10.3.4.1.1.5 Results of inspection.

10.3.4.1.2 Documentation of final dust/soil clearance, including but not limited to the following:

10.3.4.1.2.1 Specific location of the abatement project;

10.3.4.1.2.2 Name of the lead-based paint contractor entity performing the abatement project;

- 10.3.4.1.2.3 Description of the sampling activity;
- 10.3.4.1.2.4 Specific location where samples were taken, indicated on a diagram;
- 10.3.4.1.2.5 Name(s) and signature(s) of the lead-based paint consultant(s) performing the sampling activity;
- 10.3.4.1.2.6 Date and time samples were obtained;
- 10.3.4.1.2.7 Name and address of the licensed analytical testing laboratory performing analysis;
- 10.3.4.1.2.8 Name and signature of the analyst;
- 10.3.4.1.2.9 Method of analysis used;
- 10.3.4.1.2.10 Detection level of the analysis; and
- 10.3.4.1.2.11 Results of analysis.

11.0 Training Course Accreditation Standards

- 11.1 General requirements: A person shall not offer an initial or refresher lead-based paint activities or lead-safe RRPM training course without obtaining accreditation or re-accreditation pursuant to this rule.
- 11.2 Accreditation of training programs
 - 11.2.1 To obtain accreditation or reaccreditation, a training provider shall:
 - 11.2.1.1 Apply, at least 25 business days prior to planned course offering, using online or paper forms as provided by the Department.
 - 11.2.1.2 Submit the required fee for the specific license category, payable to the Vermont Department of Health. See 18 V.S.A. 1753.
 - 11.2.1.2.1 Fees shall not be imposed on any state or local government or nonprofit training provider and may be waived for the purpose of training state employees.

11.2.2 Notification:

11.2.2.1 A training provider shall notify the Department on forms provided by the Department at least 10 business days prior to each in-state offering of a course, either accredited or not accredited by the Department.:

11.2.2.1.1 A planned schedule such as a course brochure will meet this requirement;

11.2.2.1.2 If a course is unexpectedly conducted, the Department requires notification of no less than 24 hours in advance; and

11.2.2.1.3 The training provider offering an unaccredited course in Vermont shall notify students and potential students that the course is not accredited in Vermont and that there may be additional requirements to obtain a Vermont license or certification.

11.2.2.2 A training provider shall notify the Department on forms provided by the Department no later than 10 business days after each in-state offering of a course, either accredited or not accredited by the Department.

11.2.2.3 A training provider shall notify the Department on forms provided by the Department no later than 10 business days after any amendments to its accreditation application or course notice.

11.2.3 Recordkeeping

11.2.3.1 Training providers shall retain the following information for each in-state course administered:

11.2.3.1.1 Records of training manager, principal instructor, and work practice instructor qualifications;

11.2.3.1.2 Training curriculum/course materials including, but not limited to, written training curricula, hand-outs, and audio-visual aids;

11.2.3.1.3 Documentation identifying the proportion of the course examination questions devoted to each major topic in the training curriculum;

11.2.3.1.4 Information on how the hands-on skills assessment was conducted including, but not limited to, who conducted the assessment, how the skills were graded, what facilities were used, and pass/fail rate; and

11.2.3.1.5 Student files grouped by year. Each file shall contain results of the student's hands-on skills assessment, test, and a copy of their certificate.

11.2.3.2 The training provider shall retain these records in the location (i.e., address) specified on the training program accreditation application for a minimum of six years.

11.2.3.3 These records shall be provided to the Department upon request.

11.2.3.4 The training provider shall notify the Department 30 days prior to relocating or transferring the records.

11.2.4 Requirements for Training Program Instructors

11.2.4.1 For a training program to obtain accreditation or reaccreditation to teach any of the disciplines, the training provider shall demonstrate it meets the following minimum requirements for each discipline in which the program is seeking accreditation.

11.2.4.2 The training provider shall employ a principal instructor who is responsible for organizing and delivering particular courses and who has:

11.2.4.2.1 One of the following:

11.2.4.2.1.1 At least two years of experience, education, or training in teaching workers or adults; or

11.2.4.2.1.2 A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration or program management or a related field; or

- 11.2.4.2.1.3 Two years of experience in managing a training program specializing in environmental hazards.
- 11.2.4.2.2 Demonstrated experience, education, or training in the construction industry including: lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.
- 11.2.4.2.3 Maintained professional competency by participating in continuing education or professional development programs.
- 11.2.4.3 The training provider shall employ work practice instructors who are responsible for teaching particular skills in a specific course and who:
 - 11.2.4.3.1 Have met all the requirements listed in 11.2.4.2 and
 - 11.2.4.3.2 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.
- 11.2.4.4 The following documents shall be submitted as proof of meeting the requirements listed in 11.2.4.2 and 11.2.4.3:
 - 11.2.4.4.1 Documentation of education;
 - 11.2.4.4.2 One of the following: resumes, letters of reference, certification or accreditation from another state or EPA, or documented work experience; and
 - 11.2.4.4.3 Certificates from train-the-trainer courses.
- 11.2.4.5 The training provider shall ensure that:
 - 11.2.4.5.1 Training is conducted in accordance with Department requirements;
 - 11.2.4.5.2 That individual(s) serving as principal instructor(s) or work practice instructor(s) for each course offered by the program have met the requirements per these regulations; and

11.2.4.5.3 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.

11.2.5 Training Manager Requirements

11.2.5.1 The training provider applying for accreditation or reaccreditation of lead-based paint activities or RRPM activities training courses shall employ a training manager who has:

11.2.5.1.1 At least two years of experience, education, or training in teaching workers or adults; or

11.2.5.1.2 A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration or program management or a related field; or

11.2.5.1.3 Two years of experience in managing a training program specializing in environmental hazards; and

11.2.5.1.4 Demonstrated experience, education, or training in the construction industry including: lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

11.2.5.2 The training manager shall develop and implement a quality control plan. The plan shall be used to maintain and improve the quality of the training program over time. This plan shall contain at least the following elements:

11.2.5.2.1 Procedures for periodic revision of training materials and the course test to reflect innovations in the field; and

11.2.5.2.2 Procedures for the training manager's annual review of principal instructor competency.

11.2.6 Specific Accreditation Requirements

11.2.6.1 The training provider applying for accreditation or reaccreditation of each lead-based paint activities or RRPM activities training course (initial or refresher) shall submit a completed application per this rule.

11.2.6.2 All required information shall be submitted by the applicant per the instructions on the application form, including but not limited to:

11.2.6.2.1 An organizational chart;

11.2.6.2.2 A list of the types of courses to be offered;

11.2.6.2.3 A projected schedule with dates and locations of training course offerings;

11.2.6.2.4 A detailed outline of the training curriculum including:

11.2.6.2.4.1 The amount of time allotted to each topic;

11.2.6.2.4.2 The name and qualifications of the training manager;

11.2.6.2.4.3 The individual developing the instruction program for each topic;

11.2.6.2.4.4 The name and qualifications of the instructor of each topic; and

11.2.6.2.4.5 Documentation of adherence to proposed EPA model training curriculum requirements, if applicable.

11.2.6.2.5 A description of the instruction program for each topic, including:

11.2.6.2.5.1 Teaching methods to be used;

11.2.6.2.5.2 Copies of written materials to be distributed (student manuals, instructor notebooks, handouts, etc.); and

- 11.2.6.2.5.3 Copies of the course examination and answer key.
- 11.2.6.2.6 Documentation that shows the number of instructors, amount of equipment, and facilities are adequate to provide proper training;
- 11.2.6.2.7 A description of the type and quantity 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;
- 11.2.6.2.8 Information related to the principal instructor(s), guest instructor(s) and hands-on instructor(s), including:
- 11.2.6.2.8.1 Number of instructors that will conduct the course;
 - 11.2.6.2.8.2 Estimated instructor-to-student ratio for classroom instruction;
 - 11.2.6.2.8.3 Estimated instructor-to-student ratio for hands-on practice exercises and demonstrations; and
 - 11.2.6.2.8.4 Documentation of instructors' training and experience in the course topics.
- 11.2.6.2.9 A written agreement to provide the Department, on forms provided by the Department, the names, examination dates and examination scores of all course participants;
- 11.2.6.2.10 Documentation of any associations with other lead related businesses;
- 11.2.6.2.11 Documentation of any and all enforcement actions against any training providers, training managers or instructors regarding lead-based paint activities or RRPM activities; and
- 11.2.6.2.12 A copy of current training accreditation, for accreditation renewals, only.

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

11.2.7 Granting Accreditation for a Training Course

11.2.7.1 Accreditation and reaccreditation shall be granted after the Department has:

11.2.7.1.1 Received a complete application and fee;

11.2.7.1.2 Conducted an on-site observation and evaluation of the training course, its instructors, equipment and facilities, if deemed necessary by the Department; and

11.2.7.1.3 Determined that the applicant's training course meets the requirements set forth in these regulations.

11.2.7.2 Accreditation and reaccreditation shall be granted for a period of one year for lead-based paint activities training courses.

11.2.7.3 Accreditation and reaccreditation shall be granted for a period of four years for lead-safe RRPM training courses.

11.2.7.4 Visitation: The Department may visit to review any training course.

11.2.7.4.1 In lieu of visitation, the training provider may be required to submit to the Department a representative video of the training course for review and evaluation.

11.2.7.4.2 Visitation may be waived, on a case-by-case basis, by the Department if the training course meets the requirements of these regulations.

11.2.7.5 Any change in an accredited course shall be reported to the Department prior to presenting the changed course.

11.2.8 Electronic Training Courses

11.2.8.1 Electronic learning and other alternative course delivery methods are permitted for the classroom portion of courses but not the hands-on portion of these courses, or for final course tests or proficiency tests. Electronic learning courses must comply with the following requirements:

11.2.8.1.1 A unique identifier must be assigned to each student for them to use to launch and re-launch the course.

11.2.8.1.2 The training provider must track each student's course log-ins, launches, progress, and completion, and maintain these records.

11.2.8.1.3 The course must include at least 16 periodic knowledge checks over the entire course. The knowledge checks must be successfully completed before the student can go on to the next module.

11.2.8.1.4 There must be a test of at least 20 questions at the end of the electronic learning portion of the course, of which 80 percent must be answered correctly by the student for successful completion of the electronic learning portion of the course. The test must be designed so that students do not receive feedback on their test answers until after they have completed and submitted the test.

11.2.8.1.5 Each student must be able to save or print a copy of an electronic learning course completion certificate. The electronic certificate must not be susceptible to easy editing.

11.2.9 Reciprocity

11.2.9.1 Each applicant for accreditation of a lead-based paint activities or RRPM activities 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 accreditation without visitation of the in-progress training course by the Department.

11.2.9.2 The Commissioner or designee shall evaluate the requirements for approval, permitting, or licensing permit of the approving authority and shall grant accreditation without visitation if the Commissioner or designee determines that the

requirements of the authority are equal to or greater than the requirements for accreditation in the State of Vermont.

11.2.9.3 If the 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 may be necessary.

11.3 Training Provider Course Examinations

11.3.1 All training providers shall provide a course examination to each student at the completion of each course. The course examination shall be closed-book, except for online training courses.

11.3.1.1 Training providers shall ensure the course examination achieves a Flesch-Kincaid grade level 6 readability score.

11.3.1.2 The course examination shall cover the topics taught in the course.

11.3.1.3 Each individual training participant is required to pass the course examination with a score of 70 percent or higher to receive a certificate for completion of the training course.

11.3.1.4 The training provider shall issue unique numbered certificates only to students who attend the course and successfully pass the written course examination. The numbered certificate shall include:

11.3.1.4.1 The name of the student;

11.3.1.4.2 A photograph of the student;

11.3.1.4.3 A unique number identifying the student;

11.3.1.4.4 The course completed, the dates of the course and the course examination;

11.3.1.4.5 The expiration date of the training certification; and

11.3.1.4.6 The name, address, and telephone number of the training provider.

11.3.2 The training provider shall conduct a hands-on skills assessment of hands-on training components. Each student shall successfully complete the hands-on skills assessment to pass the training course.

11.4 Lead-safe RRPM Training Course Content and Requirements

11.4.1 The initial training course shall be a minimum of eight training hours with two of these hours to be hands-on training hours. The course shall address all the following topics:

11.4.1.1 Role and responsibilities of a licensed lead-based paint RRPM supervisor, holder of a lead-safe RRPM firm license for owners of rental target housing, or certified uncompensated child care operator;

11.4.1.2 Background information on lead and its adverse health effects;

11.4.1.3 Background information on EPA, HUD, OSHA, and other federal and Vermont regulations and guidance that pertain to lead-based paint and renovation activities;

11.4.1.4 Pre-renovation information distribution requirements;

11.4.1.5 Prohibited work practices;

11.4.1.6 Renovation methods to minimize the creation of dust and lead-based paint hazards;

11.4.1.7 Interior and exterior containment and cleanup methods;

11.4.1.8 Methods to ensure that the renovation has been properly completed, including cleaning the work area and clearance testing;

11.4.1.9 Waste handling and disposal;

11.4.1.10 Providing on-the-job training to other workers;

11.4.1.11 Recordkeeping;

11.4.1.12 Personal protective equipment;

11.4.1.13 Personal hygiene; and

11.4.1.14 Hands-on training:

11.4.1.14.1 Site preparation;

11.4.1.14.2 Lead safe work practices; and

11.4.1.14.3 Clean up and decontamination.

11.4.2 The refresher training course shall be a minimum of four hours, with one of these hours to be hands-on training hours, and shall address the following topics:

11.4.2.1 An overview of key safety practices; and

11.4.2.2 An update on new technologies.

11.5 Lead-Based Paint Activities Training Course Content and Requirements

11.5.1 Lead-Based Paint Abatement Supervisor, Target Housing and Public Buildings

11.5.1.1 The initial training course shall include a minimum of 32 training hours with eight of these hours as hands-on training hours. The course shall address the following topics:

11.5.1.1.1 Background information on lead:

11.5.1.1.1.1 History of lead use; and

11.5.1.1.1.2 Sources of environmental lead contamination (paint, surface dust and soil, water, air, food, other).

11.5.1.1.2 Regulatory review:

11.5.1.1.2.1 Federal (OSHA, HUD, EPA, and other agencies); and

11.5.1.1.2.2 States/local.

11.5.1.1.3 Legal and insurance issues.

11.5.1.1.4 Development of pre-abatement work plan.

11.5.1.1.5 Hazard recognition and control:

- 11.5.1.1.5.1 Health effects of lead;
 - 11.5.1.1.5.2 Site characterization;
 - 11.5.1.1.5.3 Exposure measurements;
 - 11.5.1.1.5.4 Material identification;
 - 11.5.1.1.5.5 Safety and health plan;
 - 11.5.1.1.5.6 Medical surveillance; and
 - 11.5.1.1.5.7 Engineering and work practices.
- 11.5.1.1.6 Personal protective equipment.
- 11.5.1.1.6.1 Respiratory protection:
 - 11.5.1.1.6.1.1 Respiratory equipment selection;
 - 11.5.1.1.6.1.2 Air purifying respirators;
 - 11.5.1.1.6.1.3 Care and cleaning of respirators;
and
 - 11.5.1.1.6.1.4 Respiratory program.
 - 11.5.1.1.6.2 Protective clothing and equipment.
- 11.5.1.1.7 Employee information and training.
- 11.5.1.1.8 Project management:
- 11.5.1.1.8.1 Overview of abatement process;
 - 11.5.1.1.8.2 Contractor specifications; and
 - 11.5.1.1.8.3 Supervisory techniques.
- 11.5.1.1.9 Lead abatement and lead hazard reduction methods:
- 11.5.1.1.9.1 Prohibited methods;

11.5.1.1.9.2 Interior and exterior abatement techniques, including soil treatments;

11.5.1.1.9.3 Interior and exterior cleanup methods;

11.5.1.1.9.4 Soil, dust and air sampling; and

11.5.1.1.9.5 Clearance standards.

11.5.1.1.10 Waste disposal.

11.5.1.1.11 Community relations process.

11.5.1.1.12 Cost estimation.

11.5.1.1.13 Recordkeeping.

11.5.1.1.14 Historic preservation:

11.5.1.1.14.1 Identifying historical buildings;

11.5.1.1.14.2 Identifying historical features; and

11.5.1.1.14.3 Appropriate abatement alternatives.

11.5.1.2 The refresher training course shall be a minimum of eight hours and shall address the following topics:

11.5.1.2.1 An overview of key safety practices; and

11.5.1.2.2 An update on new technologies.

11.5.2 Lead-based Paint Abatement Worker, Target Housing and Public Facilities

11.5.2.1 The initial training course shall be a minimum of 24 training hours with four of these hours as hands-on training hours. The course shall address the following topics:

11.5.2.1.1 Background information on lead:

11.5.2.1.1.1 History of lead use; and

11.5.2.1.1.2 Sources of environmental lead contamination (paint, surface dust and soil, water, air, food, other).

11.5.2.1.2 Regulatory review:

11.5.2.1.2.1 Federal (OSHA, HUD, EPA, and other agencies); and

11.5.2.1.2.2 State/local.

11.5.2.1.3 Hazard recognition and control:

11.5.2.1.3.1 Health effects of lead;

11.5.2.1.3.2 Site characterization;

11.5.2.1.3.3 Exposure measurements;

11.5.2.1.3.4 Material identification;

11.5.2.1.3.5 Safety and health plan;

11.5.2.1.3.6 Medical surveillance; and

11.5.2.1.3.7 Engineering and work practices.

11.5.2.1.4 Personal protective equipment.

11.5.2.1.4.1 Respiratory protection:

11.5.2.1.4.1.1 Respiratory equipment selection;

11.5.2.1.4.1.2 Air-purifying respirators;

11.5.2.1.4.1.3 Care and cleaning of respirators;
and

11.5.2.1.4.1.4 Respiratory program.

11.5.2.1.4.2 Protective clothing and equipment.

11.5.2.1.4.3 Hygiene practices.

11.5.2.1.5 Lead paint abatement and lead hazard reduction methods:

11.5.2.1.5.1 Prohibited methods;

11.5.2.1.5.2 Interior and exterior abatement techniques, including soil treatments; and

11.5.2.1.5.3 Interior and exterior cleanup methods.

11.5.2.1.6 Waste disposal.

11.5.2.2 The refresher training shall be a minimum of eight hours and shall address the following topics:

11.5.2.2.1 An overview of key safety practices; and

11.5.2.2.2 An update on new technologies.

11.5.3 Lead-based Paint Inspector

11.5.3.1 Initial training course shall be a minimum of 24 training hours with four of these hours as hands-on training hours and shall address the following topics:

11.5.3.1.1 Background information on lead:

11.5.3.1.1.1 History of lead use; and

11.5.3.1.1.2 Sources of environmental lead contamination (paint, surface dust and soil, water, air, food, other).

11.5.3.1.2 Health effects:

11.5.3.1.2.1 How lead enters the body;

11.5.3.1.2.2 How lead affects the body;

11.5.3.1.2.3 Symptoms and diagnosis;

11.5.3.1.2.4 Level of concern; and

11.5.3.1.2.5 Treatment.

11.5.3.1.3 Regulatory background:

11.5.3.1.3.1 Federal (HUD, OSHA, EPA, and other agencies); and

11.5.3.1.3.2 State/local.

11.5.3.1.4 Lead-based paint inspection methods.

11.5.3.1.4.1 XRF analyzers:

11.5.3.1.4.1.1 Introduction and operation of XRF analyzers;

11.5.3.1.4.1.2 Correcting for substrate interference;

11.5.3.1.4.1.3 Radiation safety;

11.5.3.1.4.1.4 Similarities and differences between the two types of analyzers (direct and indirect);

11.5.3.1.4.1.5 Interpretation of the XRF sampling data;

11.5.3.1.4.1.6 Licensing and registration of XRF analyzers;

11.5.3.1.4.1.7 Transportation of XRF analyzers; and

11.5.3.1.4.1.8 XRF analyzer recordkeeping.

11.5.3.1.4.2 Alternative inspection technologies:

11.5.3.1.4.2.1 Lead-based paint testing operations.

11.5.3.1.4.3 Responsibilities.

11.5.3.1.4.4 Formulation and implementation of the sampling plan and final inspection report:

11.5.3.1.4.4.1 Formulating a plan;

- 11.5.3.1.4.4.2 Computing sample size;
- 11.5.3.1.4.4.3 Selecting specific units;
- 11.5.3.1.4.4.4 Selecting the components in each unit;
- 11.5.3.1.4.4.5 Classification of components;
- 11.5.3.1.4.4.6 Collection and preparation of paint chip and soil samples for laboratory analysis; and
- 11.5.3.1.4.4.7 Recordkeeping.

11.5.3.1.4.5 Preparation of final inspection report of test results.

11.5.3.1.4.6 Dust and soil clearance sampling methodologies.

11.5.3.1.4.7 Legal liability.

11.5.3.1.4.8 Historic Preservation:

11.5.3.1.4.8.1 Identifying historical buildings; and

11.5.3.1.4.8.2 Identifying historical features.

11.5.3.2 Refresher course

11.5.3.2.1 The refresher training course shall be a minimum of eight hours and shall address the following topics:

11.5.3.2.1.1 An overview of key safety practices; and

11.5.3.2.1.2 An update on new technologies.

11.5.4 Lead-based Paint Inspector-Risk Assessor

11.5.4.1 The initial training course shall be a minimum of 16 training hours with four of these hours to be hands-on training hours,

which includes site visit(s). The course shall address the following topics:

11.5.4.1.1 Background information to perform risk assessment:

11.5.4.1.1.1 Developing schematic site plan; and

11.5.4.1.1.2 Reviewing previous testing for lead-based paint or other lead-related hazards.

11.5.4.1.2 Visual inspection.

11.5.4.1.3 Risk assessment report form.

11.5.4.1.4 Sampling and inspection guidelines.

11.5.4.1.4.1 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.

11.5.4.1.4.2 Soil sample collection:

11.5.4.1.4.2.1 Sources;

11.5.4.1.4.2.2 Soil hazard levels;

11.5.4.1.4.2.3 Soil sample collection techniques;

11.5.4.1.4.2.4 Number and location of soil samples; and

11.5.4.1.4.2.5 Interpretation of sampling results.

11.5.4.1.4.3 Dust samples:

11.5.4.1.4.3.1 Sources;

11.5.4.1.4.3.2 Dust hazard levels;

11.5.4.1.4.3.3 Number and location of samples;
and

11.5.4.1.4.3.4 Interpretation of test results.

11.5.4.1.4.4 Lead in drinking water:

11.5.4.1.4.4.1 Sources;

11.5.4.1.4.4.2 Sampling technique for lead in
drinking water; and

11.5.4.1.4.4.3 Interpretation of sampling
results.

11.5.4.1.4.5 Data entry forms.

11.5.4.1.5 Interpretation of results and preparation of final
report.

11.5.4.1.6 Recommendations to abate or reduce lead-based
paint hazards including instruction on when interim
controls are appropriate.

11.5.4.1.7 Development of an interim control plan.

11.5.4.1.8 Recordkeeping.

11.5.4.2 The refresher training course shall be a minimum of eight
hours and shall address the following topics:

11.5.4.2.1 An overview of key safety practices.

11.5.4.2.2 An update on new technologies.

11.5.5 Lead-based Paint Project Designer

11.5.5.1 The initial training course shall be a minimum of eight
training hours with four of these hours to be hands-on training
hours. The course shall address the following topics:

11.5.5.1.1 Hazard report interpretation.

11.5.5.1.2 Worker protection/worker safety.

11.5.5.1.3 Environmental safety.

11.5.5.1.4 Project design:

11.5.5.1.4.1 Integration with modernization projects;

11.5.5.1.4.2 Design abatement or lead hazard reduction strategy; and

11.5.5.1.4.3 Cost estimation.

11.5.5.1.5 Construction techniques.

11.5.5.1.6 Abatement and lead hazard reduction methods:

11.5.5.1.6.1 Selection of abatement or lead hazard reduction methods (i.e., which encapsulant to use, how to remove or enclose, etc.); and

11.5.5.1.6.2 Knowledge of abatement and lead hazard reduction equipment and materials.

11.5.5.1.7 Operations and maintenance planning.

11.5.5.1.8 Cleanup.

11.5.5.1.9 Clearance testing.

11.5.5.1.10 Waste disposal.

11.5.5.1.11 Insurance and liability.

11.5.5.1.12 Historic Preservation:

11.5.5.1.12.1 Identifying historical buildings;

11.5.5.1.12.2 Identifying historical features; and

11.5.5.1.12.3 Appropriate abatement alternatives.

11.5.5.2 The refresher training course shall be a minimum of four hours and shall address the following topics:

11.5.5.2.1 An overview of key safety practices; and

11.5.5.2.2 An update on new technologies.

12.0 Certification and Licensing Standards

12.1 General Requirements

- 12.1.1 No individual shall provide any of the services in this rule within the State of Vermont without first being licensed or certified by the Department to provide such services.
- 12.1.2 All lead-based paint activities or RRPM activities carried out under the direction of a licensee or certification holder shall be performed in accordance with these regulations.
- 12.1.3 All licensees and certification holders shall have their current licenses or certifications at the work site.

12.2 Application process

- 12.2.1 Individuals and entities engaged in lead-based paint activities and RRPM activities for compensation shall submit a complete application on forms provided by the Department and meet the requirements for the specific license category in order to be licensed by the Department.
- 12.2.2 Individuals engaged in RRPM activities for no compensation at a child care facility shall submit a complete application on forms provided by the Department and meet the requirements in order to be certified by the Department.
- 12.2.3 Individuals who have successfully taken a cleaning and paint inspection training course provided by the Department will be certified unless a compliance action is pending against them.
- 12.2.4 State, local government, and nonprofit firms receiving certification and licensing to perform lead-based paint activities or RRPM activities are regulated under these rules.
- 12.2.5 Initial and renewal applications shall be submitted to the Department at least 25 business days before the license or certification is needed to perform lead-based paint activities or RRPM activities.
- 12.2.6 The application shall include the following:
 - 12.2.6.1 Original signature of the individual or authorized representative of the entity.

12.2.6.2 Any required documentation to demonstrate that they meet the standards for the license or certification for which they are applying (see Section 12.6. – 12.18.)

12.2.6.3 For licenses:

12.2.6.3.1 The required fee for the specific license category listed in 18 V.S.A. §1753, payable to the Vermont Department of Health:

12.2.6.3.1.1 Fees are not required for any state or local government, agent of the state, or nonprofit training program and employee of the state; and

12.2.6.3.1.2 Licensing 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 or RRPM activities for a fee or in competitive commercial ventures.

12.2.6.3.2 Proof of ability to indemnify

12.2.6.3.2.1 As part of their application to the Department, each applicant for a lead-based paint contractor entity license, lead-safe RRPM firm license, or individual conducting lead-based paint activities or RRPM activities shall provide the Department with evidence of the ability to indemnify properly a person who suffers damage from lead-based paint activities or RRPM activities. This shall include one of the following:

12.2.6.3.2.1.1 Proof of effective liability insurance coverage for at least \$300,000 (e.g. an ACORD certificate of insurance); or

12.2.6.3.2.1.2 Proof of a surety bond of at least \$300,000.

12.2.6.4 For uncompensated child care operator certifications:

12.2.6.4.1 Applicants shall certify that they do not and will not offer or act to provide RRPM activities for compensation or a fee, or in competitive commercial ventures; and

12.2.6.4.2 Applicants shall identify the address of the child care facility for which they are the owner and on which they or another adult, related through blood or marriage and living in the household plan to conduct RRPM activities.

12.2.6.5 For applicants for the Lead-Safe RRPM Firm License for Owners of Rental Target Housing

12.2.6.5.1 For the purposes of obtaining a license subject to the exemption in 18 V.S.A. 1764(b), a person with an ownership interest in an entity (i.e. a limited liability company, partnership or corporation) can be considered an “owner” of rental target housing. Each person with an ownership interest shall obtain their own license pursuant to Section 12.8 if seeking a license subject to the exemption in 18 V.S.A. 1764(b).

12.2.6.5.2 Applicants shall submit the required fee for the lead-safe RRPM firm category listed in 18 V.S.A. §1753, payable to the Vermont Department of Health;

12.2.6.5.3 Applicants shall certify that they do not and will not offer or act to provide RRPM activities for compensation or a fee, or in competitive commercial ventures;

Applicants shall certify that they will not provide training to on-the-job workers and shall perform all RRPM activities personally; and

12.2.6.5.4 Applicants shall identify the address(es) of the target housing properties in which they have an interest and on which they plan to conduct RRPM activities.

12.2.7 Incomplete applications

12.2.7.1 The Department may require further information in order to determine whether the license or certification can be issued.

12.2.7.2 If the Department requests further information from an applicant and does not receive that information within 25 business days, then the application will be considered abandoned and license or certification will be denied.

12.2.8 Denial of applications

12.2.8.1 The Commissioner may deny an application for licensure or certification to any applicant who fails to meet the standards set forth in this rule, or who does not follow the procedures established by the regulations.

12.3 License or certification expiration or lapse in training certification

12.3.1 A license or certification is invalid and an individual or entity shall not perform any lead-based paint activities or RRPM activities if:

12.3.1.1 The licensee or certification holder fails to obtain a renewal before the expiration of his or her current license or certification; or

12.3.1.2 If the licensee or certification holder's training certifications expire and there is a lapse in training.

12.3.2 If a licensee or certification holder's training expires and the licensee does not take the refresher training course before that expiration date, that individual is required to retake the initial course, retake and pass the third-party certification exam in the appropriate discipline with a score of at least 70%, if applicable, and reapply for a new license.

12.4 Amendments to a license or certification

12.4.1 A licensee or certification holder shall amend its licensure no later than 90 days after the date a change occurs to information included in its most recent license application.

12.4.2 If the licensee or certification holder fails to amend its licensure no later than 90 days after the date the change occurs, the firm may not perform lead-based paint activities or RRPM activities until its licensure or certification is amended.

12.4.3 To amend a license or certification, an amended application form shall be submitted, indicating the information that has changed.

12.4.4 The licensee shall also pay the appropriate fee for the amended license type.

12.4.5 Amending a license or certification does not affect the license or certification's expiration date.

12.5 Reciprocity

12.5.1 If licensed or certified outside of Vermont under a law that provides standards which are equal to or more stringent than those of Vermont, the applicant shall:

12.5.1.1 Complete the Vermont application, and

12.5.1.2 Meet the requirements specified for the license or certification category.

12.5.2 The Department will review the course content to determine whether it is equivalent.

12.5.3 If an applicant has an interim training certification from outside of Vermont, the applicant shall:

12.5.3.1 Pay the required fee for the license category

12.5.3.2 Take and pass the third-party certification examination in the appropriate discipline with a score of at least 70%.

12.6 Certification to Conduct Cleaning and Paint Inspections in Rental Target Properties and Child Care Facilities

12.6.1 Requirements for Certification: A rental target property and child care facility owner, or owner's representative shall fulfill the following requirements to obtain a certification:

12.6.1.1 Is at least 18 years of age; and

12.6.1.2 Completes and passes the course examination for the Department's cleaning and paint inspection training with a score of at least 70%.

12.6.2 Training term: the Department's cleaning and paint inspection training is valid for five years.

12.6.3 Certification Holder's Responsibilities:

12.6.3.1 Certified rental target property and child care facility owners, or owner's representatives, are responsible for ensuring compliance with Section 6 for each of the rental target housing properties or child care facilities they own.

12.7 Uncompensated Child Care Operator Certification

12.7.1 Requirements for Certification: An applicant shall fulfill the following requirements to be certified by the Department for a period of five years:

12.7.1.1 Is at least 18 years of age;

12.7.1.2 Completes and passes with a score of at least 70% the course examination for:

12.7.1.2.1 A Vermont-accredited eight-hour RRPM Training Course, including two hours of hands-on training, and a Vermont-specific module and course examination; or

12.7.1.2.2 An EPA-accredited RRP Lead-safe Certified Renovator course or an EPA RRP-authorized state or tribal accredited course, including two hours of hands-on training, and a Vermont-specific module and course examination; and

12.7.1.3 Completes and passes with a score of at least 70% the course examination for the Department's cleaning and paint inspection training.

12.7.2 Training term

12.7.2.1 Initial eight-hour training course is valid for five years.

12.7.2.2 In-person four-hour refresher is valid for five years

12.7.2.3 Online four-hour refresher with no hands-on component is valid for three years. Individuals who take the online four-hour refresher with no hands-on component shall take a refresher course with a hands-on component for their next refresher course.

12.7.3 Certification Holder's Responsibilities:

12.7.3.1 Certified uncompensated child care operators are responsible for ensuring compliance with this Chapter during all RRPM activities they conduct:

12.7.3.1.1 Certified uncompensated child care operators may not provide training to on-the-job workers;

12.7.3.1.2 Certified uncompensated child care operators may only conduct RRPM activities at the child care facility that they own; and

12.7.3.1.3 Certificated uncompensated child care operators may not conduct RRPM activities for a fee or in competitive commercial ventures.

12.7.3.2 Certified uncompensated child care operators shall:

12.7.3.2.1 Perform all RRPM activities in accordance with the work practice standards in Sections 6.0 and 7.0;

12.7.3.2.2 Perform the pre-renovation education requirements of 7.2.3;

12.7.3.2.3 Meet the recordkeeping requirements of 7.4; and

12.7.3.2.4 Have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

12.8 Lead-Safe RRPM Firm License for Owners of Rental Target Housing

12.8.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of five years:

12.8.1.1 Identifies their business entity type and provides an organizational chart listing addresses and phone numbers for branch of the organization.

12.8.1.2 If previously denied a lead-related license or certification in Vermont, provides a list of license(s) or certification(s) applied for and the date(s) of application.

12.8.1.3 If permitted, licensed or certified outside of Vermont, provides a copy of each valid certification or license.

12.8.1.4 Provides documentation of any lead-related enforcement actions associated with the applicant regarding lead-based paint activities or RRPM activities, including notices of violation, civil fines, assurances of discontinuance, orders from the Commissioner, or court orders issued:

12.8.1.4.1 Within the past two years, if initial certification application; or

12.8.1.4.2 Within the past year, if certification renewal application.

12.8.1.5 Submits a complete application and has an environmental compliance history for the firm, its principals, and its key employees that does not show an unwillingness or inability to maintain compliance with environmental statutes or regulations.

12.8.1.6 Provides documentation that applicant is at least 18 years of age;

12.8.1.7 Completes and passes with a score of at least 70% the course examination for:

12.8.1.7.1 A Vermont-accredited eight-hour RRPM Training Course, including two hours of hands-on training, and a Vermont-specific module and course examination; or

12.8.1.7.2 An EPA-accredited RRP Lead-safe Certified Renovator course or an EPA RRP-authorized state or tribal accredited course, including two hours of hands-on training, and a Vermont-specific module and course examination; and

12.8.1.8 Completes and passes with a score of at least 70% the course examination for the Department's cleaning and paint inspection training.

12.8.1.9 Submits a list of target housing properties in which they have an interest.

12.8.2 Training term

- 12.8.2.1 Initial eight-hour training course is valid for five years.
- 12.8.2.2 In-person four-hour refresher is valid for five years
- 12.8.2.3 Online four-hour refresher with no hands-on component is valid for three years. Individuals who take the online four-hour refresher with no hands-on component shall take a refresher course with a hands-on component for their next refresher course.

12.8.3 License Holder's Responsibilities: A holder of a Lead-Safe RRPM Firm License for Owners of Rental Target Housing shall:

- 12.8.3.1 Not provide training to on-the-job workers and shall perform all RRPM activities personally.
- 12.8.3.2 Perform all RRPM activities in accordance with the requirements in Sections 6.0 and 7.0 and ensure compliance with this Chapter during all RRPM activities they conduct.
- 12.8.3.3 Only conduct RRPM activities on the target housing properties that they own. A holder of a Lead-Safe RRPM Firm License for Owners of Rental Target Housing shall not conduct RRPM activities for a fee or in competitive commercial ventures.
- 12.8.3.4 Perform the pre-renovation education requirements of 7.2.
- 12.8.3.5 Meet the recordkeeping requirements of 7.4.
- 12.8.3.6 Have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

12.9 Lead-Safe RRPM Firm License

12.9.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of five years:

- 12.9.1.1 Identifies their business entity type and provides an organizational chart listing addresses and phone numbers for branch of the organization.

- 12.9.1.2 If previously denied a license in Vermont, provides a list of license(s) applied for and the date(s) of application.
- 12.9.1.3 If permitted, licensed or certified outside of Vermont, provides a copy of each valid certification or license.
- 12.9.1.4 Provides documentation of any lead-related enforcement actions associated with the applicant regarding lead-based paint activities or RRPM activities, including notices of violation, civil fines, assurances of discontinuance, orders from the Commissioner, or court orders issued:
- 12.9.1.4.1 Within the past two years, if initial license application;
or
- 12.9.1.4.2 Within the past year, if license renewal application.
- 12.9.1.5 Provides documentation that at least one employee of the entity is licensed as a lead-safe RRPM supervisor.
- 12.9.1.6 Submits a complete application and has an environmental compliance history for the firm, its principals, and its key employees that does not show an unwillingness or inability to maintain compliance with environmental statutes or regulations.
- 12.9.2 Licensee's Responsibilities: Firms performing RRPM activities shall ensure that:
- 12.9.2.1 All individuals performing RRPM activities on behalf of the firm are either licensed or have been trained on-the-job by a licensed lead-safe RRPM supervisor.
- 12.9.2.2 A licensed lead-safe RRPM supervisor is assigned to each RRPM project performed by the firm and discharges all the lead-safe RRPM supervisor responsibilities identified in 12.8.2.
- 12.9.2.3 All RRPM activities performed by the firm or its employees are performed in accordance with the work practice standards in Section 6.0 and 7.0.
- 12.9.2.4 The pre-renovation education requirements of 7.2 have been performed.

12.9.2.5 The recordkeeping requirements of 7.4 are met.

12.10 Lead-Safe RRPM Supervisor License

12.10.1 Requirements for Licensure:

12.10.1.1 An applicant shall fulfill the following requirements to be licensed by the Department for a period of one year:

12.10.1.1.1 Is at least 18 years of age;

12.10.1.1.2 Completes and passes with a score of at least 70% the course examination for:

12.10.1.1.2.1 A Vermont-accredited eight-hour RRPM Training Course, including two hours of hands-on training and a Vermont-specific module and course examination; or

12.10.1.1.2.2 An EPA-accredited RRP Lead-safe Certified Renovator course or an EPA RRP-authorized state or tribal accredited course, including two hours of hands-on training, and a Vermont-specific module and course examination; and

12.10.1.1.2.3 The Department's cleaning and paint inspection training.

12.10.1.2 Training term

12.10.1.2.1 Initial eight-hour training course is valid for five years

12.10.1.2.2 In-person four-hour refresher is valid for five years

12.10.1.2.3 Online four-hour refresher is valid for three years. Individuals who take the online four-hour refresher with no hands-on component shall take a refresher course with a hands-on component for their next refresher course.

12.10.2 Licensee's Responsibilities:

12.10.2.1 Lead-safe RRPM supervisors are responsible for ensuring compliance with this rule during RRPM activities to which they are assigned.

12.10.2.2 A lead-safe RRPM supervisor shall:

12.10.2.2.1 Perform all the tasks described in 7.2 and shall either perform or direct on-the-job workers who perform all of the tasks described in 7.3.

12.10.2.2.2 Provide training, using protocols provided by the Department, to on-the-job workers on the work practices required by 7.3 that they will be using in performing their assigned tasks.

12.10.2.2.3 Maintain at the work site documentation that the licensed RRPM supervisor provided training, according to Department protocols, for all on-the-job workers conducting RRPM activities on the project, if applicable.

12.10.2.2.4 Be physically present at the work site at all times when RRPM activities are occurring and when the signs required by Section 7.2.2.2.2 are posted.

12.10.2.2.5 Regularly direct work being performed by on-the-job workers and other individuals to ensure that the work practices required by 7.3 are being followed, including maintaining the integrity of the containment barriers and ensuring that dust or debris do not spread beyond the work area.

12.10.2.2.6 Have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

12.10.2.2.7 Prepare the records required by 7.4.

12.11 Lead-based Paint Contractor Entity License

12.11.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of one year:

12.11.1.1 Identifies from the following list the type of license for which they are applying:

12.11.1.1.1 Abatement, Target Housing

12.11.1.1.2 Abatement, Superstructure

12.11.1.1.3 Lead-based Paint Consulting Firm

12.11.1.1.4 Analytical Testing Laboratory

12.11.1.2 Identifies their business entity type and provides an organizational chart listing addresses and phone numbers for each branch of the organization.

12.11.1.3 If previously denied a license in Vermont, provides a list of license(s) applied for and the date(s) of application.

12.11.1.4 If permitted, licensed or certified outside of Vermont, provides a copy of each valid certification or license.

12.11.1.5 Provides documentation of any lead-related enforcement actions associated with the applicant regarding lead abatement activities, including notices of violation, civil fines, assurances of discontinuance, orders from the Commissioner, or court orders issued:

12.11.1.5.1 Within the past two (2) years, if initial license application; or

12.11.1.5.2 Within the past year, if license renewal application.

12.11.1.6 For those applying to be licensed as an abatement contractor entity for target housing or an abatement contractor entity for superstructures:

12.11.1.6.1 Provides documentation that at least one employee of the entity meets the licensure requirements for the relevant lead-based paint abatement supervisor in Section 12.12.

12.11.1.6.2 Provides a copy of the written worker protection program per Section 8.3.6.

12.11.1.6.3 Provides documentation of individuals' respirator fit test tests (see Sections 8.3.6.2.2. and 10.1.1.3).

12.11.1.6.4 Provides documentation of individuals' medical clearances and a copy of a written medical monitoring program (see Section 8.3.6.4. and 10.3.1).

- 12.11.1.6.5 Provides a copy of the written exposure monitoring program (See Section 10.3.2).
- 12.11.1.6.6 Provides documentation of each employee's lead-based paint abatement experience.
- 12.11.1.6.7 Provides evidence that all workers and supervisors have obtained licenses in accordance with these regulations.
- 12.11.1.6.8 Provides a list of affiliations with other lead-based paint related businesses.
- 12.11.1.6.9 Identifies a principal contact.
- 12.11.1.7 For those applying to be licensed as a lead-based paint consulting firm:
 - 12.11.1.7.1 Provides a list of affiliations with other lead-based paint related businesses.
 - 12.11.1.7.2 Identifies a principal contact.
 - 12.11.1.7.3 Identifies the number of years operating under firm name.
 - 12.11.1.7.4 Provides a worker protection plan.
- 12.11.1.8 For those applying to be licensed as an analytical testing laboratory:
 - 12.11.1.8.1 Provides a list of employees performing analysis or other services.
 - 12.11.1.8.2 Provides documentation of proficiencies, state licenses, and accreditations.
 - 12.11.1.8.3 Provides a copy of the applicant's quality assurance/quality control manual.
 - 12.11.1.8.4 Agrees to allow the Department to perform on-site inspections of its facilities, equipment, and records

12.11.1.8.5 Provides evidence of successful participation in the Environmental Lead Proficiency Analytical Testing Program.

12.11.1.8.6 Provides evidence of accreditation from a national laboratory accrediting organization which maintains a Memorandum of Understanding with EPA through the National Lead Laboratory Accreditation Program

12.11.1.8.7 Identifies a principle contact.

12.11.2 Licensee's Responsibilities:

12.11.2.1 All license types shall:

12.11.2.1.1 Ensure that all lead-based paint activities performed by the lead-based paint contractor entity and its employees are carried out in accordance with the requirements in this rule; and

12.11.2.1.2 Provide each employee documentation of the employee's training certificate and Vermont license once it has been received from the training facility or the Department.

12.11.2.2 Entities licensed to conduct lead abatement in target housing and lead abatement on superstructures shall:

12.11.2.2.1 Ensure that a licensed lead-based paint abatement supervisor target housing/public facilities or lead-based paint abatement supervisor superstructures remains present on-site during all active phases during of any permitted lead abatement project.

12.11.2.2.2 Follow the written respiratory protection program and make it available to all individuals in its employment at all lead abatement projects

12.11.2.2.3 Follow the written exposure monitoring program and make it available to all its employees.

12.11.2.2.4 Follow the written medical monitoring program and make it available to all its employees.

12.11.2.3 Lead-based paint consulting firms shall:

12.11.2.3.1 Perform all lead-based paint activities under their direction in accordance with these regulations.

12.11.2.3.2 Have their current licenses at the worksite.

12.11.2.3.3 Provide project documents to the Department as required in these regulations.

12.11.2.4 Analytical testing laboratories shall:

12.11.2.4.1 Develop all final dust clearance analysis reports to contain all required lab and analytical information including, but not limited to, the following:

12.11.2.4.1.1 Specific location of the abatement project;

12.11.2.4.1.2 Description of the sampling activity;

12.11.2.4.1.3 Name and signature of the consultant(s) performing the sampling activity;

12.11.2.4.1.4 Date and time samples were obtained;

12.11.2.4.1.5 Name and address of the licensed analytical lab performing analysis;

12.11.2.4.1.6 Name and signature of the analyst(s);

12.11.2.4.1.7 Method of analysis used;

12.11.2.4.1.8 Detection level of analysis; and

12.11.2.4.1.9 Results of analysis.

12.11.2.4.2 Establish written chain of custody protocol and quality assurance procedures that include the following information:

12.11.2.4.2.1 Methodology of analysis;

12.11.2.4.2.2 Sample handling and storage;

12.11.2.4.2.3 Federal reference for method, equivalent, and alternate test procedures;

12.11.2.4.2.4 Instrumentation selection and use;

12.11.2.4.2.5 Calibration and standardization;

12.11.2.4.2.6 Replicate sample analysis;

12.11.2.4.2.7 Blind samples;

12.11.2.4.2.8 Data handling, evaluation, and storage procedures;

12.11.2.4.2.9 Quality control;

12.11.2.4.2.10 Inter-laboratory quality assurance;

12.11.2.4.2.11 Intra-laboratory quality assurance.

12.11.2.4.3 Follow its chain of custody protocol and quality assurance procedures during analysis of samples for lead content.

12.11.2.4.4 Make available upon request these protocols and quality assurance procedures.

12.11.2.4.5 Maintain documentation that these protocols and procedures have been followed.

12.12 Lead-Based Paint Abatement Supervisor Target Housing License

12.12.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of one year:

12.12.1.1 Is at least 18 years of age;

12.12.1.2 Demonstrates one of the following:

12.12.1.2.1 At least one year of experience as a lead-based paint abatement worker, or

12.12.1.2.2 At least two years of experience in the building trades or in a related field;

12.12.1.3 Provides evidence of completion of a Department-approved lead-based paint activities training course, initial 32-hour course for supervisors, including eight hours of hands-on training.

12.12.1.3.1 Training term

12.12.1.3.1.1 Initial eight-hour training course is valid for three years.

12.12.1.3.1.2 The Lead-based paint activities training course, refresher for supervisors is required every three years after initial training and is valid for three years.

12.12.1.4 Passes, with a minimum grade of 70 percent, a Department-approved third-party certification exam for lead-based paint supervisor.

12.12.1.4.1 The applicant may take the certification examination a maximum of three times within six months after completing an approved initial training course.

12.12.1.4.2 If an applicant does not pass the certification examination and become licensed by the Department after up to three attempts within this six-month period, initial licensing may be denied, and the individual shall retake the initial training course before reapplying for initial licensing in the same discipline.

12.12.2 Licensee's Responsibilities

12.12.2.1 Licensed lead-based paint abatement supervisors target housing are responsible for ensuring compliance with this rule during all abatement activities to which they are assigned.

12.12.2.2 A licensed lead-based paint abatement supervisor target housing shall:

12.12.2.2.1 Be physically present at the work site at all times abatement is being conducted.

12.12.2.2.2 Regularly direct work being performed by other individuals to ensure that the work practices required by the relevant sections of this rule are being followed.

12.12.2.2.3 Have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

12.12.3 Licensee's Authorized Activities

12.12.3.1 A licensed lead-based paint abatement supervisor target housing is authorized to:

12.12.3.1.1 Supervise and conduct abatement projects at target housing and public facilities, and

12.12.3.1.2 Prepare occupant protection plans and abatement reports.

12.13 Lead-Based Paint Abatement Supervisor Superstructure License

12.13.1 Requirements for Licensure: An applicant for this license shall fulfill the following requirements to be licensed by the Department for a period of one year.

12.13.1.1 Is at least 18 years of age;

12.13.1.2 Demonstrates one of the following:

12.13.1.2.1 At least one year of experience as a lead-based paint abatement worker; or

12.13.1.2.2 At least two years of experience in de-leading in commercial facilities or superstructures.

12.13.1.3 Provides evidence of completion of:

12.13.1.3.1 A Department-approved, third-party, 32-hour Society for Protective Coatings C3 (Supervisor/Competent Person Training for De-leading/Hazardous Coatings Removal on Industrial and Marine Structures) training course, including 8 hours on hands-on training; or

12.13.1.3.2 A Department-approved lead-based paint activities training course, initial 32-hour course for

supervisors and documentation of supplemental training (in-house or outsourced) on the following topics:

- 12.13.1.3.2.1 Abrasive blasting.
- 12.13.1.3.2.2 Hydroblasting.
- 12.13.1.3.2.3 Chemical stripping.
- 12.13.1.3.2.4 Power tool cleaning and other mechanical disturbances of lead-based paint.
- 12.13.1.3.2.5 Containment methods for de-leading operations.
- 12.13.1.3.2.6 Containment, ventilation, and filtration systems inspection and maintenance.
- 12.13.1.3.2.7 Air supplied respirator systems inspection and maintenance.
- 12.13.1.3.2.8 Decontamination systems inspection and maintenance.
- 12.13.1.3.2.9 Regulated area access controls.
- 12.13.1.3.2.10 Visible emissions monitoring.
- 12.13.1.3.2.11 Ambient and regulated area air monitoring.
- 12.13.1.3.2.12 Hazardous waste management.
- 12.13.1.3.2.13 Countermeasures for environmental releases of lead.
- 12.13.1.3.2.14 Post-abatement visual clearance.

12.13.1.3.3 Training term

- 12.13.1.3.3.1 Initial training course and supplemental training (if applicable) are valid for three years.

12.13.1.3.4 Refresher courses

- 12.13.1.3.4.1 A Department-approved eight-hour Society for Protective Coatings C5 (Supervisor/Competent Person Training for De-leading/Hazardous Coatings Removal on Industrial and Marine Structures) refresher course is required every three years after initial training and is valid for three years; or
- 12.13.1.3.4.2 A Department-approved eight-hour lead-based paint activities training course refresher for target housing supervisors and documentation of supplemental training (in-

house or outsourced) in the following topics is required every three years after initial training and is valid for three years:

- 12.13.1.3.4.2.1 Abrasive blasting.
- 12.13.1.3.4.2.2 Hydroblasting.
- 12.13.1.3.4.2.3 Chemical stripping.
- 12.13.1.3.4.2.4 Power tool cleaning and other mechanical disturbances of lead-based paint.
- 12.13.1.3.4.2.5 Containment methods for de-leading operations.
- 12.13.1.3.4.2.6 Containment, ventilation, and filtration systems inspection and maintenance.
- 12.13.1.3.4.2.7 Air supplied respirator systems inspection and maintenance.
- 12.13.1.3.4.2.8 Decontamination systems inspection and maintenance.
- 12.13.1.3.4.2.9 Regulated area access controls.
- 12.13.1.3.4.2.10 Visible emissions monitoring.
- 12.13.1.3.4.2.11 Ambient and regulated area air monitoring.
- 12.13.1.3.4.2.12 Hazardous waste management.
- 12.13.1.3.4.2.13 Countermeasures for environmental releases of lead.
- 12.13.1.3.4.2.14 Post-abatement visual clearance.

12.13.2 Licensee's Responsibilities:

12.13.2.1 Licensed lead-based paint abatement supervisors superstructure are responsible for ensuring compliance with this rule during all abatement activities to which they are assigned.

12.13.2.2 A licensed lead-based paint abatement supervisor superstructure shall:

12.13.2.2.1 Be physically present at the work site at all times abatement is being conducted.

12.13.2.2.2 Regularly direct work being performed by other individuals to ensure that the work practices required by the relevant sections of this rule are being followed.

12.13.2.2.3 Have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

12.13.3 Licensee's Authorized Activities:

12.13.3.1 A licensed lead-based paint abatement supervisor superstructure is authorized to:

12.13.3.1.1 Supervise and conduct abatement projects at superstructures and commercial facilities, and

12.13.3.1.2 Prepare occupant protection plans and abatement reports.

12.14 Lead-based Paint Abatement Worker Target Housing License

12.14.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of one year:

12.14.1.1 Is at least 18 years of age.

12.14.1.2 Provides evidence of completion of a Department-approved lead-based paint activities training course, initial 24-hour course for target housing workers, including eight hours of hands-on training.

12.14.1.2.1 Training term

12.14.1.2.1.1 Initial 24-hour training course is valid for three years.

12.14.1.2.1.2 A Department-approved eight-hour lead-based paint activities training course refresher for target housing workers is required every three years after initial training and is valid for three years.

12.14.2 Licensee's Responsibilities

12.14.2.1 Licensed lead-based paint abatement target housing workers are responsible for complying with this rule during all abatement activities to which they are assigned.

12.14.2.2 A licensed lead-based paint abatement target housing worker shall have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

12.14.3 Licensee's Authorized Activities

12.14.3.1 A licensed lead-based paint abatement target housing worker is authorized to conduct abatement at target housing and public facilities.

12.15 Lead-based Paint Abatement Worker Superstructure

12.15.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of one year:

12.15.1.1 Is at least 18 years of age.

12.15.1.2 Provides evidence of completion of:

12.15.1.2.1 A 24-hour Department-approved lead-based paint activities training course for target housing workers, including eight hours of hands-on training; and

12.15.1.2.2 Documentation of supplemental training (in-house or outsourced) in the following topics:

12.15.1.2.2.1 Abrasive blasting.

12.15.1.2.2.2 Hydroblasting.

12.15.1.2.2.3 Chemical stripping.

12.15.1.2.2.4 Power tool cleaning and other mechanical disturbances of lead-based paint.

12.15.1.2.2.5 Containment methods for de-leading operations.

12.15.2 Training term

12.15.2.1 Initial 24-hour training course and supplemental training are valid for three years.

12.15.2.2 Refresher courses:

12.15.2.2.1 A Department-approved eight-hour lead-based paint activities training course refresher for target housing workers; and

12.15.2.2.2 Documentation of supplemental refresher training (in-house or outsourced) in the following topics:

12.15.2.2.2.1 Abrasive blasting.

12.15.2.2.2.2 Hydroblasting.

12.15.2.2.2.3 Chemical stripping.

12.15.2.2.2.4 Power tool cleaning and other mechanical disturbances of lead-based paint.

12.15.2.2.2.5 Containment methods for de-leading operations.

12.15.2.2.3 The refresher training course and supplemental refresher training are required every three years after initial training and are valid for three years.

12.15.3 Licensee's Responsibilities

12.15.3.1 Licensed lead-based paint abatement superstructure workers are responsible for complying with this rule during all abatement activities to which they are assigned.

12.15.3.2 A licensed lead-based paint abatement superstructure worker shall have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

12.15.4 Licensee's Authorized Activities

12.15.4.1 A licensed lead-based paint abatement superstructure worker is authorized to conduct abatement at superstructures and commercial facilities.

12.16 Lead-based Paint Inspector

12.16.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of one year:

12.16.1.1 Is at least 18 years of age.

12.16.1.2 Demonstrates one of the following:

12.16.1.2.1 A bachelor's degree in a related field,

12.16.1.2.2 An associate degree in a related field and either:

12.16.1.2.2.1 One or more years of experience as a lead-based paint abatement supervisor; or

12.16.1.2.2.2 One or more years of experience as an asbestos inspector.

12.16.1.2.3 A high school degree or GED, and either:

12.16.1.2.3.1 Two or more years of experience as a lead-based paint abatement supervisor; or

12.16.1.2.3.2 One or more years of experience as an asbestos inspector.

12.16.1.3 Provides evidence of the following:

12.16.1.3.1 Completion of a Department-approved lead-based paint activities training course, initial 24-hour course for lead-based paint inspectors with four hours of hands-on trainings; and

12.16.1.3.2 Successfully passing, with a minimum grade of 70 percent, a Department-approved third-party certification examination for lead-based paint inspector.

12.16.1.4 The applicant may take the certification examination a maximum of three times within six months after completing an approved initial training course.

12.16.1.4.1 If an applicant does not pass the certification examination and become licensed by the Department after up to three attempts within this six-month period, the initial license may be denied, and the individual shall retake the initial training course before reapplying for initial licensing in the same discipline.

12.16.2 Training term

12.16.2.1 Initial 24-hour training course is valid for three years.

12.16.2.2 A Department-approved eight-hour refresher course is required every three years after initial training and is valid for three years.

12.16.3 Licensee's Responsibilities:

12.16.3.1 Licensed lead-based paint inspectors are responsible for complying with this rule during all lead-based paint activities.

12.16.3.2 A licensed lead-based paint inspector shall have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

12.16.4 Licensee's Authorized Activities:

12.16.4.1 An individual licensed as a lead-based paint inspector is authorized to conduct the following activities:

12.16.4.1.1 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, and clearance testing.

12.16.4.1.2 Developing sampling and analysis plans.

12.16.4.1.3 Collecting of samples from suspected lead-based paint.

12.16.4.1.4 Developing of inspection reports.

12.16.4.1.5 Performing random sampling for multi-unit properties.

12.16.4.1.6 Conducting clearance examinations following interim controls, renovations, ongoing maintenance, remodeling, and activities other than abatement.

12.16.4.1.7 Conducting 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).

12.16.4.1.8 Conducting clearance examinations 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 lead-based paint inspector shall not be performed using random sampling of dwelling units or common areas in multi-unit properties.

12.17 Lead-based Paint Inspector-Risk Assessor

12.17.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of one year:

12.17.1.1 Is at least 18 years of age.

12.17.1.2 Demonstrates one of the following:

12.17.1.2.1 A bachelor's degree and one year of experience in a related field,

12.17.1.2.2 An associate's degree in a related field and either:

12.17.1.2.2.1 One or more years of experience as a lead-based paint abatement supervisor; or

12.17.1.2.2.2 One or more years of experience as an asbestos inspector.

12.17.1.2.3 A high school degree or GED, and either:

12.17.1.2.3.1 Two or more years of experience as a lead-based paint abatement supervisor; or

12.17.1.2.3.2 One or more years of experience as an asbestos inspector.

12.17.1.3 Provides evidence of completion of and successful examination for the following Department-approved, third-party lead-based paint activities training courses:

12.17.1.3.1 Initial Department-approved 24-hour lead-based paint activities training course training course for lead-

based paint inspectors, including four hours of hands-on training, and

12.17.1.3.2 Initial Department-approved lead-based paint activities training course 16-hour training course for lead-based paint risk assessors, including four hours of hands-on training.

12.17.1.4 Provides evidence of the following experience:

12.17.1.4.1 Participation in the planning, field work, and report development for at least 12 comprehensive lead-based paint inspections over a period of 12 months as a licensed lead-based paint inspector, or

12.17.1.4.2 One year of experience in a related field, including, but not limited to, lead, asbestos, or other environmental remediation work.

12.17.1.5 Provides documentation of successfully passing, with a minimum grade of 70 percent, a Department-approved third-party certification exam for lead-based paint inspector.

12.17.1.6 Successfully passes, with a minimum grade of 70 percent, a Department-approved third-party certification exam for lead-based paint risk assessor.

12.17.1.6.1 The applicant may take the certification examination a maximum of three times within six months after completing an approved training course for the discipline.

12.17.1.6.2 If an applicant does not pass the certification examination and become licensed by the Department after three attempts within this six-month period, the initial license may be denied, and the individual shall retake the initial training course before reapplying for initial licensing in the same discipline.

12.17.2 Training term

12.17.2.1 Initial 16-hour lead-based paint course for risk assessor training course is valid for three years.

12.17.2.2 A Department approved eight-hour refresher course is required every three years after initial training and is valid for three years. Individuals who have successfully passed a Department-approved third-party certification exam for lead-based paint risk assessor are not required to refresh the lead-based paint inspector training.

12.17.3 Licensee's Responsibilities:

12.17.3.1 Licensed lead-based paint inspector-risk assessors are responsible for complying with this rule during all lead-based paint activities.

12.17.3.2 A licensed lead-based paint inspector-risk assessor shall have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

12.17.4 Licensee's Authorized Activities

12.17.4.1 An individual licensed as a lead-based paint inspector-risk assessor is authorized to conduct the following activities:

12.17.4.1.1 Conduct all services performed by a lead-based paint inspector.

12.17.4.1.2 Utilize information developed from inspections to assess the potential hazards of lead-based paint.

12.17.4.1.3 Develop a risk assessment and analysis plan.

12.17.4.1.4 Conduct a risk assessment.

12.17.4.1.5 Make recommendations for response actions to all identified lead-based paint hazards.

12.17.4.1.6 Develop an interim controls plan.

12.18 Lead-based Paint Project Designer

12.18.1 Requirements for Licensure: An applicant for this license shall fulfill the following requirements to be licensed by the Department for a period of one year.

12.18.1.1 Is at least 18 years of age.

12.18.1.2 Demonstrates one of the following:

12.18.1.2.1 Certification as an Industrial Hygienist from the American Board of Industrial Hygiene Certified, or a Registered Professional Engineer or a Registered Architect and either:

12.18.1.2.1.1 Six months of experience conducting of lead-based paint abatement activities, or

12.18.1.2.1.2 One year of experience as a project designer for asbestos or radon

12.18.1.2.2 A bachelor's degree and one year of experience in a related field and either:

12.18.1.2.2.1 One year of experience in lead-based paint abatement activities, or

12.18.1.2.2.2 One year of experience as a project designer for asbestos or radon.

12.18.1.2.3 An associate degree in a related field or certification in construction trades, and either:

12.18.1.2.3.1 Two years of experience in engineering or industrial hygiene,

12.18.1.2.3.2 One year of experience in lead-based paint abatement activities, or

12.18.1.2.3.3 One year of experience as a project designer asbestos or radon.

12.18.1.2.4 A high school degree or GED, and either:

12.18.1.2.4.1 Four years of experience in engineering or industrial hygiene,

12.18.1.2.4.2 One year of experience in lead-based paint activities, or

12.18.1.2.4.3 One year of experience as an asbestos or radon project designer.

12.18.1.3 Provides evidence of completion of and successful examination for the following Department-approved, third-party lead-based paint activities training courses:

12.18.1.3.1 Initial Department-approved 32-hour course for supervisors, including eight hours of hands-on training; and

12.18.1.3.2 Initial Department-approved eight-hour course for project designers, including four hours of hands-on training.

12.18.1.3.3 Provides documentation of successfully passing with a minimum grade of 70 percent, a Department-approved third-party certification exam for lead-based paint supervisor.

12.18.2 Training term

12.18.2.1 Initial 32-hour lead-based paint supervisor and eight-hour lead-based paint project designer courses are valid for three years.

12.18.2.2 Eight-hour Department-approved lead-based paint supervisor and eight-hour lead-based paint project designer refresher courses are required every three years after initial training and are valid for three years.

12.18.3 Licensee's Responsibilities:

12.18.3.1 Licensed lead-based paint project designers are responsible for complying with this rule during all lead-based paint activities.

12.18.3.2 A licensed lead-based paint project designer shall have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

12.18.4 Licensee's Authorized Activities

12.18.4.1 An individual licensed as a lead-based paint project designer is authorized to conduct the following activities:

12.18.4.1.1 Designing, preparing and evaluating lead-based paint abatement project specifications.

12.18.4.1.2 Determining how lead-based paint abatement should be conducted.

12.18.4.1.3 Preparing occupant protection plans and abatement reports.

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Chapter 6 – Environmental Health Rules

Subchapter 3

Vermont Regulations for Lead Control

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1.0 Authority

1.1 This rule is adopted pursuant to 3 V.S.A. §§ 801(b)(11) and 3003(a); 18 V.S.A. §§102, 1752(b) and 1759(f) ~~(effective upon occurrence of contingency)~~.

1.2 Severability: If any provision 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.

2.0 Purpose

This rule seeks to protect public health by reducing lead exposure for the public with specific precautions for children who are more vulnerable to lead hazards. The rule provides the requirements for work practices, licensing, and training for lead-based paint activities and renovation, repair, painting and maintenance activities to prevent the creation of lead hazards that cause lead poisoning.

3.0 Scope

This rule applies to those who perform or train individuals to perform renovation, repair, painting and maintenance (RRPM) activities or lead-based paint activities, property owners of pre-1978 target housing or child-occupied facilities, and homeowners when conducting RRPM activities or lead-based paint activities in their own private target housing residences.

4.0 Definitions

Words and phrases used in this rule and not defined herein shall have the meaning given to them in 18 V.S.A. Chapter 38 and the Federal Residential Lead-Based Paint Hazard Reduction Act of 1992. In the event of inconsistency between meanings given in Chapter 38 and the federal act, 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.

4.1 “Abatement” means any set of measures designed to eliminate lead hazards permanently in accordance with standards established by appropriate state and federal agencies.

4.1.1 “Abatement” includes 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 components, and the removal or permanent covering of lead-contaminated soil; and

- 4.1.1.1 All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.
 - 4.1.1.2 Removing lead bearing components with the intent of permanently eliminating existing lead-based paint hazards is considered abatement.
 - 4.1.2 “Abatement” does not include interim controls or RRPM activities. Scraping deteriorated paint as preparation for painting is not abatement.
 - 4.1.3 Removing deteriorated paint is considered preparation for painting, not abatement, unless such scraping is a project or part of a project designed to permanently eliminate lead-based paint or lead paint hazards. Evidence of intent to conduct an abatement project includes but is not limited to:
 - 4.1.3.1 The existence of a written work contract, stating that a contractor will be conducting activities to permanently eliminate lead-based paint hazards;
 - 4.1.3.2 Abatement measures are undertaken by a lead-based paint abatement contractor licensed under the requirements of this rule; and
 - 4.1.3.3 Abatement measures are undertaken by an individual(s) or contractor that asserts they are (through advertising or promotional literature or otherwise) capable of doing lead abatement work, even if they are not properly licensed as lead-based paint abatement contractors.
- 4.2 “Abrasive blasting” means the procedure of removing paint from a surface by using mechanical force to apply an abrasive material (e.g. sand, grit, or other similar material) to the painted surface. This includes the use of special tools that use high speed operation or high-pressure air mixed with another medium such as sand, walnut shells, chemical salts, or dry ice to remove paint from surfaces.
- 4.3 “Accessible surface” means any interior or exterior surface such as sills and protruding surfaces that a young child can mouth or chew.
- 4.4 “Accredited training program” means a training program that has been approved by the Commissioner of Health to provide training for individuals engaged in lead-based paint activities or RRPM activities. Training program accreditation is issued to a specific training provider who shall receive accreditation for each training discipline that the accredited training program offers as a course.

- 4.5 “Agent” means any party who enters into a contract with a seller or lessor, including any party who enters into a contract with a representative of the seller or lessor, for the purpose of selling or leasing target housing. This term does not apply to purchasers or any purchaser's representative who receives all compensation from the purchaser.
- 4.6 “Bare soil” means soil or sand not covered by grass, sod, other live ground covers, wood chips, gravel, artificial turf, or similar covering.
- 4.7 “Business day” means Monday through Friday except for federal and state holidays.
- 4.8 “Child” or “children” means an individual or individuals under 18 years of age, except where specified as a child or children six years of age or younger.
- 4.9 “Child care facility” means a child care facility or family child care home as defined in 33 V.S.A. Section 3511 that was constructed prior to 1978.
- 4.10 “Child-occupied facility” means a building or portion of a building constructed prior to 1978, visited regularly by the same child six years of age or younger on at least two different days within any week, provided that each day’s visit lasts at least three hours and the combined weekly visits last at least six hours and the combined annual visits last at least 60 hours. Child-occupied facilities include child care facilities, preschools, and kindergarten classrooms.
- 4.10.1 Child-occupied facilities may be located in target housing or in public or commercial facilities.
- 4.10.2 With respect to common areas in public or commercial facilities that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children six years of age or younger, such as restrooms and cafeterias.
- 4.10.3 Common areas that children six years of age or younger only pass through, such as hallways, stairways, and garages are not included. In addition, with respect to exteriors of public or commercial facilities that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the facility that are immediately adjacent to the child-occupied facility or the common areas routinely used by children six years of age or younger.
- 4.11 “Cleaning verification card” means a card developed and distributed, or otherwise approved, by the EPA for the purpose of determining, through

comparison of wet and dry disposable cleaning cloths with the card, whether post-RRPM cleaning has been properly completed.

- 4.12 “Commercial facility” means any building constructed for the purposes of commercial or industrial activity and not primarily intended for use by the public, including, but not limited to, office complexes, industrial buildings, warehouses, factories, and storage facilities.
- 4.13 “Commissioner” means the Commissioner of the Vermont Department of Health or their duly authorized agent. Unless otherwise specified in these Regulations, the term “Department” shall be synonymous with Commissioner.
- 4.14 “Common area” means a portion of a building generally accessible to all residents/users/occupants/guests, including, but not limited to, hallways, stairways, porches, laundry and recreational rooms, playgrounds, community centers, boundary fences, basements, and sheds, except as defined in 4.10.3.
- 4.15 “Component” or “building component” means specific design or structural elements or fixtures of a facility or residential dwelling that are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as: ceilings, crown moldings, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs, sills or stools and troughs), built in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners; and exterior components such as: painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, cornerboards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, windowsills or stools and troughs, casings, sashes and wells, and air conditioners.
- 4.16 “Containment” means a process to protect workers and the environment by controlling exposures to the lead-contaminated dust and debris created during abatement, lead-based paint activities, or RRPM activities.
- 4.17 “Contractor” means any firm, partnership, association, corporation, sole proprietorship or other business concern, as well as any governmental, religious, or social organization or union that agrees to perform services covered by these regulations, including RRPM activities and lead-based paint activities.
- 4.18 “Course examination” means an evaluation of the overall effectiveness of the training which shall test the trainee’s knowledge and retention of the topics covered during the course.

- 4.19 “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 facilities, bridges, or other structures or superstructures. De-leading is considered abatement.
- 4.20 “Department” means the Vermont Department of Health.
- 4.21 “Deteriorated paint” means any interior or exterior lead-based paint or other coating that is peeling, chipping, chalking, flaking, or cracking or any paint or other coating located on an interior or exterior surface or fixture component that is otherwise damaged or separated from the substrate.
- 4.22 “Discipline” means one of the specific types or categories of lead-based paint activities or RRPM activities identified in this rule for which individuals may receive training from accredited programs and become licensed or certified by the Department. For example, “abatement worker” is a discipline.
- 4.23 “Disturb” means to engage in activities such as renovation, remodeling, repair, maintenance, plumbing, electrical work, carpentry, window installation, painting, or weatherization that create dust and/or debris from painted surfaces.
- 4.24 “Dripline” means the area within three feet surrounding the perimeter of a building.
- 4.25 [“Dry disposable cleaning cloth” means a commercially available dry, electrostatically charged, white disposable cloth designed to be used for cleaning hard surfaces.](#)
- 4.254.26 “Dry sanding” means sanding without moisture and includes both hand and machine sanding.
- 4.264.27 “Due date” means the date by which an owner of rental target housing or a child-occupied facility shall file with the Department the compliance statement required by Section 6 of this rule. The due date is one of the following:
- 4.26.14.27.1 No later than 365 days after the most recent compliance statement was received by the Department;
- 4.26.24.27.2 Within 60 days after the closing of the purchase of the property if no compliance statement was filed with the Department within the past 12 months;
- 4.26.34.27.3 Any other date agreed to by the owner and the Department; or

4.26.44.27.4 Any other date set by the Department.

4.274.28 “Dust clearance” means a visual examination and collection of dust samples by a lead-based paint inspector or lead-based paint inspector-risk assessor. The lead-based paint inspector or lead-based paint inspector-risk assessor shall use methods specified by the Department and analysis by an accredited laboratory to determine whether or not lead exposures exceed limits set by the Department.

4.284.29 “Dwelling unit” means a:

4.28.14.29.1 Single-family dwelling, including attached structures such as porches and stoops; or

4.28.24.29.2 Housing unit in a structure that contains more than one separate housing unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the home or separate living quarters of one or more persons.

4.294.30 “Encapsulant” means a manufactured product other than paint, specifically formulated to form a barrier between lead-based paint and the environment using a liquid-applied coating (with or without reinforcement materials) or an adhesively bonded covering material.

4.304.31 “Encapsulation” means the application of an encapsulant which covers, seals, or encapsulates a lead-based painted surface in a manner that is designed to reduce human exposure to lead.

4.314.32 “Enclosure” means the use of rigid, durable, airtight construction materials that are mechanically fastened and sealed to the substrate in order to act as a barrier between lead-based paint and the environment. Enclosure may be used as a method of abatement if it is designed to be permanent (see definition of “permanent”).

4.324.33 “EPA” means the U.S. Environmental Protection Agency.

4.334.34 “Facility” means any institutional, commercial, public, private, or industrial structure, installation, building or private residence and its grounds.

4.344.35 “Firm” means a company, partnership, corporation, sole proprietorship or individual doing business; association or business entity; a federal, state, tribal or local government agency; or a nonprofit organization.

4.354.36 “Friction surface” means an interior or exterior painted surface that is subject to abrasion or friction during normal use, including, but not limited to, certain window, floor, and stair surfaces.

- 4.364.37 “Hands-on skills assessment” means an evaluation which tests the trainees' ability to satisfactorily perform specific work practices and procedures taught in a training course.
- 4.374.38 “Hazardous waste” means any waste determined to be hazardous waste pursuant to the Vermont Hazardous Waste Management Regulations.
- 4.384.39 “HEPA vacuum” means a vacuum cleaner which has been designed with a high-efficiency particulate air (HEPA) filter as the last filtration stage. A HEPA filter is a filter that is capable of capturing particulates of 0.3 microns or greater with 99.97% efficiency. The vacuum cleaner shall be designed so that all the air drawn into the machine is expelled through the HEPA filter with none of the air leaking past it. HEPA vacuums shall be operated and maintained in accordance with the manufacturer's instructions.
- 4.394.40 “Housing for the elderly” means retirement communities or similar types of housing reserved for households composed of one or more persons 62 years of age or more at the time of initial occupancy.
- 4.404.41 “HUD” means the U.S. Department of Housing and Urban Development.
- 4.414.42 “Impact surface” means an interior or exterior surface that is subject to damage by repeated sudden force such as certain parts of door frames.
- 4.424.43 “Independent” means having no financial interest in either the work being performed or the property to be inspected, having no employment or familial relationship with the persons performing the work or the owner of the property.
- 4.434.44 “Interim controls” means a hazard-reduction alternative designed to reduce human exposure, or likely exposure, to lead-based paint hazards that may include specialized cleaning, repairs, maintenance, paint stabilization, painting, temporary enclosure, or containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs. Interim controls shall be based on the nature, severity, and location of existing lead-based paint hazards and are not considered abatement.
- 4.444.45 “Interior windowsill” means the portion of the horizontal window ledge that protrudes into the interior of the room, adjacent to the window sash when the window is closed. The interior windowsill is sometimes referred to as the window stool.
- 4.454.46 “Lead-based paint” means paint or other surface coatings that contain lead in an amount:

4.45.14.46.1 Equal to 1.0 milligram per square centimeter or 0.5 percent by weight or greater;

4.45.24.46.2 Lower than that described in [Section 4.456.1](#) as may be established by the Secretary of the U.S. Department of Housing and Urban Development pursuant to Section 302(c) of the Lead-Based Paint Poisoning Prevention Act; or

4.45.34.46.3 Lower than that described in [Section 4.4546.1](#) as may be established by the Administrator of the U.S. Environmental Protection Agency.

4.464.47 "Lead-based paint abatement supervisor" means any individual who has a current license issued by the Department pursuant to [Section 12.11-12](#) or [12.12-13](#) to supervise and conduct abatement projects and prepare occupant protection plans and abatement reports.

4.474.48 "Lead-based paint abatement worker" means any individual who has a current license issued by the Department pursuant to [Section 12.13-14](#) or [12.14-15](#) to perform abatement work.

4.484.49 "Lead-based paint activities" means:

4.48.14.49.1 With regard to target housing or a child-occupied facility: risk assessment, inspection, visual inspection for risk assessment, project design, abatement, visual inspection for clearance, dust clearance after an abatement project, and lab analysis of paint chip or dust wipe samples collected for the purpose of an inspection or risk assessment; and

4.48.24.49.2 With regard to a public facility constructed before 1978, a commercial facility, bridge, or other structure: inspection, risk assessment, project design, abatement, de-leading, removal of lead from bridges and other superstructures, visual inspection for clearance, dust clearance after an abatement project, and lab analysis of paint chip or dust wipe samples collected for the purposes of an inspection or risk assessment.

4.494.50 "Lead-based paint consultant" means an individual with a lead-based paint inspector, lead-based paint inspector-risk assessor, or lead-based paint project designer license pursuant to [Section 12.1516](#), [12.1617](#), or [12.1718](#), who inspects, designs, oversees, or evaluates lead hazard reduction projects, and provides services including lead-based paint inspections, risk assessment, project design, clearance examinations, dust clearance, lead sampling.

4.504.51 “Lead-based paint contractor entity” means any entity that employs one or more individuals licensed by the Department and has a current license issued by the Department pursuant to Section 12.~~10~~11 to conduct lead-based paint activities. A Lead-based paint contractor entity may include a sole proprietorship.

4.514.52 “Lead hazard” means any condition that causes exposure to lead from contaminated dust, lead-contaminated soil, lead containing coatings, lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects:

4.51.14.52.1 Dust lead hazard: Surface dust that contains lead equal to or exceeding 10 micrograms per square foot on floors or 100 micrograms per square foot on interior windowsills based on wipe samples, or any lower standard set by the Secretary of the U.S. Department of Housing and Urban Development or the Administrator of the U.S. Environmental Protection Agency.

4.51.24.52.2 Soil lead hazard: A residential soil lead hazard is bare soil that contains total lead equal to or exceeding 41 parts per million based on soil samples.

4.524.53 “Lead-based paint 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. Lead-based paint inspections may be conducted by a licensed lead-based paint inspector or lead-based paint inspector-risk assessor.

4.534.54 "Lead-based paint inspector" means any individual who has a current license issued by the Department pursuant to Section 12.~~15~~16 to conduct lead-based paint inspections and post-abatement clearance testing.

4.544.55 "Lead-based paint inspector-risk assessor" means any individual who has a current license issued by the Department pursuant to Section 12.~~16~~17 to conduct lead-based paint inspections, risk assessments, and post-abatement clearance testing.

4.554.56 "Lead-based paint project designer" means any individual who has a current license issued by the Department pursuant to Section 12.~~17~~18 to prepare lead abatement project designs, occupant protection plans, and abatement reports.

4.564.57 “Lead-bearing component” means any element that has or had lead-based paint on it and which may still contain lead in the substrate which has the potential for yielding a dust lead hazard when subjected to friction impact.

4.574.58 “Lead hazard reduction” means any activity which reduces the risk of human exposure to lead-based paint or lead containing materials or substances through environmental modification such as covering of bare soil or covering lead-paint coated surfaces. Lead hazard reduction shall also include any measures which reduce the concentration of lead in lead-contaminated dust, soil or drinking water.

4.584.59 “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)(8).

4.594.60 “Lead-safe RRPM firm” means a company, partnership, corporation, sole proprietorship or individual doing business; association; or other business entity that regularly engages in RRPM activities for compensation, that employs or contracts with persons to perform RRPM activities, and is licensed by the Department pursuant to Section 12.8 [or 12.9](#).

4.604.61 "Lead-safe RRPM supervisor" means an individual who has a current license issued by the Department pursuant to Section 12.910. This individual is authorized to perform RRPM activities in target housing or a child-occupied facility for compensation, or to supervise RRPM activities in target housing or a child-occupied facility.

4.614.62 “Lead waste” means any lead-based paint and soil removed during lead-based paint activities and RRPM activities and those materials used during lead-based paint activities and RRPM activities that have been contaminated by the activities.

4.624.63 “License” means the document issued to an individual, entity, or firm indicating that the standards for licensure for each discipline, category of entity, or firm established in this rule have been met.

4.634.64 “Licensee” means any person who engages in lead-based paint or RRPM activities and has obtained a license to perform such activities for compensation.

4.644.65 “Living area” means any area of a residential dwelling used by one or more children age six and under, including, but not limited to, living rooms, kitchen areas, dens, playrooms, and children's bedrooms.

4.654.66 “Loading” means the quantity of a specific substance present per unit of surface area, such as the amount of lead in micrograms contained in the dust collected from a certain surface area divided by the surface area in square feet or square meters.

4.664.67 “Maintenance” means work intended to maintain and preserve target housing, a child-occupied facility, a pre-1978 public facility, a commercial facility, bridge or other superstructure. It does not include minor RRPM activities.

4.674.68 “Minor RRPM activities” means maintenance and repair activities that disturb less than one square foot of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities if the work does not involve window replacement or demolition of painted surface areas, and none of the work practices prohibited or restricted by Section 5.1 are used. Minor RRPM activities for rental target housing or child care facilities means maintenance and repair activities that disturb less than one square foot of painted surface per room for interior activities or one square foot or less of painted surface for exterior activities if the work does not involve window replacement or demolition of painted surface areas and none of the work practices prohibited or restricted by Section 5.1 are used.

4.67.14.68.1 With regard to removing painted components or portions of painted components, the entire surface area removed is the amount of painted surface disturbed.

4.67.24.68.2 Work, other than emergency RRPM activities, performed in the same room within the same 30-day period shall be considered the same work for the purposes of determining whether the work is a minor RRPM activity.

4.67.34.68.3 For purposes of this definition, demolition of painted surface areas means an activity that removes or otherwise disrupts a painted component in a way that destroys or ruins the component.

4.684.69 “Nonprofit” means an entity which has demonstrated to any branch of the federal government or to a state, municipal, tribal or territorial government, that no part of its net earnings inure to the benefit of any private shareholder or individual.

4.694.70 “Occupant” means any person who resides in, or regularly uses, a dwelling, dwelling unit, mobile dwelling, or structure.

4.704.71 “On-the-job worker” means any person conducting RRPM activities who has been trained by a licensed lead-safe RRPM supervisor according to protocols established by the Department.

4.714.72 “OSHA” means the Occupational Safety and Health Administration of the U.S. Department of Labor.

4.724.73 "Owner" means any person who, alone or jointly or severally with others:

4.72.14.73.1 Has legal title to any dwelling or child-occupied facility with or without actual possession of the property.

4.72.24.73.2 Is the chief executive officer of the municipal or state agency that owns, leases, or controls the use of publicly owned target housing or a child-occupied facility.

4.72.34.73.3 Is a person who has taken full legal title of a dwelling or child-occupied facility through foreclosure, deed in lieu of foreclosure, or otherwise.

4.73.0—"Owner" does not include a person who holds indicia of ownership given by the person in lawful possession for the primary purpose of assuring repayment of a financial obligation. Indicia of ownership includes interests in real or personal property held as security or collateral for repayment of a financial obligation such as a mortgage, lien, security interest, assignment, pledge, surety bond, or guarantee and includes participation rights of a financial institution used for legitimate commercial purposes in making or servicing the loan.

4.74 "Owner's representative" means any person who has charge, care, or control of any dwelling or child care facility as property manager, agent, or guardian of the estate.

4.75 "Paint" means any substance applied to a surface as a surface coating, including, but not limited to, household paints, varnishes and stains.

4.76 "Paint stabilization" means repairing any physical defect in the substrate of a painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint.

4.77 "Paint testing" means the process of determining, by a licensed lead-based paint inspector or risk assessor, the presence or the absence of lead-based paint on deteriorated paint surfaces or painted surfaces.

4.78 "Paint removal" means a method of abatement that permanently eliminates lead-based paint from surfaces.

4.79 "Painted surface" means a component surface covered in whole or in part with paint or other surface coatings.

- 4.80 “Pamphlet” means the EPA pamphlet titled Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools developed under section 406(a) of TSCA for use in complying with section 406(b) of TSCA, and the Vermont-specific addendum developed by the Department. This includes legible reproductions of the pamphlet when copied in full and without revision or deletion of material from the pamphlet.
- 4.81 “Permanent” means an expected design life of at least 20 years.
- 4.82 “Person” means any natural or judicial person including any individual, firm, corporation, partnership, or association; any Indian tribe, state, or political subdivision thereof; any interstate body; and any department, agency, or instrumentality of the federal government.
- 4.83 “Personal protective equipment (PPE)” means protective equipment that may be used to insulate an individual from the chemical, thermal, explosive or other hazards presented by the environment in which they are working.
- 4.84 “Protective clothing” means clothing designed to protect from lead hazards, including but not limited to gloves, hat, shoe covers, coveralls and eye protection.
- 4.85 “Public facility” means a house of worship, courthouse, jail, municipal room, state or county institution, railroad station, school building, social hall, hotel, restaurant, or building used or rented to boarders or roomers, place of amusement, factory, mill, workshop or building in which persons are employed; building used as a nursery, convalescent home, or home for the aged; tent and outdoor structure used for public assembly; and barn, shed, office building, store, shop, shop other than a workshop, and space where goods are offered for sale, wholesale or retail. It does not include a family residence registered as a child care facility.
- 4.86 “Renovation” means the modification of any existing structure or portion of an existing structure that results in the disturbance of a painted surface unless the activity is performed as part of a lead-based paint abatement activity or is a minor RRPM activity.
- 4.86.1 Renovation includes the following when it results in the disturbance of a painted surface: the removal, modification, re-coating, or repair of a painted surface or painted component of a surface; the removal of building components, unless the intent is to permanently eliminate existing lead-based paint hazards, in which case the removal is abatement; a weatherization project; and interim controls that disturb painted surfaces.

- 4.86.2 Renovation includes the performance of activities for the purpose of converting a building or part of a building into target housing or a child-occupied facility when it results in the disturbance of a painted surface.
- 4.87 "Rental target housing" means target housing offered for lease or rental under a rental agreement as defined in 9 V.S.A. Section 4451.8. "Rental target housing" does not include a rented single room located within a dwelling in which the owner of the dwelling resides unless a child six years of age or younger resides in or is expected to reside in that dwelling. "Rental target housing" does not include units in a hotel, motel, or other lodging, including condominiums that are rented for transient occupancy for 30 days or less.
- 4.88 "Repair" means the restoration of paint or other coatings that have been damaged, 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. It does not include minor RRPM activities.
- 4.89 "Risk assessment" means an on-site investigation by a lead-based paint inspector-risk assessor to determine and report the existence, nature, severity, and location of lead-based paint hazards including:
- 4.89.1 Information gathering regarding the age and history of the housing and occupancy by children under age six;
 - 4.89.2 Visual inspection;
 - 4.89.3 Limited wipe sampling or other environmental sampling techniques;
 - 4.89.4 Other activity as may be appropriate; and
 - 4.89.5 Provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.
- 4.90 "Room" means a separate part of the inside of a building, such as a bedroom, living room, dining room, kitchen, bathroom, laundry room, or utility room. To be considered a separate room, the room shall be separated from adjoining rooms by built-in walls or archways that extend at least six inches from an intersecting wall. Half walls or bookcases count as room separators if built-in. Movable or collapsible partitions or partitions consisting solely of shelves or cabinets are not considered built-in walls. A screened in porch that is used as a living area is a room.

- 4.91 “RRPM” means the Renovation, Repair, Painting, and Maintenance Program that pertains to projects that disturb lead-based paint on target housing and child-occupied facilities.
- 4.92 "RRPM activities" means lead-safe renovation, repair, painting, and maintenance practices required by Section 7 of this rule. It does not include minor RRPM activities.
- 4.93 “Seller” means any entity that transfers legal title to target housing, in whole or in part, in return for consideration, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations. The term “seller” also includes:
- 4.93.1 An entity that transfers shares in a cooperatively owned project, in return for consideration; and
- 4.93.2 An entity that transfers its interest in a leasehold, in jurisdictions or circumstances where it is legally permissible to separate the fee title from the title to the improvement, in return for consideration.
- 4.94 “Single room occupancy (SRO) housing” means housing consisting of zero-bedroom dwelling units that may contain food preparation or sanitary facilities or both (see Zero-bedroom dwelling).
- 4.95 “Soil sample” means a sample collected in a representative location using ASTM E1727, “Standard Practice for Field Collection of Soil Samples for Lead Determination by Atomic Spectrometry Techniques,” or equivalent method.
- 4.96 “Standard treatments” means a series of hazard reduction measures designed to reduce all lead-based paint hazards in a dwelling unit without the benefit of a risk assessment or other evaluation.
- 4.97 “State” means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, or any other territory or possession of the United States.
- 4.98 “Structure” means a whole facility, building or a major portion thereof, such as a building wing.
- 4.99 “Substrate” means the material directly beneath the painted surface out of which the components are constructed, including wood, drywall, plaster, concrete, brick or metal.

- 4.100 “Superstructure” means a large steel or other industrial structure such as a bridge or water tower, that may contain lead-based paint.
- 4.101 “Target housing” means any dwelling constructed prior to 1978, except any zero-bedroom dwelling or any dwelling located in multiple-unit buildings or projects reserved for the exclusive use of elders or persons with disabilities, unless a child six years of age or younger resides in or is expected to reside in that dwelling.
- 4.102 “Tenant” means the individual named as the lessee in a lease, rental agreement or occupancy agreement for a dwelling unit.
- 4.103 “Training curriculum” means an established set of course topics for instruction in an accredited training program for a particular discipline designed to provide specialized knowledge and skills.
- 4.104 “Training hour” means at least 50 minutes of actual learning, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and hands-on experience.
- 4.105 “Training manager” means the individual responsible for administering a training program and monitoring the performance of principal instructors and guest instructors.
- 4.106 “Training provider” means any organization or entity accredited pursuant to these regulations to offer lead-based paint activities or RRPM activities training courses.
- 4.107 “TSCA” means the Toxic Substances Control Act, 15 U.S.C. 2601, as amended.
- 4.108 “Uncompensated child care operator” means the owner of a child care or another adult related through blood or marriage living in their household who has a current certification issued by the Department pursuant to Section 12.7 to perform RRPM activities in their own child care facility for no compensation.
- 4.109 “Unit” means a room or connected group of rooms used or intended to be used by a single tenant or owner.
- 4.110 “Vertical containment” means a vertical barrier consisting of plastic sheeting or other impermeable material over scaffolding or a rigid frame, or an equivalent system of containing the work area. Vertical containment is required for some exterior RRPM activities but it may be used on any RRPM activities project.

- 4.111 “Visual inspection” means looking for, as applicable: deteriorated paint; visible surface dust, debris or residue as part of a risk assessment or clearance examination; or the completion of or failure of a hazard reduction measure.
- 4.112 “Wet disposable cleaning cloth” means a commercially available, pre-moistened white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.
- 4.113 “Wet mopping system” means a device with the following characteristics: a long handle, a mop head designed to be used with disposable absorbent cleaning pads, a reservoir for cleaning solution, and a built-in mechanism for distributing or spraying the cleaning solution onto a floor, or a method of equivalent efficacy.
- 4.114 “Window trough” means, for a typical double-hung window, the portion of the exterior windowsill between the interior windowsill (or stool) and the frame of the storm window. If there is no storm window, the window trough is the area that receives both the upper and lower window sashes when they are both lowered. The window trough is sometimes referred to as the window “well.”
- 4.115 “Wipe sample” means a sample collected by wiping a representative surface of known area, as determined by ASTM E1728, “Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques”, or equivalent method, with an acceptable wipe material as defined in ASTM E 1792, “Standard Specification for Wipe Sampling Materials for Lead in Surface Dust.”
- 4.116 “Work area” means the area that the licensed RRPM supervisor or certified uncompensated child care operator establishes to contain the dust and debris generated by RRPM activities, or an interior or exterior area where lead-based paint activities take place. There may be more than one work area in a dwelling unit, at a target housing and child-occupied facility, or within a work site.
- 4.117 “X-ray fluorescence (XRF) analyzer” means an instrument used to determine lead concentration by X-ray fluorescence.
- 4.118 “Zero-bedroom dwelling” means any residential dwelling in which the living areas are not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory or single room occupancy housing, military barracks, and rentals of individual rooms in residential dwellings.

5.0 General Requirements and Prohibitions

5.1 Prohibited Work Practices

- 5.1.1 Pursuant to 18 V.S.A. §1760, no person shall disturb lead-based paint using prohibited work practices in target housing, child-occupied facilities, and pre-1978 public facilities, commercial facilities, and bridges or other superstructures, unless specifically authorized by the Department per 5.1.3.
- 5.1.2 The following work practices to disturb lead-based paint are prohibited:
- 5.1.2.1 Open flame burning or torching
 - 5.1.2.2 Use of heat guns operated at or above 1,100 degrees Fahrenheit
 - 5.1.2.3 Dry scraping or dry sanding
 - 5.1.2.4 Use of powered tools
 - 5.1.2.5 Hydro-blasting or high-pressure washing
 - 5.1.2.6 Abrasive blasting or sandblasting
 - 5.1.2.7 Chemical stripping
 - 5.1.2.8 The failure to employ one or more of the relevant lead-safe work practices as described in Sections 6 through 10 of this rule.
- 5.1.3 A person may use powered, mechanical tools with a HEPA vacuum dust control attachment to disturb lead-based paint only if a person is licensed pursuant to Section 12.0 of this Subchapter and have the express written pre-authorization of the Department for a particular work area under a specific set of circumstances that adequately minimize the risk of releases of and exposures to lead hazards. These practices may not be used for building components taken to an off-site facility and stripped of lead paint; this is considered lead abatement.
- 5.1.3.1 Licensees may apply to use powered, mechanical tools with a HEPA vacuum dust control attachment by submitting a written request to the Department for review no fewer than 10 business days before the expected project start. The request may be submitted as part of the project permit application, if applicable, or separately, using forms provided by the Department.

5.2 Lead Exposure Control and Worker Protection

5.2.1 Employees are protected by the OSHA regulations at 29 CFR 1926.62. The worker protection regulations in this Chapter apply to all persons conducting lead-based paint activities or RRP activities, regardless of employment status.

5.2.2 Each individual involved in lead abatement activities or RRP activities shall abide by the following provisions to minimize exposure to lead hazards and prevent contamination to areas outside a lead work area.

5.2.2.1 The methods used in the removal, handling, and containment of lead-based paint, lead-bearing components, or lead waste shall prevent the creation of lead-based paint hazards to human health or the environment from fumes, dust, vapors or liquids.

5.2.2.2 The consumption of food or beverages, the use of tobacco products, and the application of cosmetics within a lead work area are prohibited.

5.2.2.3 Each individual conducting activities within a lead work area shall be equipped with appropriately maintained personal protective equipment and protective clothing, including footwear, to prevent direct contact with lead contamination.

5.2.2.4 Each individual shall wear a respirator that complies with 29 CFR 1910.134 and 29 CFR 1926.62(f) while conducting activities within a lead work area where airborne lead exposures exceed the permissible exposure limit set in 29 CFR 1926(c) or have not been evaluated in accordance with 29 CFR 1926.62(d).

5.2.2.5 All lead work sites shall be equipped, at a minimum, with the following hygiene facilities, located contiguous to lead work areas:

5.2.2.5.1 Change area(s) meeting the requirements in 29 CFR 1926.62 (i)(2).

5.2.2.5.1.1 Individuals shall put on personal protective equipment and protective clothing and respirator (as applicable) in a designated clean zone in the change

area prior to entering the lead work area.

5.2.2.5.1.2 Individuals shall remove personal protective equipment and protective clothing in a designated area of the change area prior to exiting a lead work area.

5.2.2.5.1.3 Disposable protective clothing such as gloves, hats, coveralls and shoe covers are considered lead waste material and shall be placed in an appropriate waste receptacle.

5.2.2.5.2 Hand washing stations(s) and shower facilities (when required because airborne lead exposures exceed the permissible exposure limit set in 29 CFR 1926(c)) shall comply with the requirements in 29 CFR 1926.51(f).

5.2.2.5.2.1 Individuals shall wash hands and face upon exiting a lead work area, after removing respirators.

5.2.2.5.2.2 Shower facilities (when required) shall comply with 29 CFR 1926.51(f) and be located contiguous to a lead work area unless a waiver has been granted by the Department.

5.2.2.6 Each lead-based paint abatement contractor entity or lead-safe RRPM firm shall conduct an exposure assessment at each specific lead abatement or RRPM work area in accordance with 29 CFR 1926.62(d).

5.2.2.7 Lead waste must be handled and disposed of in accordance with Vermont's Solid Waste Management Rules or Hazardous Waste Management Regulations, as applicable.

5.3 Transfer of Ownership of Target Housing

5.3.1 Target Housing: Prior to the time a purchase and sale agreement for target housing is executed, the seller shall provide the buyer with the following documents:

5.3.1.1 EPA’s “Protect Your Family from Lead” brochure

5.3.1.2 EPA’s “Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools” pamphlet and the Vermont-specific addendum.

5.3.1.3 The following information, as applicable:

5.3.1.3.1 Any lead-based paint inspection or risk assessment report or letter of exemption associated with the target housing; and

5.3.1.3.2 Any on-going 18 V.S.A. Chapter 38 enforcement action associated with the target housing, including any notices of non-compliance or violation, assurances of discontinuance, administrative orders, or court orders, if the terms required by these actions have not been completed.

5.3.1.4 At the time of purchase of target housing, sellers and other transferors shall provide the buyer or transferee with any of the materials listed in 5.3.1.1.-5.3.1.3 that were not previously disclosed.

5.3.2 Rental Target Housing:

5.3.2.1 Prior to the time of sale of rental target housing, the real estate agents, sellers, and other transferors of title shall provide the buyer or transferee with the following information:

5.3.2.1.1 EPA’s “Protect Your Family from Lead” brochure.

5.3.2.1.2 EPA’s “Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools” pamphlet and the Vermont-specific addendum.

5.3.2.1.3 Any lead-based paint inspection or risk assessment report or letter of exemption associated with the rental target housing.

5.3.2.1.4 Any on-going 18 V.S.A. Chapter 38 enforcement action associated with the rental target housing, including any notices of non-compliance or violation, assurances of discontinuance,

administrative orders, or court orders, if the terms required by these actions have not been completed.

5.3.2.1.5 Verification that requirements of Section 6 have been met, including that the current annual compliance statement has been filed with the Department.

5.3.2.1.6 A copy of the current annual compliance statement required in Section 6.

5.3.2.2 A buyer or other transferee of title of rental target housing shall at the time of sale or transfer of ownership, or both, report the sale or transfer to the Department on forms provided by the Department.

5.3.2.3 A buyer or other transferee of title to rental target housing who has purchased or received a building or unit that is not in full compliance with 18 V.S.A. §1759 shall bring the rental target housing into compliance within 60 days after the closing.

5.3.2.3.1 No later than 10 days before the 60-day period concludes, the buyer or transferee may submit a written request for an extension of time for compliance on forms provided by the Department. The Department may grant an extension request for a specific period of time for good cause only.

5.4 Exemptions

5.4.1 Component exemption

5.4.1.1 For a component to be exempt from this rule a licensed lead-based paint inspector or lead-based paint inspector-risk assessor shall:

5.4.1.1.1 Conduct an inspection according to HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing to determine whether the component is free of lead-based paint;

5.4.1.1.2 Certify through a written inspection report that the component to be impacted by lead-based paint activities, renovation, repair, painting, and/or maintenance activity is free of lead-based paint; and

5.4.1.1.3 Provide a copy of this report to the owner and/or firm requesting the inspection.

5.4.1.2 An owner of target housing, rental target housing or a child-occupied facility, or owner's representative, shall provide a copy of the written inspection report to the Department for review and determination of exempt status.

5.4.1.3 Removing all paint from a component does not exempt the component from the requirements of this section.

5.4.1.4 Removal of a lead-based paint-containing component may be considered abatement, subject to the abatement work practice requirements in Section 8.0.

5.4.2 Property exemption

5.4.2.1 For a property to be exempt from this rule, a licensed lead-based paint inspector or lead-based paint inspector-risk assessor shall:

5.4.2.1.1 Conduct an inspection according to the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing using an XRF analyzer on all surfaces to determine whether the property is free of lead-based paint;

5.4.2.1.2 Certify through a written inspection report that all accessible surfaces are free of lead-based paint; and

5.4.2.1.3 Provide a copy of the report to the owner or firm requesting the inspection.

5.4.2.2 An owner of target housing, rental target housing or a child-occupied facility, or owner's representative, provides a copy of the written certification report to the Department for review and determination of exempt status.

5.4.2.3 If a property has been remodeled or gutted, it is not exempt from this section unless the full requirements of 5.4.2 are met.

5.4.2.4 A new written inspection report pursuant to Section 5.4.2. is required to maintain exempt status if lead hazards are created as a result of RRPM activities performed or if previously

inaccessible components are exposed after the date of the original written inspection report.

5.4.3 Homeowner Exemption

5.4.3.1 Homeowners that reside and intend to conduct lead-based paint abatement in their own private residences are exempt from the abatement requirements in Section 8 and licensing requirements in Section 12, unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level.

5.4.3.1.1 When conducting abatement, homeowners are prohibited from using the unsafe work practices described in 18 V.S.A. Section 1760 and Section 5.1 of this rule.

5.4.3.1.2 However, if a homeowner chooses to hire an outside contractor to conduct abatement or other lead-based paint activities, then the contractor must be Vermont-licensed and follow all relevant requirements per this rule.

5.4.3.2 Homeowners that reside and intend to conduct RRPM activities in their own private residences are exempt from the requirements in Section 7 and licensing and certification requirements in Section 12, unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level.

5.4.3.2.1 When conducting RRPM activities, homeowners are prohibited from using the unsafe work practices described in 18 V.S.A. Section 1760 and Section 5.1 of this rule.

5.4.3.2.2 However, if a homeowner chooses to hire an outside contractor to conduct RRPM activities, then the contractor must be Vermont-licensed and follow all relevant requirements per this rule.

6.0 Inspections, Repairs and Cleaning in Rental Target Housing and Child Care Facilities

- 6.1 Owners of rental target housing and child care facilities are subject to the requirements in this Section unless the exemption in Section 5.4.2 has been granted by the Department.
- 6.2 Owners of rental target housing and child care facilities, or the owner's representative, must be certified pursuant to Section 12.6 and ensure the following:
 - 6.2.1 18-gauge coil stock window well inserts have been installed in all pre-1978 wooden sash windows with a window well or trough, or window well or troughs have been protected by another method approved by the Department.
 - 6.2.2 A notice to occupants emphasizing the importance of promptly reporting deteriorated paint to the owner or to the owner's representative is posted in a prominent place in a building containing rental target housing or a child care facility at all times the building is occupied. The notice must include the name, address, and contact information of the owner or the owner's representative.
 - 6.2.3 All interior horizontal surfaces, except ceilings, are cleaned using specialized techniques. Cleaning, which includes wet wiping or washing, using a HEPA vacuum, cleaning from higher to lower, cleaning walls starting at the ceiling and working down to the floor, wiping surfaces and objects, mopping uncarpeted floors thoroughly, and visually checking for dust and debris, must be conducted:
 - 6.2.3.1 At least once a year in common areas accessible to tenants or children; and
 - 6.2.3.2 At each change of tenant, in the unit with the change of tenant.
 - 6.2.4 All visible paint chips are removed from the ground on the property.
 - 6.2.5 A visual inspection of all interior and exterior painted surfaces and components at the property is performed to identify deteriorated paint. This inspection must occur:
 - 6.2.5.1 At least once a year; and
 - 6.2.5.2 At each change of tenant.

- 6.2.6 If more than one square foot of deteriorated paint is found per room for any interior surface or for any exterior surface located within any area of the premises to which access by tenants or children is not restricted, owners of rental target housing and child care facilities, or the owner's representative must ensure that:
- 6.2.6.1 The deteriorated paint stabilization is conducted within 30 days by a licensed RRPM firm or a certified uncompensated child care operator pursuant to the requirements in Section 7 of this Chapter, and
 - 6.2.6.2 Access to the areas of deteriorated paint is restricted until the paint can be stabilized as required in Section 6.2.6.1.
 - 6.2.6.3 Any deteriorated exterior paint identified after November 1 must be stabilized no later than the following May 31, provided that access to surfaces and components with deteriorated paint and areas directly below those surfaces is clearly restricted. Owners of rental target housing and child care facilities, or the owner's representative must file an extension request pursuant to Section 6.5.
- 6.2.7 A compliance statement is filed with the Department by the annual due date certifying that the requirements of this Section have been performed. The compliance statement must be submitted using forms provided by the Department and must include all of the following:
- 6.2.7.1 The addresses of each rental target housing or child care facility for which the requirements of this Section were performed;
 - 6.2.7.2 The dates of completion;
 - 6.2.7.3 The name, ~~RRPM supervisor license~~ [RRPM firm license](#) or uncompensated child care operator certification number, and address for the person(s) who performed the RRPM activities to stabilize the deteriorated paint, if paint has been stabilized;
 - 6.2.7.4 A certification of compliance with this Section; and
 - 6.2.7.5 Any additional information required by the Department on the form.

6.3 Owners of rental target housing must ensure the following:

- 6.3.1 Annually, a copy of the compliance statement described in Section 6.2.7 is provided to:
 - 6.3.1.1 The owner's liability insurance carrier;
 - 6.3.1.2 An adult occupant of each unit.
- 6.3.2 Written materials, approved by the Department, regarding lead hazards are provided to an adult occupant of each unit.
- 6.3.3 Prospective tenants are provided with written materials, approved by the Department, regarding lead hazards and a copy of the most recent compliance statement described in Section 6.2.7 for the property, prior to entering into a lease agreement.
- 6.4 The owner of the premises of a child care facility must ensure the following:
 - 6.4.1 Annually, a copy of the compliance statement required in Section 6.2.7 is provided to:
 - 6.4.1.1 The owner's liability insurance carrier.
 - 6.4.1.2 The Vermont Department for Children and Families.
 - 6.4.1.3 The adult representative of the child care facility.
 - 6.4.2 Written materials, approved by the Department, regarding lead hazards and a copy of the most recent compliance statement described in Section 6.2.7 must be:
 - 6.4.2.1 Posted in a location visible to parents and guardians at the child care, and
 - 6.4.2.2 Provided to any parent or guardian upon request.
- 6.5 Extensions: If an owner of rental target housing or a child care facility, or the owner's representative desires an extension of time for filing the compliance statement in Section 6.2.7 they must file a written request for an extension with the Department no later than 10 days before the due date using forms provided by the Department. The Department may grant an extension for good cause.
- 6.6 Owners of rental target housing and child care facilities or the owner's representative must take a cleaning and paint inspection training provided by the Department and obtain a certification number, pursuant to Section 12.

7.0 Renovation, Repair, Painting, and Maintenance Activities

7.1 Renovation, repair, painting, and maintenance activities that disturb one square foot or more of interior painted surface per room or 20 square feet or more of exterior painted surface in target housing and child-occupied facilities are subject to the requirements in this Section. Renovation, repair, painting, and maintenance activities in rental target housing and child care facilities that disturb one square foot or more of painted surface for exterior activities are subject to the requirements in this Section.

7.2 Information distribution requirements

7.2.1 RRPM Activities in dwelling units. No more than 60 days before beginning RRPM activities in any residential dwelling unit of target housing, the lead-safe RRPM firm or licensed RRPM Supervisor performing the RRPM activities must:

7.2.1.1 Provide the owner of the unit with the pamphlet, as defined in [Section 4.7980](#), and obtain one of the following:

7.2.1.1.1 A written acknowledgment from the owner that the owner has received the pamphlet.

7.2.1.1.2 A certificate of mailing at least seven days prior to the beginning RRPM activities.

7.2.1.2 In addition to the requirements in Section 7.2.1.1, if the owner does not occupy the dwelling unit, the lead-safe RRPM firm or licensed lead-safe RRPM supervisor must provide an adult occupant of the unit with the pamphlet, and comply with one of the following:

7.2.1.2.1 Obtain, from the adult occupant, a written acknowledgment that the occupant has received the pamphlet, as defined in [Section 4.7980](#), or certify in writing that a pamphlet has been delivered to the dwelling and that the lead-safe RRPM firm or licensed lead-safe RRPM supervisor performing the RRPM activities has been unsuccessful in obtaining a written acknowledgment from an adult occupant. Such acknowledgement must include:

7.2.1.2.1.1 The address of the unit undergoing RRPM activities;

7.2.1.2.1.2 The date and method of delivery of the pamphlet;

- 7.2.1.2.1.3 The names of the persons delivering the pamphlet;
- 7.2.1.2.1.4 The reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available);
- 7.2.1.2.1.5 The signature of the licensed lead-safe RRPM supervisor performing the RRPM activities; and
- 7.2.1.2.1.6 The date of signature.

7.2.1.2.2 Obtain a certificate of mailing at least seven days prior to the RRPM activities.

7.2.2 RRPM activities in common areas. No more than 60 days before beginning RRPM activities in common areas of multi-unit target housing, the lead-safe RRPM firm or licensed RRPM Supervisor performing the RRPM activities must:

7.2.2.2 Provide the owner with the pamphlet, and comply with one of the following:

7.2.2.2.1 Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet.

7.2.2.2.2 Obtain a certificate of mailing at least seven days prior to the RRPM activities.

7.2.2.3 Comply with one of the following:

7.2.2.3.1 Notify in writing, or ensure written notification of, each affected unit and make the pamphlet available upon request prior to the start of RRPM activities. Such notification must be accomplished by distributing written notice to each affected unit. The notice must describe:

- 7.2.2.3.1.3.1 The general nature and locations of the planned RRPM activities;
- 7.2.2.3.1.3.2 The expected starting and ending dates; and
- 7.2.2.3.1.3.3 A statement of how the occupant can obtain the pamphlet and a copy of the records required by [Section 7.4.3](#) and [7.4.4](#), at no cost to the occupants.

7.2.2.3.2 While the RRPM activities are ongoing, post informational signs describing the general nature and locations of the RRPM activities and the anticipated completion date. These signs must:

7.2.2.3.2.3.1 Be posted in areas where they are likely to be seen by the occupants of all of the affected units;

7.2.2.3.2.3.2 Be accompanied by a posted copy of the pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the licensed lead-safe RRPM supervisor at no cost to occupants; and

7.2.2.3.2.3.3 Include information on how interested occupants can review a copy of the records required by [Section 7.2.3.2](#) and 7.2.3.3 or obtain a copy from the licensed lead-safe RRPM supervisor at no cost to the occupants.

7.2.2.4 Prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended RRPM activities and to provide the pamphlet.

7.2.2.5 If the scope, locations, or expected starting and ending dates of the planned RRPM activities change after the initial notification, and the lead-safe RRPM firm or licensed lead-safe RRPM supervisor provided written initial notification to each affected unit, the lead-safe RRPM firm or licensed lead-safe RRPM supervisor must provide a revised written notification to the owners and occupants regarding the ongoing or planned activities. This subsequent notification must be provided before work is initiated beyond that which was described in the original notice.

7.2.3 RRPM activities in child-occupied facilities. No more than 60 days before beginning RRPM activities in any child-occupied facility, the lead-safe RRPM firm, licensed lead-safe RRPM supervisor or certified uncompensated child care operator performing the RRPM activities shall:

7.2.3.2 Provide the owner of the building with the pamphlet (unless the certified uncompensated child care operator is performing the renovation), and obtain one of the following:

7.2.3.1.1 A written acknowledgment from the owner that the owner has received the pamphlet.

7.2.3.1.2 A certificate of mailing at least seven days prior to the RRPM activities.

7.2.3.3 If the owner of the child-occupied facility is not the owner of the building, provide an adult representative of the child-occupied facility with the pamphlet, and comply with one of the following:

7.2.3.3.1 Obtain, from the adult representative, a written acknowledgment that the adult representative has received the pamphlet or

7.2.3.3.2 Certify in writing that a pamphlet has been delivered to the facility and that the lead-safe RRPM firm, licensed lead-safe RRPM supervisor or certified uncompensated child care operator performing the RRPM activities has been unsuccessful in obtaining a written acknowledgment from the adult representative. The certification shall include:

7.2.3.3.2.3.1 The address of the child-occupied facility undergoing RRPM activities;

7.2.3.3.2.3.2 The date and method of delivery of the pamphlet;

7.2.3.3.2.3.3 The names of the persons delivering the pamphlet;

7.2.3.3.2.3.4 The reason for lack of acknowledgment (e.g., representative refuses to sign);

7.2.3.3.2.3.5 The signature of the licensed lead-safe RRPM supervisor or certified uncompensated child care operator performing the RRPM activities; and

7.2.3.3.2.3.6 The date of signature.

7.2.3.3.3 Obtain a certificate of mailing at least seven days prior to the RRPM activities.

7.2.3.4 Provide the parents and guardians of children using the child-occupied facility with information concerning RRPM activities by complying with one of the following:

7.2.3.4.1 The pamphlet and the information describing the general nature and locations of the RRPM activities and the anticipated completion date to each parent or guardian of a child using the child-occupied facility;

7.2.3.4.2 While the RRPM activities are ongoing, post informational signs describing the general nature and locations of the RRPM activities and the anticipated completion date.

7.2.3.4.2.3 The signs shall be posted in areas where they can be seen by the parents or guardians of the children frequenting the child-occupied facility.

7.2.3.4.2.4 The signs shall be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the pamphlet or obtain a free copy from the lead-safe RRPM firm, licensed lead-safe RRPM supervisor or certified uncompensated child care operator.

7.2.3.4.2.5 The signs shall also include information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the records required by 7.4.2 and 7.4.3 or obtain a free copy from the lead-safe RRPM firm, licensed lead-safe RRPM supervisor or certified uncompensated child care operator.

7.2.3.4.3 The licensed lead-safe RRPM supervisor or certified uncompensated child care operator shall prepare, sign, and date a statement describing the steps performed to notify all parents and guardians of the intended RRPM activities and to provide the pamphlet.

7.2.4 Written acknowledgment. The written acknowledgments required by 7.2.1., 7.2.2 and 7.2.3. shall:

7.2.4.1 Include a statement recording the owner or occupant's name and acknowledging receipt of the pamphlet prior to the start of RRPM activities, the address of the unit undergoing renovation, the signature of the owner or occupant as applicable, and the date of signature.

7.2.4.2 Be either a separate sheet or part of any written contract or service agreement for the RRPM activities.

7.2.4.3 Be written in the same language as the text of the contract or agreement for the RRPM activities or, in the case of nonowner occupied target housing, in the same language as the lease or rental agreement or the pamphlet.

7.3 Work practice standards

RRPM activities shall be performed by ~~licensed lead-safe RRPM firms and supervised by a licensed lead-safe RRPM supervisor or by~~ a certified uncompensated child care operator, a licensed lead-safe RRPM firm with a licensed lead-safe RRPM supervisor, or a holder of a lead-safe RRPM firm license for owners of rental target housing.

7.3.1 Posting signs

7.3.1.1 The lead-safe RRPM firm, licensed lead-safe RRPM supervisor or certified uncompensated child care operator shall post signs clearly defining the work area and warning occupants and other persons not involved in RRPM activities to remain outside of the work area.

7.3.1.2 To the extent practicable, these signs shall be in the primary language of the occupants.

7.3.1.3 These signs shall be posted before beginning the RRPM activities and shall remain in place and readable until the RRPM activities and the post-RRPM activities, visual inspection, and cleaning verification have been completed.

7.3.1.4 If warning signs have been posted in accordance with 24 CFR 35.1345(b)(2) or 29 CFR 1926.62(m), additional signs are not required by this section.

7.3.1.5 The signs shall state the following: "DANGER: LEAD WORK AREA; MAY DAMAGE FERTILITY OR THE UNBORN

CHILD; CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM; DO NOT EAT, DRINK OR SMOKE IN THIS AREA.”

7.3.2 Containing the work area

7.3.2.1 Before beginning the RRP activities, the lead-safe RRP firm, licensed lead-safe RRP supervisor, on-the-job workers, or certified uncompensated child care operator shall isolate the work area so that no dust or debris leaves the work area while the RRP activities are being performed.

7.3.2.1.1 The lead-safe RRP firm, licensed lead-safe RRP supervisor or certified uncompensated child care operator shall maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced, taking any other steps necessary to ensure that no dust or debris leaves the work area while the RRP activities are being performed.

7.3.2.1.2 Containment shall be installed in such a manner that it does not interfere with occupant and worker egress in an emergency.

7.3.2.2 Interior RRP activities. The lead-safe RRP firm, licensed lead-safe RRP supervisor or their on-the-job workers, or certified uncompensated child care operator shall:

7.3.2.2.1 Remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed.

7.3.2.2.2 Close and cover all duct openings in the work area with taped-down plastic sheeting or other impermeable material.

7.3.2.2.3 Close windows and doors in the work area.

7.3.2.2.4 Cover doors with plastic sheeting or other impermeable material. Doors used as an entrance to the work area shall be covered with plastic sheeting or other impermeable material in a manner that allows workers

to pass through while confining dust and debris to the work area.

7.3.2.2.5 Cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing RRPM activities or a sufficient distance to contain the dust, whichever is greater. Floor containment measures may stop at the edge of the vertical barrier when using a vertical containment system consisting of impermeable barriers that extend from the floor to the ceiling and are tightly sealed at joints with the floor, ceiling and walls.

7.3.2.2.6 Use precautions to ensure that all personnel, tools, and other items, including the exteriors of containers of waste, are free of dust and debris before leaving the work area.

7.3.2.3 Exterior RRPM activities. The lead-safe RRPM firm, licensed lead-safe RRPM Supervisor or their on-the-job workers, or certified uncompensated child care operator shall:

7.3.2.3.1 Close all doors and windows within 20 feet of the renovation. On multi-story buildings, close all doors and windows within 20 feet of the RRPM activities on the same floor as the RRPM activities, and close all doors and windows on all floors below that are the same horizontal distance from the RRPM activities.

7.3.2.3.2 Ensure that doors within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

7.3.2.3.3 Cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system.

7.3.2.3.4 If the RRPM activities will affect surfaces within 10 feet of the property line, the lead-safe RRPM firm, licensed lead-safe RRPM supervisor or their on-the-job workers, or certified uncompensated child care operator shall erect vertical containment or equivalent extra precautions in containing the work area to ensure that dust and debris from the RRPM activities does not contaminate adjacent buildings or migrate to adjacent properties. Vertical containment or equivalent extra precautions in containing the work area may also be necessary in other situations to prevent contamination of other buildings, other areas of the property, or adjacent buildings or properties.

7.3.2.3.5 Ensure RRPM activities are not conducted if wind speeds are greater than 20 miles per hour or it is raining. Work shall stop and cleanup be conducted before rain or wind begins.

7.3.3 Waste from RRPM activities. The lead-safe RRPM firm, licensed lead-safe RRPM supervisor or their on-the-job workers, or certified uncompensated child care operator shall contain waste from RRPM activities to prevent releases before the waste is removed from the work area for storage or disposal.

7.3.3.1 If a chute is used to remove waste from the work area, it shall be covered.

7.3.3.2 At the conclusion of each work day and at the conclusion of the RRPM activities, waste that has been collected from the activities shall be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.

7.3.3.3 When the lead-safe RRPM firm, licensed lead-safe RRPM supervisor or certified uncompensated child care operator transports waste from RRPM activities, the waste shall be contained to prevent releases.

7.3.3.4 All lead waste shall be managed in accordance with Vermont's Solid Waste Management Rules or Hazardous Waste Management Regulations, as applicable.

7.3.4 Cleaning the work area. After the RRPM activities have been completed, the lead-safe RRPM firm, licensed lead-safe RRPM supervisor or their on-the-job workers, or certified uncompensated child care operator shall clean the work area until no dust, debris or residue remains.

7.3.4.1 Interior and exterior RRPM activities. The lead-safe RRPM firm, licensed lead-safe RRPM supervisor or their on-the-job workers, or certified uncompensated child care operator shall:

- 7.3.4.1.1 Collect all paint chips and debris and, without dispersing any of it, seal this material in a heavy-duty bag.
- 7.3.4.1.2 Mist the plastic sheeting before folding it, fold the dirty side inward, and either tape shut to seal or seal in heavy-duty bags.
- 7.3.4.1.3 Plastic sheeting used to isolate contaminated rooms from non-contaminated rooms shall remain in place until after the cleaning and removal of other plastic sheeting.
- 7.3.4.1.4 Dispose of the plastic sheeting and any paint chips and debris as lead waste in accordance with Vermont's Solid Waste Management Rules or Hazardous Waste Management Regulations, as applicable.

7.3.4.2 Additional cleaning for interior RRPM activities. The lead-safe RRPM firm, licensed lead-safe RRPM supervisor or their on-the-job workers, or certified uncompensated child care operator shall clean all objects and surfaces in the work area and within two feet of the work area in the following manner, cleaning from higher to lower:

- 7.3.4.2.1 Clean walls starting at the ceiling and working down to the floor by either vacuuming with a HEPA vacuum or wiping with a damp cloth.
- 7.3.4.2.2 Thoroughly vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA vacuum. The HEPA vacuum shall be equipped with a beater bar when vacuuming carpets and rugs.

- 7.3.4.2.3 Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth.
- 7.3.4.2.4 Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the two-bucket mopping method, or using a wet mopping system.
- 7.3.4.2.5 Wash water must be handled and disposed of in accordance with Vermont's Solid Waste Management Rules or Hazardous Waste Management Regulations, as applicable.

7.3.5 Standards for post-RRPM activities cleaning verification

7.3.5.1 Interiors: A licensed lead-safe RRPM supervisor-, [holder of a lead-safe RRPM firm license for owners of rental target housing](#), or certified uncompensated child care operator shall perform a visual inspection to determine whether dust, debris or residue is still present. If dust, debris or residue is present, these conditions shall be removed by re-cleaning and another visual inspection shall be performed.

7.3.5.2 After the visual inspection is performed, ~~the lead-safe RRPM firm~~, licensed lead-safe RRPM supervisor, ~~or~~ certified uncompensated child care operator, [or holder of a lead-safe RRPM firm license for owners of rental target housing](#) shall do the following:

7.3.5.2.1 Verify that each windowsill in the work area has been adequately cleaned, using the following procedure.

7.3.5.2.1.1 Wipe the windowsill with a wet disposable cleaning cloth that is damp to the touch. If the cloth matches or is lighter than the cleaning verification card, the windowsill has been adequately cleaned.

7.3.5.2.1.2 If the cloth does not match and is darker than the cleaning verification card, re-

clean the windowsill as directed in Section 7.3.4.2., then either use a new cloth or fold the used cloth in such a way that an unused surface is exposed, and wipe the surface again. If the cloth matches or is lighter than the cleaning verification card, that windowsill has been adequately cleaned.

7.3.5.2.1.3 If the cloth does not match and is darker than the cleaning verification card, wait for one hour or until the surface has dried completely, whichever is longer.

7.3.5.2.1.4 After waiting for the windowsill to dry, wipe the windowsill with a dry disposable cleaning cloth. After this wipe, the windowsill has been adequately cleaned.

7.3.5.2.2 Wipe uncarpeted floors and countertops within the work area with a wet disposable cleaning cloth. Floors must be wiped using an application device with a long handle and a head to which the cloth is attached. The cloth must remain damp at all times while it is being used to wipe the surface for post-renovation cleaning verification. If the surface within the work area is greater than 40 square feet, the surface within the work area must be divided into roughly equal sections that are each less than 40 square feet. Wipe each such section separately with a new wet disposable cleaning cloth. If the cloth used to wipe each section of the surface within the work area matches the cleaning verification card, the surface has been adequately cleaned.

7.3.5.2.3 If the cloth used to wipe a particular surface section does not match and is darker than the cleaning verification card, re-clean that section of the surface as directed in Section 7.3.4.2., then use a new wet disposable cleaning cloth to wipe that section again. If the cloth matches or is lighter than the cleaning verification card, that section of the surface has been adequately cleaned.

7.3.5.2.4 If the cloth used to wipe a particular surface section does not match and is darker than the cleaning verification card after the surface has been re-cleaned, wait for one hour or until the entire surface within the work area has dried completely, whichever is longer.

7.3.5.2.5 After waiting for the entire surface within the work area to dry, wipe each section of the surface that has not yet achieved post-renovation cleaning verification with a dry disposable cleaning cloth. After this wipe, that section of the surface has been adequately cleaned.

7.3.5.2.6 When the licensed lead-safe RRPM supervisor, [holder of a lead-safe RRPM firm license for owners of rental target housing](#), or certified uncompensated child care operator has conducted the visual inspection and the work area passes the post-renovation cleaning verification, the warning signs may be removed from the work area.

7.3.5.3 Exteriors. A licensed lead-safe RRPM supervisor, [holder of a lead-safe RRPM firm license for owners of rental target housing](#), or certified uncompensated child care operator shall perform a visual inspection to determine whether dust, debris or residue is still present on surfaces in and below the work area, including window sills and the ground.

7.3.5.3.1 If dust, debris or residue is present, these conditions shall be eliminated, and another visual inspection shall be performed.

7.3.5.3.2 When the area passes the visual inspection, warning signs may be removed from the area.

7.3.5.4 Optional dust clearance testing. Cleaning verification need not be performed if the contract between the RRPM firm and the person contracting for the RRPM activities or another law or regulation requires:

7.3.5.4.1 The RRPM firm to perform dust clearance sampling at the conclusion of a renovation covered by this subpart.

7.3.5.4.2 The dust clearance samples are required to be collected by a licensed lead-based paint inspector or lead-based paint inspector-risk assessor, in accordance with 40 CFR 745.227(e)(8)(v).

7.3.5.4.3 The RRPM firm is required to re-clean the work area until the dust clearance sample results are below the clearance standards in Section 8.3.7.3.

7.3.5.5 Activities conducted after post-RRPM activities inspection and cleaning verification: Activities that do not disturb paint, such as applying paint to walls that have already been prepared, are not regulated by this subpart if they are conducted after post-RRPM activities inspection and cleaning verification has been performed.

7.4 Recordkeeping and reporting requirements.

7.4.1 Lead-safe RRPM firms, licensed lead-safe RRPM supervisors or certified uncompensated child care operators performing RRPM activities shall retain and, if requested, make available to the Department all records necessary to demonstrate compliance with this subpart for a period of six years following completion of the RRPM activities. This six-year retention requirement does not supersede longer obligations required by other provisions for retaining the same documentation, including any applicable state or tribal laws.

7.4.2 Records that shall be retained pursuant to Section 7.4.1 shall include (where applicable):

7.4.2.1 Records or reports certifying that a determination had been made that lead-based paint was not present on the components affected by the RRPM activities, as described in Section 5.4.1. These records or reports include:

7.4.2.1.1 Reports prepared by a licensed lead-based paint inspector or licensed lead-based paint inspector-risk assessor.

7.4.2.1.2 Records prepared by a licensed lead-based paint inspector or lead-based paint inspector-risk assessor if they used an XRF analyzer, including a description of

the components that were tested and their locations, and the result of each test.

7.4.2.1.3 Records prepared by a licensed lead-based paint inspector or lead-based paint inspector-risk assessor after collecting paint chip samples, including a description of the components that were tested and their locations, the name and address of the licensed analytical testing laboratory performing the analysis, and the results for each sample.

7.4.2.2 Signed and dated acknowledgments of receipt as described in 7.2.1.1.1.

7.4.2.3 Certifications of attempted delivery as described in 7.2.1.2.1.

7.4.2.4 Certificates of mailing as described in 7.2.1.1.2.

7.4.2.5 Records of notifications performed regarding common area RRPM activities as described in 7.2.2, and RRPM activities in child-occupied facilities, as described in 7.2.3.

7.4.2.6 Documentation of compliance with the work practice standard requirements of 7.3, including:

7.4.2.6.1 Documentation that a licensed RRPM supervisor or certified uncompensated child care operator was assigned to the project;

7.4.2.6.2 Documentation that the licensed RRPM supervisor provided training, according to Department protocols, for all on-the-job workers conducting RRPM activities on the project, if applicable;

7.4.2.6.3 Documentation that the licensed RRPM supervisor, [holder of a lead-safe RRPM firm license for owners of rental target housing](#), or certified uncompensated child care operator performed all of the work practice tasks described in 7.3, or that a licensed RRPM supervisor directed on-the-job workers who performed all of the work practice tasks described in 7.3;

7.4.2.6.4 Documentation that the licensed RRPM supervisor, [holder of a lead-safe RRPM firm license for owners of rental target housing](#), or certified uncompensated child

care operator performed the post- RRPm activities inspection described in 7.3.5;

7.4.2.6.5 Documentation of the post-renovation cleaning verification (the results of which must be briefly described, including the number of wet and dry cloths used) required by Section 7.3.5.

7.4.2.6.6 Documentation of the nature of the emergency and the provisions of the rule that were not followed during an emergency as defined in Section 7.5. This documentation shall include a copy of the licensed lead-safe RRPm supervisor, [holder of a lead-safe RRPm firm license for owners of rental target housing](#), or certified uncompensated child care operator's training certificate, and a written statement by the licensed lead-safe RRPm supervisor, [holder of a lead-safe RRPm firm license for owners of rental target housing](#), or certified uncompensated child care operator conducting the emergency RRPm activities.

7.4.2.6.7 Documentation of disposal of lead waste in accordance with Vermont's Solid Waste Management Rules or Hazardous Waste Management Regulations, as applicable.

7.4.3 When the final invoice for the RRPm activities is delivered or within 30 days of the completion of the RRPm activities, whichever is earlier, the lead-safe RRPm firm, licensed RRPm supervisor or certified uncompensated child care operator shall provide information pertaining to compliance with this subpart to the following persons:

7.4.3.1 The owner of the building, if renovations conducted by a licensed RRPm supervisor; and, if different,

7.4.3.2 An adult occupant of the residential dwelling, if the RRPm activities took place within a residential dwelling, or an adult representative of the child-occupied facility, if the renovation took place within a child-occupied facility.

7.4.4 When performing RRPm activities in common areas of multi-unit target housing, the licensed RRPm supervisor, [holder of a lead-safe RRPm firm license for owners of rental target housing](#), or certified uncompensated child care operator shall post the information required by this subpart or instructions on how interested occupants can obtain

a copy of this information. This information shall be posted in areas where it is likely to be seen by the occupants of all of the affected units.

7.4.4.1 The information may be provided by completing the sample form titled “Sample Renovation Recordkeeping Checklist” or a similar form containing the XRF analyzer information required by 7.4.2.1.2 and the training and work practice compliance information required by 7.4.2.6.

7.4.4.2 The licensed RRPM supervisor, [holder of a lead-safe RRPM firm license for owners of rental target housing](#), or certified uncompensated child care operator shall provide, when the final invoice for the RRPM activities is delivered or within 30 days of the completion of the RRPM activities, whichever is earlier, a copy of the dust sampling report to:

7.4.4.2.1 The owner of the building; and, if different,

7.4.4.2.2 An adult occupant of the residential dwelling, if the RRPM activities took place within a residential dwelling, or an adult representative of the child-occupied facility, if the RRPM activities took place within a child-occupied facility.

7.4.4.3 When performing RRPM activities in common areas of multi-unit target housing, the licensed RRPM supervisor [or holder of a lead-safe RRPM firm license for owners of rental target housing](#) shall post these dust sampling reports or information on how interested occupants can obtain a copy of the report. This information shall be posted in areas where they are likely to be seen by the occupants of all of the affected units.

7.5 Emergency Exemption

7.5.1 The Department may provide a temporary exemption, to the extent necessary, to respond to an emergency, from the following requirements if a sudden, unforeseeable emergency presents an imminent risk to public health or safety, or a threat of significant damage to equipment and/or property such that RRPM activities are immediately necessary:

7.5.1.1 The information distribution requirements in Section 7.2;

7.5.1.2 The warning sign requirements in Section 7.3.1.; and

7.5.1.3 The work area containment requirements in 7.3.2.

8.0 Work Practice Requirements for Lead Abatement

8.1 Permitting of lead abatement projects

8.1.1 A lead-based paint contractor entity intending to engage in a lead abatement project shall notify the Department in writing by doing the following:

8.1.1.1 The lead-based paint contractor entity shall notify the Department by submitting a permit application to the Department on a Department-provided form at least 10 business days before beginning any on-site lead abatement work.

8.1.1.2 The lead-based paint contractor entity shall include in the permit application a diagram, occupant protection plan when applicable, and a written abatement plan of the work area.

8.1.1.3 The lead-based paint contractor entity shall notify the Department within 24 hours of changes to the permit application.

8.1.2 The lead-based paint contractor entity shall send to the Department a written request for any waivers to the lead abatement work practice requirements with the original permit application form, if necessary.

8.1.2.1 Waivers to lead abatement work practice requirements may be granted 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.

8.1.2.2 The written request for waiver shall include a justification that presents clear and convincing evidence that the lead abatement project is distinctive in some way and the proposed alternative(s) to required work practices will comply with the intent of these rules and other state law.

8.1.2.3 Waivers require written authorization from the Department prior to implementation.

8.1.2.4 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.

8.1.2.5 The lead-based paint contractor entity shall notify the Department if it will not be on the work site for a day or more.

8.1.3 Recordkeeping

8.1.3.1 The following information shall be recorded in a written report by the licensed lead-based paint abatement supervisor when conducting abatement.

8.1.3.1.1 Start and completion date(s) of abatement;

8.1.3.1.2 Names and addresses of all licensed lead-based paint abatement supervisors and lead-based paint abatement workers on the work site and their license number(s);

8.1.3.1.3 The name, address, and signature of the independent party responsible for dust clearance and/or monitoring, date of dust clearance testing and/or monitoring and proof of license;

8.1.3.1.4 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;

8.1.3.1.5 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; and

8.1.3.1.6 Treatment, storage and disposal sites of all solid and hazardous waste;

8.1.3.2 The records in 8.1.3.1 shall be maintained by the building owner and lead-based paint contractor entity conducting the abatement for a minimum of six years.

8.1.3.3 Each lead-based paint contractor entity shall make these records available to the Department upon request.

8.2 Documents retained on the work site

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

8.2.1.1 A current copy of this rule;

8.2.1.2 Copies of the lead-based paint contractor entity's procedures for using the decontamination system, enclosure system or any other procedures which have been established to prevent contamination of areas outside the work area;

8.2.1.3 Copies of the lead-based paint contractor entity's procedures for medical emergencies including phone numbers of the nearest fire and police departments, local health officer, hospital and rescue squad, and directions for emergency personnel to the work site location shall be posted by the nearest telephone and at the entrance to the work area;

8.2.1.4 Copies of Vermont licenses held by the lead-based paint contractor entity, lead-based paint abatement supervisor and for all persons actively engaged in the abatement;

8.2.1.5 Records of all exposure sampling (personal air samples) as required in these regulations;

8.2.1.6 A list of all individuals entering the work area, entry and exit times and purpose for entry; and

8.2.1.7 Documentation of respirator fit testing and a physician's respirator consent form for each person wearing a respirator.

8.3 Abatement performance standards

8.3.1 The contractor shall ensure that a licensed lead-based paint abatement supervisor remains present on the work site during all active phases of any permitted lead abatement project.

8.3.2 The methods used in the removal of lead-based 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 of materials or from the lead-based paint being removed.

Abatement shall be conducted in compliance with Section 5.0 and Sections 8.0 and 9.0 of this rule, as applicable.

8.3.3 Interior work area preparation and cleanup: work area preparation for abatement projects in target housing and public facilities shall include the following:

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

8.3.3.2 Occupant location:

8.3.3.2.1 Occupants shall be removed from the building for the duration of the project, unless the Department has approved a waiver request pursuant to 8.1.2., supported by an occupant protection plan.

8.3.3.2.2 Occupants shall not return until clearance has been achieved.

8.3.3.3 Barrier system: All floor surfaces shall be covered by two layers of plastic. One layer may be used on hard, non-porous surfaces only.

8.3.3.3.1 If entire unit is being treated, cleaned, and cleared, individual room doorways need not be sealed.

8.3.3.3.2 All entrances to rooms or areas that are not part of the work area shall be sealed with plastic sheeting to avoid including these sealed areas in the final cleaning and clearance phases of the work area.

8.3.3.3.3 Windows shall be covered with a minimum of one 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.

8.3.3.4 Warning signs: Warning signs shall be posted at all entrances to the work area for the duration of the lead abatement project and shall state the following: "DANGER: LEAD WORK AREA; MAY DAMAGE FERTILITY OR THE UNBORN

CHILD; CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM; DO NOT EAT, DRINK OR SMOKE IN THIS AREA”

8.3.3.5 Ventilation: The ventilation system shall be turned off and all vents in the work area shall be sealed with plastic. During winter months, vents can be temporarily opened during non-abatement activities to allow for heating the work area.

8.3.3.6 Moveable objects: 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.

8.3.3.7 Preclearance cleaning: The work area shall be cleaned up prior to visual and dust clearance, first using a HEPA vacuum, then wet washing, then using a HEPA vacuum on all surfaces.

8.3.4 Exterior work area preparation and cleanup

8.3.4.1 Occupant location:

8.3.4.1.1 Occupants shall not be present in the building for the duration of the lead abatement project unless the Department has approved a waiver request pursuant to 8.1.2., supported by an occupant protection plan or the exterior work is interim controls like paint stabilization.

8.3.4.1.2 Occupants shall not return until clearance has been achieved during exterior lead abatement project.

8.3.4.2 Barrier system: One layer of plastic sheeting shall be installed on ground surfaces, extending 10 feet beyond the perimeter of working surfaces. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system.

8.3.4.2.1 Ladder feet shall not be anchored on top of plastic sheeting; the plastic shall be punctured to anchor ladders securely to the ground.

8.3.4.2.2 For all other exterior surfaces covered in plastic sheeting, ensure that the integrity and effectiveness of the plastic sheeting are protected at all times and solid and liquid releases are contained at all times.

8.3.4.2.3 The plastic sheeting shall be secured to the side of the building with tape or other anchoring system with no gaps between plastic and building.

8.3.4.2.4 All windows within 20 feet of the working surface shall be closed and sealed with plastic sheeting, including windows of adjacent structures.

8.3.4.3 Moveable items: All moveable items, including playground equipment, toys, sandboxes, etc., shall be removed to a 20-foot distance from working surfaces. Items that cannot be readily moved to a 20-foot distance shall be sealed with taped plastic sheeting.

8.3.4.4 Security: Temporary fencing or barrier tape shall be erected at a 20-foot perimeter around working surfaces.

8.3.4.4.1 If the distance to the next building or sidewalk is less than 20 feet, barriers shall be erected closer.

8.3.4.4.2 If an entryway is within 10 feet of working surfaces, an alternative entryway is required.

8.3.4.4.3 If practical, vertical containment using plastic sheeting shall be installed to prevent exposure.

8.3.4.4.4 A locked dumpster, covered truck, or locked room shall be used to store lead waste before disposal.

8.3.4.5 Warning signs: Warning signs shall be posted at a 20-foot perimeter around the building (or less if the distance to the next building or sidewalk is less than 20 feet) for the duration of the lead abatement project and shall state the following:
“DANGER: LEAD WORK AREA; MAY DAMAGE FERTILITY OR THE UNBORN CHILD; CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM; DO NOT EAT, DRINK OR SMOKE IN THIS AREA”

8.3.4.6 Inclement weather: Work shall not be conducted if wind speeds are greater than 20 miles per hour. Work shall stop and cleanup be conducted before rain begins.

8.3.4.7 Preclearance cleaning: Debris and plastic shall not be left out overnight. All lead waste shall be kept in a secured area (in accordance with 8.3.4.4.4) until final disposal.

8.3.5 Window treatment or replacement work area preparation and cleanup

8.3.5.1 Barrier system: In addition to meeting the requirements in Section 8.3.4.2, the following requirements apply:

8.3.5.1.1 One layer of plastic sheeting on ground or floor extending 5 feet beyond perimeter of window being treated/replaced.

8.3.5.1.2 One layer of plastic taped to interior wall if working on window from outside; if working from inside, tape one layer of plastic to exterior wall or inside storm of window.

8.3.5.2 Warning signs: Warning signs as required by 8.3.4.5 shall be posted at a 20-foot perimeter around the building (or less if distance to the next building or sidewalk is less than 20 feet). If window is to be removed from inside, no exterior sign or barrier is necessary.

8.3.5.3 Security: Temporary fencing or barrier tape shall be erected at a 20-foot perimeter around building (or less if distance to the next building or sidewalk is less than 20 feet). A locked, dumpster, covered truck, or locked room shall be used to store lead waste before disposal.

8.3.5.4 Inclement weather: Work shall not be conducted if wind speeds are greater than 20 miles per hour. Work conducted outside shall stop and cleanup shall occur before rain begins; work may proceed from the inside only.

8.3.5.5 Moveable items: All moveable items, including playground equipment, toys, sandboxes, etc., shall be removed to a 20-foot distance from working surfaces. Items that cannot be readily moved to a 20-foot distance shall be sealed with taped plastic sheeting.

8.3.5.6 Preclearance cleaning: Debris and plastic shall not be left out overnight. All lead waste shall be kept in a secured area (in accordance with 8.3.4.4.4) until final disposal.

8.3.5.6.1 If working from inside, all interior surfaces within 10 feet of work area in all directions shall be cleaned with a HEPA vacuum, wet washed, and cleaned with a

HEPA vacuum again. If all work is done on the interior and the containment is not breached, no cleaning is needed on the exterior.

8.3.5.6.2 If working from the exterior, no cleaning of the interior is needed unless the containment is breached. If containment is breached, then cleaning on both sides of the window shall be conducted.

8.3.6 Abatement Personnel Protection

8.3.6.1 Employees are protected under OSHA regulations, and the abatement personnel protection requirements in this rule apply to all persons conducting lead-based paint activities.

8.3.6.2 Respiratory Protection: Each lead-based paint contractor entity shall prepare and submit a written respiratory protection program with its license application. The contractor shall follow this program and make it available to all personnel in its employment at all lead abatement projects.

8.3.6.2.1 Each individual shall wear a respirator that complies with 29 CFR 1910.134 and 29 CFR 1926.62(f) while conducting activities within the work area where airborne lead exposures exceed the permissible exposure limit set in 29 CFR 1926(c) or have not been evaluated in accordance with 29 CFR 1926.62(d).

8.3.6.2.2 Fitting of Respirators:

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

8.3.6.2.2.2 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.

8.3.6.2.2.3 Each respirator user shall be fit tested by a lead-based paint abatement 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.

8.3.6.2.3 Prohibited Activity: The on-site lead-based paint abatement supervisor shall not permit individuals from entering the work area without the respiratory protection required for the level of exposure in the work area.

8.3.6.3 Personal Protective Equipment and Clothing: Employers shall provide personnel with personal protective equipment and clothing.

8.3.6.4 Medical Monitoring: Lead-based paint contractor entities shall ensure that any individual who performs lead abatement activities is medically monitored with an initial and periodic re-examination.

8.3.7 Final Clearance: General Post Abatement Requirements for Target Housing and Public Facilities

8.3.7.1 Visual Clearance of Non-abatement Work - Use of Unlicensed Personnel Prior to Independent Dust Clearance

8.3.7.1.1 Personnel not licensed under this rule, such as plumbers or general contractors, may enter lead abatement work areas only after successful visual clearance by a licensed lead-based paint inspector or licensed lead-based paint inspector-risk assessor.

8.3.7.1.2 After completion of non-lead-based paint activities by these personnel, the lead-based paint contractor entity shall perform final cleaning activities in all work area and any areas which unlicensed personnel had access including entry and egress routes.

8.3.7.1.3 A second visual clearance by a licensed lead-based paint inspector or lead-based paint inspector-risk assessor is required prior to collection of independent dust clearance sampling.

8.3.7.2 Final Visual Clearance Standards for Target Housing and Public Facilities

8.3.7.2.1 A licensed lead-based paint inspector or licensed lead-based paint inspector-risk assessor shall conduct a visual examination no sooner than one hour after completion of the post-abatement final cleanup.

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

8.3.7.2.3 The visual clearance shall be conducted by a licensed lead-based paint inspector or licensed lead-based paint 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.

8.3.7.3 Final Independent Dust Clearance Standards for Target Housing and Public Facilities

8.3.7.3.1 After the work area has passed a visual examination, a licensed lead-based paint inspector-risk assessor shall collect dust samples.

8.3.7.3.1.1 Either single surface dust sampling or composite dust sampling may be used to clear the work area(s).

8.3.7.3.1.2 Clearance dust sampling shall be conducted in the following manner of minimum number and location of single surface dust samples:

8.3.7.3.2 Interior treatments with no containment within building:

8.3.7.3.2.1 Two dust samples from every room in building (whether treated or untreated);

8.3.7.3.2.2 One interior windowsill or window trough, alternating between rooms;

8.3.7.3.2.3 One floor; and

8.3.7.3.2.4 One floor sample for every 2,000 square feet of a common area room (if present).

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

8.3.7.3.3.1 Samples required in 8.3.7.3.2.1-8.3.7.3.2.4;
and

8.3.7.3.3.2 One floor sample outside the containment
area, but within 10 feet of the airlock.

8.3.7.4 Re-occupancy after an abatement project:

8.3.7.4.1 An area shall be considered cleared for re-occupancy
when the independent dust clearance standards in
Table.1 have been met.

Table 1
Clearance Dust Standards (Wipe Sampling Only)¹

Surface	Leaded Dust Loading (Micrograms per square feet) [µg/ft²]
All floors	10
Interior windowsills	100
Window troughs	100

¹ No clearance standards are currently available for vacuum sampling.

8.3.7.5 Bare Soil Clearance Standards for Exterior Abatement Projects
in Target Housing and Public Facilities

8.3.7.5.1 Exterior abatement projects that do not include soil
abatement treatments require a visual inspection.

8.3.7.5.1.1 All horizontal surfaces of exterior building
components closest to the abated surface
shall be cleaned of visible dust and debris.

8.3.7.5.1.2 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.

8.3.7.5.1.3 If paint chips are present, they shall be
removed from the site and managed as
lead waste in accordance with Vermont's
Solid Waste Management Rules or

Hazardous Waste Management
Regulations, as applicable.

8.3.7.5.2 Exterior soil abatement projects require both building perimeter and play area soil sampling.

8.3.7.5.2.1 Soil sampling shall be conducted by a licensed lead-based paint inspector or licensed lead-based paint inspector-risk assessor.

8.3.7.5.2.2 Post abatement soil sampling shall be conducted after the area has passed a visual clearance.

8.3.7.5.3 Perimeter Sampling Locations:

8.3.7.5.3.1 One composite soil sample shall be collected so that at least five and no more than 10 different aliquots of surface soil are collected from the building perimeter.

8.3.7.5.3.2 The aliquots shall be collected from all sides of the building where bare soil is present.

8.3.7.5.3.3 Each spot shall be at least two feet distant from each other and two feet away from the foundation, unless the bare soil is closer than two feet.

8.3.7.5.4 Play Area Sampling Locations:

8.3.7.5.4.1 A second composite sample shall consist of at least five and no more than 10 aliquots collected along an X-shaped grid in the child's principle play area.

8.3.7.5.4.2 Each spot should be at least one foot distant from each other.

8.3.7.5.4.3 The soil where the aliquots are collected shall be bare.

8.3.7.5.5 If clearance sampling of the perimeter or play area shows soil lead levels equal to or greater than 41 parts per million, then additional soil treatment shall be required.

8.3.7.6 Transportation and Disposal of Lead Waste

8.3.7.6.1 All lead waste shall be handled and disposed of in accordance with the Vermont Solid Waste Management Rules and/or Vermont Hazardous Waste Management Regulations, as applicable.

8.3.7.6.2 Transport of lead waste shall occur in a manner that is in accordance with 49 CFR Subchapter C, as applicable.

8.3.7.6.3 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, if disposed of outside of Vermont.

8.3.7.6.4 The lead-based paint contractor entity shall submit copies of all disposal receipts and documentation to the building owner and to the Department within 60 days upon completion of the abatement project.

8.3.7.6.5 Documentation of disposal includes but is not limited to the following: waste generator, transporter(s), final disposal site name and address, quantity of lead waste, dated signature of disposal site operator.

9.0 Standards for Abatement in Superstructures and Commercial Facilities, and Industrial De-Leading

9.1 General Post Abatement Requirements for Commercial Facilities and Superstructures

9.1.1 Visual clearance: At the completion of the lead abatement project, a visual clearance shall be conducted by a licensed lead-based paint abatement 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.

9.1.2 Soil sampling: For abatement in areas expected to be used by children six years of age or younger, a licensed lead-based paint inspector-risk assessor shall utilize appropriate sampling strategies to determine pre- and post-abatement bare soil lead levels. Any proposed treatments or other methods to control identified soil lead hazards must be communicated to the Department in advance and receive approval.

- 9.1.3 Disposal of lead waste: All lead waste shall be handled and disposed of in accordance with the Vermont Solid Waste Management Rules and/or Vermont Hazardous Waste Management Regulations, as applicable.
 - 9.1.3.1 The lead-based paint contractor entity shall submit copies of all shipping papers for the disposal of lead waste (e.g., Bills of Lading for solid waste and, if applicable, Uniform Hazardous Waste Manifests for hazardous waste) to the Department within 60 days upon completion of the abatement project.
- 9.1.4 Transportation of lead waste: Transportation of lead waste shall occur in a manner that is in accordance with 49 CFR Subchapter C, applicable.
- 9.1.5 Reporting: Copies of all clearance documents shall be submitted to the facility owner and the Department within 30 days upon completion of the abatement project. Documentation of visual clearance shall include, but not be limited to the following:
 - 9.1.5.1 Date of visual inspection;
 - 9.1.5.2 Project location;
 - 9.1.5.3 Lead-based paint contractor entity;
 - 9.1.5.4 Printed name, license number and signature of the lead-based paint abatement supervisor; and
 - 9.1.5.5 Results of the inspection.
- 9.2 Alternative Procedures: The Department may, on a case-by-case basis, approve an alternative procedure for an abatement project. The proposed waiver shall adequately protect human health and safety and the environment from exposure to lead hazards. The alternative procedure shall be submitted in writing to the Department and may not be used until a written approval is received from the Department.

10.0 Lead-Based Paint Consulting Methods and Practices

- 10.1 Licensed lead-based paint consultants shall use documented methodologies that are appropriate for the buildings and facilities where lead-based paint consulting services are provided. Documented methodologies include regulations, guidance, methods or protocols issued or approved by State or

Federal agencies, such as the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, ASTM E1728, E1729, E1792, E2115, E2252, E2255, and E2271.

10.2 Lead-based Paint Consultant Protection Standards: Employees are protected under OSHA regulations, and the personnel protection requirements in this rule apply to all persons conducting lead-based paint activities.

10.2.1 Respiratory Protection

10.2.1.1 Each lead-based paint consulting firm shall have a written respiratory protection program. This program shall be followed and made available to lead-based paint consultants in its employment.

10.2.1.2 Selection of Respirators

10.2.1.2.1 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 1 of 29 CFR 29 CFR 1926.62.

10.2.1.2.2 The respirators selected shall meet or exceed the level of protection required.

10.2.1.3 Fitting of Respirators

10.2.1.3.1 Each lead-based paint consultant shall be given an opportunity to select a respirator for proper and comfortable fit.

10.2.1.3.2 Each lead-based paint consultant shall be instructed in the performance of positive and negative pressure sealing checks and be able to successfully perform them.

10.2.1.3.3 Every lead-based paint consultant shall perform a sealing check every time a respirator is donned.

10.2.1.3.4 Each lead-based paint consultant shall be fit tested using generally acceptable qualitative or quantitative fit testing procedures and shall adequately pass the selected fit test procedure annually.

10.2.1.3.5 Fit tests shall not be self-administered.

10.2.1.4 Prohibited Activity

10.2.1.4.1 Individuals shall not be permitted in a work area without the respiratory protection required for the level of exposure in that area.

10.3 Personal Protection: The lead-based paint consulting firm shall provide each lead-based paint consultant with personal protective equipment and clothing.

10.3.1 Medical Monitoring

10.3.1.1 Each lead-based paint consulting firm shall prepare and submit with its application for certification to the Department a written medical monitoring program.

10.3.1.2 The written medical monitoring program shall be made available to the firm's employees.

10.3.1.3 The lead-based paint consulting firm shall ensure that any individual who performs lead-based paint consulting activities is medically monitored on an appropriate basis.

10.3.2 Exposure Monitoring

10.3.2.1 General Requirements:

10.3.2.1.1 Each lead-based paint consulting firm shall prepare and submit with its application for certification to the Department a written exposure monitoring program.

10.3.2.1.2 This program shall be followed and made available to all its employees.

10.3.3 Recordkeeping

10.3.3.1 Each lead-based paint consulting firm shall maintain records of all lead-based paint activities and lead-based paint projects where consulting services were provided and shall make these records available to the Department upon request.

10.3.3.2 The lead-based paint consulting firm shall maintain, for no less than six years, the following records for each lead abatement project at which the firm's consulting services were provided:

10.3.3.2.1 The name, address, and license number of each lead-based paint consultant participating in the project;

10.3.3.2.2 The scheduled plan for monitoring, the location of the project and the estimated amount of lead-based paint involved in the project;

10.3.3.2.3 Scheduled and actual starting and completion dates;

10.3.3.2.4 Copies of all lead-based paint related correspondences with regulatory agencies concerning the project, if able to obtain;

10.3.3.2.5 Descriptions of unplanned exposures to lead dust and work site accidents, including their resolution;

10.3.3.2.6 Documentation of visual clearances, in accordance with these regulations; and

10.3.3.2.7 The methodology and results of all dust/soil sampling conducted during the project, the name and license number of the lead-based paint consultant performing the dust/soil sampling, name and signature of the analyst performing the analysis, and the name and license number of the analytical testing laboratory employed to analyze such samples.

10.3.4 Reporting

10.3.4.1 The lead-based paint consulting firm shall submit the following documents to the Department, in a format approved by the Department, within 30 days of completion of a lead abatement project at which the firm's consulting services were provided, and to the facility occupants, upon request:

10.3.4.1.1 Documentation of visual clearance including but not limited to the following:

10.3.4.1.1.1 Date of inspection;

10.3.4.1.1.2 Project location;

10.3.4.1.1.3 Lead-based paint contractor entity performing the abatement project;

10.3.4.1.1.4 Printed name(s), license number(s) and signature(s) of the lead-based paint consultant(s); and

10.3.4.1.1.5 Results of inspection.

10.3.4.1.2 Documentation of final dust/soil clearance, including but not limited to the following:

10.3.4.1.2.1 Specific location of the abatement project;

10.3.4.1.2.2 Name of the lead-based paint contractor entity performing the abatement project;

10.3.4.1.2.3 Description of the sampling activity;

10.3.4.1.2.4 Specific location where samples were taken, indicated on a diagram;

10.3.4.1.2.5 Name(s) and signature(s) of the lead-based paint consultant(s) performing the sampling activity;

10.3.4.1.2.6 Date and time samples were obtained;

10.3.4.1.2.7 Name and address of the licensed analytical testing laboratory performing analysis;

10.3.4.1.2.8 Name and signature of the analyst;

10.3.4.1.2.9 Method of analysis used;

10.3.4.1.2.10 Detection level of the analysis; and

10.3.4.1.2.11 Results of analysis.

11.0 Training Course Accreditation Standards

11.1 General requirements: A person shall not offer an initial or refresher lead-based paint activities or lead-safe RRPM training course without obtaining accreditation or re-accreditation pursuant to this rule.

11.2 Accreditation of training programs

11.2.1 To obtain accreditation or reaccreditation, a training provider shall:

11.2.1.1 Apply, at least 25 business days prior to planned course offering, using online or paper forms as provided by the Department.

11.2.1.2 Submit the required fee for the specific license category, payable to the Vermont Department of Health. See 18 V.S.A. 1753.

11.2.1.2.1 Fees shall not be imposed on any state or local government or nonprofit training provider and may be waived for the purpose of training state employees.

11.2.2 Notification:

11.2.2.1 A training provider shall notify the Department on forms provided by the Department at least 10 business days prior to each in-state offering of a course, either accredited or not accredited by the Department.:

11.2.2.1.1 A planned schedule such as a course brochure will meet this requirement;

11.2.2.1.2 If a course is unexpectedly conducted, the Department requires notification of no less than 24 hours in advance; and

11.2.2.1.3 The training provider offering an unaccredited course in Vermont shall notify students and potential students that the course is not accredited in Vermont and that there may be additional requirements to obtain a Vermont license or certification.

11.2.2.2 A training provider shall notify the Department on forms provided by the Department no later than 10 business days after each in-state offering of a course, either accredited or not accredited by the Department.

11.2.2.3 A training provider shall notify the Department on forms provided by the Department no later than 10 business days after any amendments to its accreditation application or course notice.

11.2.3 Recordkeeping

11.2.3.1 Training providers shall retain the following information for each in-state course administered:

11.2.3.1.1 Records of training manager, principal instructor, and work practice instructor qualifications;

11.2.3.1.2 Training curriculum/course materials including, but not limited to, written training curricula, hand-outs, and audio-visual aids;

11.2.3.1.3 Documentation identifying the proportion of the course examination questions devoted to each major topic in the training curriculum;

11.2.3.1.4 Information on how the hands-on skills assessment was conducted including, but not limited to, who conducted the assessment, how the skills were graded, what facilities were used, and pass/fail rate; and

11.2.3.1.5 Student files grouped by year. Each file shall contain results of the student's hands-on skills assessment, test, and a copy of their certificate.

11.2.3.2 The training provider shall retain these records in the location (i.e., address) specified on the training program accreditation application for a minimum of six years.

11.2.3.3 These records shall be provided to the Department upon request.

11.2.3.4 The training provider shall notify the Department 30 days prior to relocating or transferring the records.

11.2.4 Requirements for Training Program Instructors

11.2.4.1 For a training program to obtain accreditation or reaccreditation to teach any of the disciplines, the training provider shall demonstrate it meets the following minimum requirements for each discipline in which the program is seeking accreditation.

11.2.4.2 The training provider shall employ a principal instructor who is responsible for organizing and delivering particular courses and who has:

11.2.4.2.1 One of the following:

11.2.4.2.1.1 At least two years of experience, education, or training in teaching workers or adults; or

11.2.4.2.1.2 A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration or program management or a related field; or

11.2.4.2.1.3 Two years of experience in managing a training program specializing in environmental hazards.

11.2.4.2.2 Demonstrated experience, education, or training in the construction industry including: lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

11.2.4.2.3 Maintained professional competency by participating in continuing education or professional development programs.

11.2.4.3 The training provider shall employ work practice instructors who are responsible for teaching particular skills in a specific course and who:

11.2.4.3.1 Have met all the requirements listed in 11.2.4.2 and

11.2.4.3.2 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.

11.2.4.4 The following documents shall be submitted as proof of meeting the requirements listed in 11.2.4.2 and 11.2.4.3:

11.2.4.4.1 Documentation of education;

11.2.4.4.2 One of the following: resumes, letters of reference, certification or accreditation from another state or EPA, or documented work experience; and

11.2.4.4.3 Certificates from train-the-trainer courses.

11.2.4.5 The training provider shall ensure that:

11.2.4.5.1 Training is conducted in accordance with Department requirements;

11.2.4.5.2 That individual(s) serving as principal instructor(s) or work practice instructor(s) for each course offered by the program have met the requirements per these regulations; and

11.2.4.5.3 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.

11.2.5 Training Manager Requirements

11.2.5.1 The training provider applying for accreditation or reaccreditation of lead-based paint activities or RRPM activities training courses shall employ a training manager who has:

11.2.5.1.1 At least two years of experience, education, or training in teaching workers or adults; or

11.2.5.1.2 A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration or program management or a related field; or

11.2.5.1.3 Two years of experience in managing a training program specializing in environmental hazards; and

11.2.5.1.4 Demonstrated experience, education, or training in the construction industry including: lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

11.2.5.2 The training manager shall develop and implement a quality control plan. The plan shall be used to maintain and improve the quality of the training program over time. This plan shall contain at least the following elements:

11.2.5.2.1 Procedures for periodic revision of training materials and the course test to reflect innovations in the field; and

11.2.5.2.2 Procedures for the training manager's annual review of principal instructor competency.

11.2.6 Specific Accreditation Requirements

11.2.6.1 The training provider applying for accreditation or reaccreditation of each lead-based paint activities or RRPM activities training course (initial or refresher) shall submit a completed application per this rule.

11.2.6.2 All required information shall be submitted by the applicant per the instructions on the application form, including but not limited to:

11.2.6.2.1 An organizational chart;

11.2.6.2.2 A list of the types of courses to be offered;

11.2.6.2.3 A projected schedule with dates and locations of training course offerings;

11.2.6.2.4 A detailed outline of the training curriculum including:

11.2.6.2.4.1 The amount of time allotted to each topic;

11.2.6.2.4.2 The name and qualifications of the training manager;

11.2.6.2.4.3 The individual developing the instruction program for each topic;

11.2.6.2.4.4 The name and qualifications of the instructor of each topic; and

11.2.6.2.4.5 Documentation of adherence to proposed EPA model training curriculum requirements, if applicable.

11.2.6.2.5 A description of the instruction program for each topic, including:

11.2.6.2.5.1 Teaching methods to be used;

11.2.6.2.5.2 Copies of written materials to be distributed (student manuals, instructor notebooks, handouts, etc.); and

11.2.6.2.5.3 Copies of the course examination and answer key.

11.2.6.2.6 Documentation that shows the number of instructors, amount of equipment, and facilities are adequate to provide proper training;

11.2.6.2.7 A description of the type and quantity 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;

11.2.6.2.8 Information related to the principal instructor(s), guest instructor(s) and hands-on instructor(s), including:

11.2.6.2.8.1 Number of instructors that will conduct the course;

11.2.6.2.8.2 Estimated instructor-to-student ratio for classroom instruction;

11.2.6.2.8.3 Estimated instructor-to-student ratio for hands-on practice exercises and demonstrations; and

11.2.6.2.8.4 Documentation of instructors' training and experience in the course topics.

11.2.6.2.9 A written agreement to provide the Department, on forms provided by the Department, the names, examination dates and examination scores of all course participants;

11.2.6.2.10 Documentation of any associations with other lead related businesses;

11.2.6.2.11 Documentation of any and all enforcement actions against any training providers, training managers or instructors regarding lead-based paint activities or RRPM activities; and

11.2.6.2.12 A copy of current training accreditation, for accreditation renewals, only.

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

11.2.7 Granting Accreditation for a Training Course

11.2.7.1 Accreditation and reaccreditation shall be granted after the Department has:

11.2.7.1.1 Received a complete application and fee;

11.2.7.1.2 Conducted an on-site observation and evaluation of the training course, its instructors, equipment and facilities, if deemed necessary by the Department; and

11.2.7.1.3 Determined that the applicant's training course meets the requirements set forth in these regulations.

11.2.7.2 Accreditation and reaccreditation shall be granted for a period of one year for lead-based paint activities training courses.

11.2.7.3 Accreditation and reaccreditation shall be granted for a period of four years for lead-safe RRPM training courses.

11.2.7.4 Visitation: The Department may visit to review any training course.

11.2.7.4.1 In lieu of visitation, the training provider may be required to submit to the Department a representative video of the training course for review and evaluation.

11.2.7.4.2 Visitation may be waived, on a case-by-case basis, by the Department if the training course meets the requirements of these regulations.

11.2.7.5 Any change in an accredited course shall be reported to the Department prior to presenting the changed course.

11.2.8 Electronic Training Courses

11.2.8.1 Electronic learning and other alternative course delivery methods are permitted for the classroom portion of courses but not the hands-on portion of these courses, or for final course tests or proficiency tests. Electronic learning courses must comply with the following requirements:

11.2.8.1.1 A unique identifier must be assigned to each student for them to use to launch and re-launch the course.

11.2.8.1.2 The training provider must track each student's course log-ins, launches, progress, and completion, and maintain these records.

11.2.8.1.3 The course must include at least 16 periodic knowledge checks over the entire course. The knowledge checks must be successfully completed before the student can go on to the next module.

11.2.8.1.4 There must be a test of at least 20 questions at the end of the electronic learning portion of the course, of which 80 percent must be answered correctly by the student for successful completion of the electronic learning portion of the course. The test must be designed so that students do not receive feedback on their test answers until after they have completed and submitted the test.

11.2.8.1.5 Each student must be able to save or print a copy of an electronic learning course completion certificate.

The electronic certificate must not be susceptible to easy editing.

11.2.9 Reciprocity

11.2.9.1 Each applicant for accreditation of a lead-based paint activities or RRP activities 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 accreditation without visitation of the in-progress training course by the Department.

11.2.9.2 The Commissioner or designee shall evaluate the requirements for approval, permitting, or licensing permit of the approving authority and shall grant accreditation without visitation if the Commissioner or designee determines that the requirements of the authority are equal to or greater than the requirements for accreditation in the State of Vermont.

11.2.9.3 If the 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 may be necessary.

11.3 Training Provider Course Examinations

11.3.1 All training providers shall provide a course examination to each student at the completion of each course. The course examination shall be closed-book, except for online training courses.

11.3.1.1 Training providers shall ensure the course examination achieves a Flesch-Kincaid grade level 6 readability score.

11.3.1.2 The course examination shall cover the topics taught in the course.

11.3.1.3 Each individual training participant is required to pass the course examination with a score of 70 percent or higher to receive a certificate for completion of the training course.

11.3.1.4 The training provider shall issue unique numbered certificates only to students who attend the course and successfully pass the written course examination. The numbered certificate shall include:

- 11.3.1.4.1 The name of the student;
- 11.3.1.4.2 A photograph of the student;
- 11.3.1.4.3 A unique number identifying the student;
- 11.3.1.4.4 The course completed, the dates of the course and the course examination;
- 11.3.1.4.5 The expiration date of the training certification; and
- 11.3.1.4.6 The name, address, and telephone number of the training provider.

11.3.2 The training provider shall conduct a hands-on skills assessment of hands-on training components. Each student shall successfully complete the hands-on skills assessment to pass the training course.

11.4 Lead-safe RRPM Training Course Content and Requirements

11.4.1 The initial training course shall be a minimum of eight training hours with two of these hours to be hands-on training hours. The course shall address all the following topics:

- 11.4.1.1 Role and responsibilities of a licensed lead-based paint RRPM supervisor, [holder of a lead-safe RRPM firm license for owners of rental target housing](#), or certified uncompensated child care operator;
- 11.4.1.2 Background information on lead and its adverse health effects;
- 11.4.1.3 Background information on EPA, HUD, OSHA, and other federal and Vermont regulations and guidance that pertain to lead-based paint and renovation activities;
- 11.4.1.4 Pre-renovation information distribution requirements;
- 11.4.1.5 Prohibited work practices;
- 11.4.1.6 Renovation methods to minimize the creation of dust and lead-based paint hazards;
- 11.4.1.7 Interior and exterior containment and cleanup methods;

11.4.1.8 Methods to ensure that the renovation has been properly completed, including cleaning the work area and clearance testing;

11.4.1.9 Waste handling and disposal;

11.4.1.10 Providing on-the-job training to other workers;

11.4.1.11 Recordkeeping;

11.4.1.12 Personal protective equipment;

11.4.1.13 Personal hygiene; and

11.4.1.14 Hands-on training:

11.4.1.14.1 Site preparation;

11.4.1.14.2 Lead safe work practices; and

11.4.1.14.3 Clean up and decontamination.

11.4.2 The refresher training course shall be a minimum of four hours, [with one of these hours to be hands-on training hours](#), and shall address the following topics:

11.4.2.1 An overview of key safety practices; and

11.4.2.2 An update on new technologies.

11.5 Lead-Based Paint Activities Training Course Content and Requirements

11.5.1 Lead-Based Paint Abatement Supervisor, Target Housing and Public Buildings

11.5.1.1 The initial training course shall include a minimum of 32 training hours with eight of these hours as hands-on training hours. The course shall address the following topics:

11.5.1.1.1 Background information on lead:

11.5.1.1.1.1 History of lead use; and

11.5.1.1.1.2 Sources of environmental lead contamination (paint, surface dust and soil, water, air, food, other).

11.5.1.1.2 Regulatory review:

11.5.1.1.2.1 Federal (OSHA, HUD, EPA, and other agencies); and

11.5.1.1.2.2 States/local.

11.5.1.1.3 Legal and insurance issues.

11.5.1.1.4 Development of pre-abatement work plan.

11.5.1.1.5 Hazard recognition and control:

11.5.1.1.5.1 Health effects of lead;

11.5.1.1.5.2 Site characterization;

11.5.1.1.5.3 Exposure measurements;

11.5.1.1.5.4 Material identification;

11.5.1.1.5.5 Safety and health plan;

11.5.1.1.5.6 Medical surveillance; and

11.5.1.1.5.7 Engineering and work practices.

11.5.1.1.6 Personal protective equipment.

11.5.1.1.6.1 Respiratory protection:

11.5.1.1.6.1.1 Respiratory equipment selection;

11.5.1.1.6.1.2 Air purifying respirators;

11.5.1.1.6.1.3 Care and cleaning of respirators;
and

11.5.1.1.6.1.4 Respiratory program.

11.5.1.1.6.2 Protective clothing and equipment.

11.5.1.1.7 Employee information and training.

11.5.1.1.8 Project management:

11.5.1.1.8.1 Overview of abatement process;

11.5.1.1.8.2 Contractor specifications; and

11.5.1.1.8.3 Supervisory techniques.

11.5.1.1.9 Lead abatement and lead hazard reduction methods:

11.5.1.1.9.1 Prohibited methods;

11.5.1.1.9.2 Interior and exterior abatement techniques, including soil treatments;

11.5.1.1.9.3 Interior and exterior cleanup methods;

11.5.1.1.9.4 Soil, dust and air sampling; and

11.5.1.1.9.5 Clearance standards.

11.5.1.1.10 Waste disposal.

11.5.1.1.11 Community relations process.

11.5.1.1.12 Cost estimation.

11.5.1.1.13 Recordkeeping.

11.5.1.1.14 Historic preservation:

11.5.1.1.14.1 Identifying historical buildings;

11.5.1.1.14.2 Identifying historical features; and

11.5.1.1.14.3 Appropriate abatement alternatives.

11.5.1.2 The refresher training course shall be a minimum of eight hours and shall address the following topics:

11.5.1.2.1 An overview of key safety practices; and

11.5.1.2.2 An update on new technologies.

11.5.2 Lead-based Paint Abatement Worker, Target Housing and Public Facilities

11.5.2.1 The initial training course shall be a minimum of 24 training hours with four of these hours as hands-on training hours. The course shall address the following topics:

11.5.2.1.1 Background information on lead:

11.5.2.1.1.1 History of lead use; and

11.5.2.1.1.2 Sources of environmental lead contamination (paint, surface dust and soil, water, air, food, other).

11.5.2.1.2 Regulatory review:

11.5.2.1.2.1 Federal (OSHA, HUD, EPA, and other agencies); and

11.5.2.1.2.2 State/local.

11.5.2.1.3 Hazard recognition and control:

11.5.2.1.3.1 Health effects of lead;

11.5.2.1.3.2 Site characterization;

11.5.2.1.3.3 Exposure measurements;

11.5.2.1.3.4 Material identification;

11.5.2.1.3.5 Safety and health plan;

11.5.2.1.3.6 Medical surveillance; and

11.5.2.1.3.7 Engineering and work practices.

11.5.2.1.4 Personal protective equipment.

11.5.2.1.4.1 Respiratory protection:

11.5.2.1.4.1.1 Respiratory equipment selection;

11.5.2.1.4.1.2 Air-purifying respirators;

11.5.2.1.4.1.3 Care and cleaning of respirators;
and

11.5.2.1.4.1.4 Respiratory program.

11.5.2.1.4.2 Protective clothing and equipment.

11.5.2.1.4.3 Hygiene practices.

11.5.2.1.5 Lead paint abatement and lead hazard reduction
methods:

11.5.2.1.5.1 Prohibited methods;

11.5.2.1.5.2 Interior and exterior abatement
techniques, including soil treatments; and

11.5.2.1.5.3 Interior and exterior cleanup methods.

11.5.2.1.6 Waste disposal.

11.5.2.2 The refresher training shall be a minimum of eight hours
and shall address the following topics:

11.5.2.2.1 An overview of key safety practices; and

11.5.2.2.2 An update on new technologies.

11.5.3 Lead-based Paint Inspector

11.5.3.1 Initial training course shall be a minimum of 24 training
hours with four of these hours as hands-on training hours and
shall address the following topics:

11.5.3.1.1 Background information on lead:

11.5.3.1.1.1 History of lead use; and

11.5.3.1.1.2 Sources of environmental lead
contamination (paint, surface dust and soil,
water, air, food, other).

11.5.3.1.2 Health effects:

11.5.3.1.2.1 How lead enters the body;

11.5.3.1.2.2 How lead affects the body;

11.5.3.1.2.3 Symptoms and diagnosis;

11.5.3.1.2.4 Level of concern; and

11.5.3.1.2.5 Treatment.

11.5.3.1.3 Regulatory background:

11.5.3.1.3.1 Federal (HUD, OSHA, EPA, and other agencies); and

11.5.3.1.3.2 State/local.

11.5.3.1.4 Lead-based paint inspection methods.

11.5.3.1.4.1 XRF analyzers:

11.5.3.1.4.1.1 Introduction and operation of XRF analyzers;

11.5.3.1.4.1.2 Correcting for substrate interference;

11.5.3.1.4.1.3 Radiation safety;

11.5.3.1.4.1.4 Similarities and differences between the two types of analyzers (direct and indirect);

11.5.3.1.4.1.5 Interpretation of the XRF sampling data;

11.5.3.1.4.1.6 Licensing and registration of XRF analyzers;

11.5.3.1.4.1.7 Transportation of XRF analyzers; and

11.5.3.1.4.1.8 XRF analyzer recordkeeping.

11.5.3.1.4.2 Alternative inspection technologies:

11.5.3.1.4.2.1 Lead-based paint testing operations.

11.5.3.1.4.3 Responsibilities.

11.5.3.1.4.4 Formulation and implementation of the sampling plan and final inspection report:

11.5.3.1.4.4.1 Formulating a plan;

11.5.3.1.4.4.2 Computing sample size;

11.5.3.1.4.4.3 Selecting specific units;

11.5.3.1.4.4.4 Selecting the components in each unit;

11.5.3.1.4.4.5 Classification of components;

11.5.3.1.4.4.6 Collection and preparation of paint chip and soil samples for laboratory analysis; and

11.5.3.1.4.4.7 Recordkeeping.

11.5.3.1.4.5 Preparation of final inspection report of test results.

11.5.3.1.4.6 Dust and soil clearance sampling methodologies.

11.5.3.1.4.7 Legal liability.

11.5.3.1.4.8 Historic Preservation:

11.5.3.1.4.8.1 Identifying historical buildings; and

11.5.3.1.4.8.2 Identifying historical features.

11.5.3.2 Refresher course

11.5.3.2.1 The refresher training course shall be a minimum of eight hours and shall address the following topics:

11.5.3.2.1.1 An overview of key safety practices; and

11.5.3.2.1.2 An update on new technologies.

11.5.4 Lead-based Paint Inspector-Risk Assessor

11.5.4.1 The initial training course shall be a minimum of 16 training hours with four of these hours to be hands-on training hours, which includes site visit(s). The course shall address the following topics:

11.5.4.1.1 Background information to perform risk assessment:

11.5.4.1.1.1 Developing schematic site plan; and

11.5.4.1.1.2 Reviewing previous testing for lead-based paint or other lead-related hazards.

11.5.4.1.2 Visual inspection.

11.5.4.1.3 Risk assessment report form.

11.5.4.1.4 Sampling and inspection guidelines.

11.5.4.1.4.1 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.

11.5.4.1.4.2 Soil sample collection:

11.5.4.1.4.2.1 Sources;

11.5.4.1.4.2.2 Soil hazard levels;

11.5.4.1.4.2.3 Soil sample collection techniques;

11.5.4.1.4.2.4 Number and location of soil samples; and

11.5.4.1.4.2.5 Interpretation of sampling results.

11.5.4.1.4.3 Dust samples:

11.5.4.1.4.3.1 Sources;

11.5.4.1.4.3.2 Dust hazard levels;

11.5.4.1.4.3.3 Number and location of samples; and

11.5.4.1.4.3.4 Interpretation of test results.

11.5.4.1.4.4 Lead in drinking water:

11.5.4.1.4.4.1 Sources;

11.5.4.1.4.4.2 Sampling technique for lead in drinking water; and

11.5.4.1.4.4.3 Interpretation of sampling results.

11.5.4.1.4.5 Data entry forms.

11.5.4.1.5 Interpretation of results and preparation of final report.

11.5.4.1.6 Recommendations to abate or reduce lead-based paint hazards including instruction on when interim controls are appropriate.

11.5.4.1.7 Development of an interim control plan.

11.5.4.1.8 Recordkeeping.

11.5.4.2 The refresher training course shall be a minimum of eight hours and shall address the following topics:

11.5.4.2.1 An overview of key safety practices.

11.5.4.2.2 An update on new technologies.

11.5.5 Lead-based Paint Project Designer

11.5.5.1 The initial training course shall be a minimum of eight training hours with four of these hours to be hands-on training hours. The course shall address the following topics:

11.5.5.1.1 Hazard report interpretation.

11.5.5.1.2 Worker protection/worker safety.

11.5.5.1.3 Environmental safety.

11.5.5.1.4 Project design:

11.5.5.1.4.1 Integration with modernization projects;

11.5.5.1.4.2 Design abatement or lead hazard reduction strategy; and

11.5.5.1.4.3 Cost estimation.

11.5.5.1.5 Construction techniques.

11.5.5.1.6 Abatement and lead hazard reduction methods:

11.5.5.1.6.1 Selection of abatement or lead hazard reduction methods (i.e., which encapsulant to use, how to remove or enclose, etc.); and

11.5.5.1.6.2 Knowledge of abatement and lead hazard reduction equipment and materials.

11.5.5.1.7 Operations and maintenance planning.

11.5.5.1.8 Cleanup.

11.5.5.1.9 Clearance testing.

11.5.5.1.10 Waste disposal.

11.5.5.1.11 Insurance and liability.

11.5.5.1.12 Historic Preservation:

11.5.5.1.12.1 Identifying historical buildings;

11.5.5.1.12.2 Identifying historical features; and

11.5.5.1.12.3 Appropriate abatement alternatives.

11.5.5.2 The refresher training course shall be a minimum of four hours and shall address the following topics:

11.5.5.2.1 An overview of key safety practices; and

11.5.5.2.2 An update on new technologies.

12.0 Certification and Licensing Standards

12.1 General Requirements

12.1.1 No individual shall provide any of the services in this rule within the State of Vermont without first being licensed or certified by the Department to provide such services.

12.1.2 All lead-based paint activities or RRPM activities carried out under the direction of a licensee or certification holder shall be performed in accordance with these regulations.

12.1.3 All licensees and certification holders shall have their current licenses or certifications at the work site.

12.2 Application process

12.2.1 Individuals and entities engaged in lead-based paint activities and RRPM activities for compensation shall submit a complete application on forms provided by the Department and meet the requirements for the specific license category in order to be licensed by the Department.

12.2.2 Individuals engaged in RRPM activities for no compensation at a child care facility shall submit a complete application on forms provided by the Department and meet the requirements in order to be certified by the Department.

12.2.3 Individuals who have successfully taken a cleaning and paint inspection training course provided by the Department will be certified unless a compliance action is pending against them.

12.2.4 State, local government, and nonprofit firms receiving certification and licensing to perform lead-based paint activities or RRPM activities are regulated under these rules.

12.2.5 Initial and renewal applications shall be submitted to the Department at least 25 business days before the license or certification is needed to perform lead-based paint activities or RRPM activities.

12.2.6 The application shall include the following:

12.2.6.1 Original signature of the individual or authorized representative of the entity.

12.2.6.2 Any required documentation to demonstrate that they meet the standards for the license or certification for which they are applying (see Section 12.6. – 12.4718.)

12.2.6.3 For licenses:

12.2.6.3.1 The required fee for the specific license category listed in 18 V.S.A. §1753, payable to the Vermont Department of Health:

12.2.6.3.1.1 Fees are not required for any state or local government, agent of the state, or nonprofit training program and employee of the state; and

12.2.6.3.1.2 Licensing 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 or RRPM activities for a fee or in competitive commercial ventures.

12.2.6.3.2 Proof of ability to indemnify

12.2.6.3.2.1 As part of their application to the Department, each applicant for a lead-based paint contractor entity license, lead-safe RRPM firm license, or individual conducting lead-based paint activities or RRPM activities shall provide the Department with evidence of the ability to indemnify properly a person who suffers

damage from lead-based paint activities or RRPM activities. This shall include one of the following:

12.2.6.3.2.1.1 Proof of effective liability insurance coverage for at least \$300,000 (e.g. an ACORD certificate of insurance); or

12.2.6.3.2.1.2 Proof of a surety bond of at least \$300,000.

12.2.6.4 For uncompensated child care operator certifications:

12.2.6.4.1 Applicants shall certify that they do not and will not offer or act to provide RRPM activities for compensation or a fee, or in competitive commercial ventures; and

[12.2.6.4.2](#) Applicants shall identify the address of the child care facility for which they are the owner and on which they or another adult, related through blood or marriage and living in the household plan to conduct RRPM activities.

[12.2.6.5](#) [For applicants for the Lead-Safe RRPM Firm License for Owners of Rental Target Housing](#)

[12.2.6.5.1](#) [For the purposes of obtaining a license subject to the exemption in 18 V.S.A. 1764\(b\), a person with an ownership interest in an entity \(i.e. a limited liability company, partnership or corporation\) can be considered an “owner” of rental target housing. Each person with an ownership interest shall obtain their own license pursuant to Section 12.8 if seeking a license subject to the exemption in 18 V.S.A. 1764\(b\).](#)

[12.2.6.5.2](#) [Applicants shall submit the required fee for the lead-safe RRPM firm category listed in 18 V.S.A. §1753, payable to the Vermont Department of Health;](#)

[12.2.6.5.3](#) [Applicants shall certify that they do not and will not offer or act to provide RRPM activities for](#)

compensation or a fee, or in competitive commercial ventures;

~~12.2.6.4.2~~ Applicants shall certify that they will not provide training to on-the-job workers and shall perform all RRPM activities personally; and

12.2.6.5.4 Applicants shall identify the address(es) of the target housing properties in which they have an interest and on which they plan to conduct RRPM activities.

12.2.7 Incomplete applications

12.2.7.1 The Department may require further information in order to determine whether the license or certification can be issued.

12.2.7.2 If the Department requests further information from an applicant and does not receive that information within 25 business days, then the application will be considered abandoned and license or certification will be denied.

12.2.8 Denial of applications

12.2.8.1 The Commissioner may deny an application for licensure or certification to any applicant who fails to meet the standards set forth in this rule, or who does not follow the procedures established by the regulations.

12.3 License or certification expiration or lapse in training certification

12.3.1 A license or certification is invalid and an individual or entity shall not perform any lead-based paint activities or RRPM activities if:

12.3.1.1 The licensee or certification holder fails to obtain a renewal before the expiration of his or her current license or certification; or

12.3.1.2 If the licensee or certification holder's training certifications expire and there is a lapse in training.

12.3.2 If a licensee or certification holder's training expires and the licensee does not take the refresher training course before that expiration date, that individual is required to retake the initial course, retake and pass

the third-party certification exam in the appropriate discipline with a score of at least 70%, if applicable, and reapply for a new license.

12.4 Amendments to a license or certification

12.4.1 A licensee or certification holder shall amend its licensure no later than 90 days after the date a change occurs to information included in its most recent license application.

12.4.2 If the licensee or certification holder fails to amend its licensure no later than 90 days after the date the change occurs, the firm may not perform lead-based paint activities or RRP activities until its licensure or certification is amended.

12.4.3 To amend a license or certification, an amended application form shall be submitted, indicating the information that has changed.

12.4.4 The licensee shall also pay the appropriate fee for the amended license type.

12.4.5 Amending a license or certification does not affect the license or certification's expiration date.

12.5 Reciprocity

12.5.1 If licensed or certified outside of Vermont under a law that provides standards which are equal to or more stringent than those of Vermont, the applicant shall:

12.5.1.1 Complete the Vermont application, and

12.5.1.2 Meet the requirements specified for the license or certification category.

12.5.2 The Department will review the course content to determine whether it is equivalent.

12.5.3 If an applicant has an interim training certification from outside of Vermont, the applicant shall:

12.5.3.1 Pay the required fee for the license category

12.5.3.2 Take and pass the third-party certification examination in the appropriate discipline with a score of at least 70%.

12.6 Certification to Conduct Cleaning and Paint Inspections in Rental Target Properties and Child Care Facilities

12.6.1 Requirements for Certification: A rental target property and child care facility owner, or owner's representative shall fulfill the following requirements to obtain a certification:

12.6.1.1 Is at least 18 years of age; and

12.6.1.2 Completes and passes the course examination for the Department's cleaning and paint inspection training with a score of at least 70%.

12.6.2 Training term: the Department's cleaning and paint inspection training is valid for five years.

12.6.3 Certification Holder's Responsibilities:

12.6.3.1 Certified rental target property and child care facility owners, or owner's representatives, are responsible for ensuring compliance with Section 6 for each of the rental target housing properties or child care facilities they own.

12.7 Uncompensated Child Care Operator Certification

12.7.1 Requirements for Certification: An applicant shall fulfill the following requirements to be certified by the Department for a period of five years:

12.7.1.1 Is at least 18 years of age;

12.7.1.2 Completes and passes with a score of at least 70% the course examination for:

12.7.1.2.1 A Vermont-accredited eight-hour RRPM Training Course, including two hours of hands-on training, and a Vermont-specific module and course examination; or

12.7.1.2.2 An EPA-accredited RRP Lead-safe Certified Renovator course or an EPA RRP-authorized state or tribal accredited course, including two hours of hands-on training, and a Vermont-specific module and course examination; and

12.7.1.3 Completes and passes with a score of at least 70% the course examination for the Department's cleaning and paint inspection training.

12.7.2 Training term

12.7.2.1 Initial eight-hour training course is valid for five years.

12.7.2.2 In-person four-hour refresher is valid for five years

12.7.2.3 Online four-hour refresher with no hands-on component is valid for three years. Individuals who take the online four-hour refresher with no hands-on component shall take a refresher course with a hands-on component for their next refresher course.

12.7.3 Certification Holder's Responsibilities:

12.7.3.1 Certified uncompensated child care operators are responsible for ensuring compliance with this Chapter during all RRPM activities they conduct:

12.7.3.1.1 Certified uncompensated child care operators may not provide training to on-the-job workers;

12.7.3.1.2 Certified uncompensated child care operators may only conduct RRPM activities at the child care facility that they own; and

12.7.3.1.3 Certificated uncompensated child care operators may not conduct RRPM activities for a fee or in competitive commercial ventures.

12.7.3.2 Certified uncompensated child care operators shall:

12.7.3.2.1 Perform all RRPM activities in accordance with the work practice standards in Sections 6.0 and 7.0;

12.7.3.2.2 Perform the pre-renovation education requirements of 7.2.3;

12.7.3.2.3 Meet the recordkeeping requirements of 7.4; and

12.7.3.2.4 Have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

12.8 Lead-Safe RRPM Firm License for Owners of Rental Target Housing

12.8.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of five years:

12.8.1.1 Identifies their business entity type and provides an organizational chart listing addresses and phone numbers for branch of the organization.

12.8.1.2 If previously denied a lead-related license or certification in Vermont, provides a list of license(s) or certification(s) applied for and the date(s) of application.

12.8.1.3 If permitted, licensed or certified outside of Vermont, provides a copy of each valid certification or license.

12.8.1.4 Provides documentation of any lead-related enforcement actions associated with the applicant regarding lead-based paint activities or RRPM activities, including notices of violation, civil fines, assurances of discontinuance, orders from the Commissioner, or court orders issued:

12.8.1.4.1 Within the past two years, if initial certification application; or

12.8.1.4.2 Within the past year, if certification renewal application.

12.8.1.5 Submits a complete application and has an environmental compliance history for the firm, its principals, and its key employees that does not show an unwillingness or inability to maintain compliance with environmental statutes or regulations.

12.8.1.6 Provides documentation that applicant is at least 18 years of age;

12.8.1.7 Completes and passes with a score of at least 70% the course examination for:

12.8.1.7.1 A Vermont-accredited eight-hour RRPM Training Course, including two hours of hands-on training, and a Vermont-specific module and course examination; or

12.8.1.7.2 An EPA-accredited RRP Lead-safe Certified Renovator course or an EPA RRP-authorized state or tribal accredited course, including two hours of hands-on training, and a Vermont-specific module and course examination; and

12.8.1.8 Completes and passes with a score of at least 70% the course examination for the Department's cleaning and paint inspection training.

12.8.1.9 Submits a list of target housing properties in which they have an interest.

12.8.2 Training term

12.8.2.1 Initial eight-hour training course is valid for five years.

12.8.2.2 In-person four-hour refresher is valid for five years

12.8.2.3 Online four-hour refresher with no hands-on component is valid for three years. Individuals who take the online four-hour refresher with no hands-on component shall take a refresher course with a hands-on component for their next refresher course.

12.8.3 License Holder's Responsibilities: A holder of a Lead-Safe RRPM Firm License for Owners of Rental Target Housing shall:

12.8.3.1 Not provide training to on-the-job workers and shall perform all RRPM activities personally.

12.8.3.2 Perform all RRPM activities in accordance with the requirements in Sections 6.0 and 7.0 and ensure compliance with this Chapter during all RRPM activities they conduct.

12.8.3.3 Only conduct RRPM activities on the target housing properties that they own. A holder of a Lead-Safe RRPM Firm License for Owners of Rental Target Housing shall not conduct RRPM activities for a fee or in competitive commercial ventures.

12.8.3.4 Perform the pre-renovation education requirements of 7.2.

12.8.3.5 Meet the recordkeeping requirements of 7.4.

12.8.3.6 Have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

12.8.12.9 Lead-Safe RRPM Firm License

~~12.8.1~~12.9.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of five years:

~~12.8.1.1~~12.9.1.1 Identifies their business entity type and provides an organizational chart listing addresses and phone numbers for branch of the organization.

~~12.8.1.2~~12.9.1.2 If previously denied a license in Vermont, provides a list of license(s) applied for and the date(s) of application.

~~12.8.1.3~~12.9.1.3 If permitted, licensed or certified outside of Vermont, provides a copy of each valid certification or license.

~~12.8.1.4~~12.9.1.4 Provides documentation of any lead-related enforcement actions associated with the applicant regarding lead-based paint activities or RRPM activities, including notices of violation, civil fines, assurances of discontinuance, orders from the Commissioner, or court orders issued:

~~12.8.1.4.1~~12.9.1.4.1 Within the past two years, if initial license application; or

~~12.8.1.4.2~~12.9.1.4.2 Within the past year, if license renewal application.

~~12.8.1.5~~12.9.1.5 Provides documentation that at least one employee of the entity is licensed as a lead-safe RRPM supervisor.

~~12.8.1.6~~12.9.1.6 Submits a complete application and has an environmental compliance history for the firm, its principals, and its key employees that does not show an unwillingness or inability to maintain compliance with environmental statutes or regulations.

~~12.8.2~~12.9.2 Licensee's Responsibilities: Firms performing RRPM activities shall ensure that:

~~12.8.2.1~~12.9.2.1 All individuals performing RRPM activities on behalf of the firm are either licensed or have been trained on-the-job by a licensed lead-safe RRPM supervisor.

~~12.8.2.2~~12.9.2.2 A licensed lead-safe RRPM supervisor is assigned to each RRPM project performed by the firm and discharges all the lead-safe RRPM supervisor responsibilities identified in 12.8.2.

~~12.8.2.3~~12.9.2.3 All RRPM activities performed by the firm or its employees are performed in accordance with the work practice standards in Section 6.0 and 7.0.

~~12.8.2.4~~12.9.2.4 The pre-renovation education requirements of 7.2 have been performed.

~~12.8.2.5~~12.9.2.5 The recordkeeping requirements of 7.4 are met.

~~12.9~~12.10 Lead-Safe RRPM Supervisor License

~~12.9.1~~12.10.1 Requirements for Licensure:

~~12.9.1.1~~12.10.1.1 An applicant shall fulfill the following requirements to be licensed by the Department for a period of one year:

~~12.9.1.1.1~~12.10.1.1.1 Is at least 18 years of age;

~~12.9.1.1.2~~12.10.1.1.2 Completes and passes with a score of at least 70% the course examination for:

~~12.9.1.1.2.1~~12.10.1.1.2.1 A Vermont-accredited eight-hour RRPM Training Course, including two hours of hands-on training and a Vermont-specific module and course examination; or

~~12.9.1.1.2.2~~12.10.1.1.2.2 An EPA-accredited RRP Lead-safe Certified Renovator course or an EPA RRP-authorized state or tribal accredited course, including two hours of hands-on training, and a Vermont-specific module and course examination; and

~~12.9.1.1.2.3~~12.10.1.1.2.3 The Department's cleaning and paint inspection training.

~~12.9.1.2~~12.10.1.2 Training term

~~12.9.1.2.1~~12.10.1.2.1 Initial eight-hour training course is valid for five years

~~12.9.1.2.2~~12.10.1.2.2 In-person four-hour refresher is valid for five years

~~12.9.1.2.3~~12.10.1.2.3 Online four-hour refresher is valid for three years. Individuals who take the online four-hour refresher with no hands-on component shall take a refresher course with a hands-on component for their next refresher course.

~~12.9.2~~12.10.2 Licensee's Responsibilities:

~~12.9.2.1~~12.10.2.1 Lead-safe RRPM supervisors are responsible for ensuring compliance with this rule during RRPM activities to which they are assigned.

~~12.9.2.2~~12.10.2.2 A lead-safe RRPM supervisor shall:

~~12.9.2.2.1~~12.10.2.2.1 Perform all the tasks described in 7.2 and shall either perform or direct on-the-job workers who perform all of the tasks described in 7.3.

~~12.9.2.2.2~~12.10.2.2.2 Provide training, using protocols provided by the Department, to on-the-job workers on the work practices required by 7.3 that they will be using in performing their assigned tasks.

~~12.9.2.2.3~~12.10.2.2.3 Maintain at the work site documentation that the licensed RRPM supervisor provided training, according to Department protocols, for all on-the-job

workers conducting RRPM activities on the project, if applicable.

~~12.9.2.2.4~~12.10.2.2.4 Be physically present at the work site at all times when RRPM activities are occurring and when the signs required by Section 7.2.2.2 are posted.

~~12.9.2.2.5~~12.10.2.2.5 Regularly direct work being performed by on-the-job workers and other individuals to ensure that the work practices required by 7.3 are being followed, including maintaining the integrity of the containment barriers and ensuring that dust or debris do not spread beyond the work area.

~~12.9.2.2.6~~12.10.2.2.6 Have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

~~12.9.2.2.7~~12.10.2.2.7 Prepare the records required by 7.4.

~~12.10~~12.11 Lead-based Paint Contractor Entity License

~~12.10.1~~12.11.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of one year:

~~12.10.1.1~~12.11.1.1 Identifies from the following list the type of license for which they are applying:

~~12.10.1.1.1~~12.11.1.1.1 Abatement, Target Housing

~~12.10.1.1.2~~12.11.1.1.2 Abatement, Superstructure

~~12.10.1.1.3~~12.11.1.1.3 Lead-based Paint Consulting Firm

~~12.10.1.1.4~~12.11.1.1.4 Analytical Testing Laboratory

~~12.10.1.2~~12.11.1.2 Identifies their business entity type and provides an organizational chart listing addresses and phone numbers for each branch of the organization.

~~12.10.1.3~~12.11.1.3 If previously denied a license in Vermont, provides a list of license(s) applied for and the date(s) of application.

~~12.10.1.4~~12.11.1.4 If permitted, licensed or certified outside of Vermont, provides a copy of each valid certification or license.

~~12.10.1.5~~12.11.1.5 Provides documentation of any lead-related enforcement actions associated with the applicant regarding lead abatement activities, including notices of violation, civil fines, assurances of discontinuance, orders from the Commissioner, or court orders issued:

~~12.10.1.5.1~~12.11.1.5.1 Within the past two (2) years, if initial license application; or

~~12.10.1.5.2~~12.11.1.5.2 Within the past year, if license renewal application.

~~12.10.1.6~~12.11.1.6 For those applying to be licensed as an abatement contractor entity for target housing or an abatement contractor entity for superstructures:

~~12.10.1.6.1~~12.11.1.6.1 Provides documentation that at least one employee of the entity meets the licensure requirements for the relevant lead-based paint abatement supervisor in Section 12.~~4~~12.

~~12.10.1.6.2~~12.11.1.6.2 Provides a copy of the written worker protection program per Section 8.3.6.

~~12.10.1.6.3~~12.11.1.6.3 Provides documentation of individuals' respirator fit test tests (see Sections 8.3.6.2.2. and 10.1.1.3).

~~12.10.1.6.4~~12.11.1.6.4 Provides documentation of individuals' medical clearances and a copy of a written medical monitoring program (see Section 8.3.6.4. and 10.3.1).

~~12.10.1.6.5~~12.11.1.6.5 Provides a copy of the written exposure monitoring program (See Section 10.3.2).

~~12.10.1.6.6~~12.11.1.6.6 Provides documentation of each employee's lead-based paint abatement experience.

~~12.10.1.6.7~~12.11.1.6.7 Provides evidence that all workers and supervisors have obtained licenses in accordance with these regulations.

~~12.10.1.6.8~~12.11.1.6.8 Provides a list of affiliations with other lead-based paint related businesses.

~~12.10.1.6.9~~12.11.1.6.9 Identifies a principal contact.

~~12.10.1.7~~12.11.1.7 For those applying to be licensed as a lead-based paint consulting firm:

~~12.10.1.7.1~~12.11.1.7.1 Provides a list of affiliations with other lead-based paint related businesses.

~~12.10.1.7.2~~12.11.1.7.2 Identifies a principal contact.

~~12.10.1.7.3~~12.11.1.7.3 Identifies the number of years operating under firm name.

~~12.10.1.7.4~~12.11.1.7.4 Provides a worker protection plan.

~~12.10.1.8~~12.11.1.8 For those applying to be licensed as an analytical testing laboratory:

~~12.10.1.8.1~~12.11.1.8.1 Provides a list of employees performing analysis or other services.

~~12.10.1.8.2~~12.11.1.8.2 Provides documentation of proficiencies, state licenses, and accreditations.

~~12.10.1.8.3~~12.11.1.8.3 Provides a copy of the applicant's quality assurance/quality control manual.

~~12.10.1.8.4~~12.11.1.8.4 Agrees to allow the Department to perform on-site inspections of its facilities, equipment, and records

~~12.10.1.8.5~~12.11.1.8.5 Provides evidence of successful participation in the Environmental Lead Proficiency Analytical Testing Program.

~~12.10.1.8.6~~12.11.1.8.6 Provides evidence of accreditation from a national laboratory accrediting organization which maintains a Memorandum of Understanding with EPA through the National Lead Laboratory Accreditation Program

~~12.10.1.8.7~~12.11.1.8.7 Identifies a principle contact.

~~12.10.2~~12.11.2 Licensee's Responsibilities:

~~12.10.2.1~~12.11.2.1 All license types shall:

~~12.10.2.1.1~~12.11.2.1.1 Ensure that all lead-based paint activities performed by the lead-based paint contractor entity and its employees are carried out in accordance with the requirements in this rule; and

~~12.10.2.1.2~~12.11.2.1.2 Provide each employee documentation of the employee's training certificate and Vermont license once it has been received from the training facility or the Department.

~~12.10.2.2~~12.11.2.2 Entities licensed to conduct lead abatement in target housing and lead abatement on superstructures shall:

~~12.10.2.2.1~~12.11.2.2.1 Ensure that a licensed lead-based paint abatement supervisor target housing/public facilities or lead-based paint abatement supervisor superstructures remains present on-site during all active phases during of any permitted lead abatement project.

~~12.10.2.2.2~~12.11.2.2.2 Follow the written respiratory protection program and make it available to all individuals in its employment at all lead abatement projects

~~12.10.2.2.3~~12.11.2.2.3 Follow the written exposure monitoring program and make it available to all its employees.

~~12.10.2.2.4~~12.11.2.2.4 Follow the written medical monitoring program and make it available to all its employees.

~~12.10.2.3~~12.11.2.3 Lead-based paint consulting firms shall:

~~12.10.2.3.1~~12.11.2.3.1 Perform all lead-based paint activities under their direction in accordance with these regulations.

~~12.10.2.3.2~~12.11.2.3.2 Have their current licenses at the worksite.

~~12.10.2.3.3~~12.11.2.3.3 Provide project documents to the Department as required in these regulations.

~~12.10.2.4~~12.11.2.4 Analytical testing laboratories shall:

~~12.10.2.4.1~~12.11.2.4.1 Develop all final dust clearance analysis reports to contain all required lab and analytical information including, but not limited to, the following:

~~12.10.2.4.1.1~~12.11.2.4.1.1 Specific location of the abatement project;

~~12.10.2.4.1.2~~12.11.2.4.1.2 Description of the sampling activity;

~~12.10.2.4.1.3~~12.11.2.4.1.3 Name and signature of the consultant(s) performing the sampling activity;

~~12.10.2.4.1.4~~12.11.2.4.1.4 Date and time samples were obtained;

~~12.10.2.4.1.5~~12.11.2.4.1.5 Name and address of the licensed analytical lab performing analysis;

~~12.10.2.4.1.6~~12.11.2.4.1.6 Name and signature of the analyst(s);

~~12.10.2.4.1.7~~12.11.2.4.1.7 Method of analysis used;

~~12.10.2.4.1.8~~12.11.2.4.1.8 Detection level of analysis; and

~~12.10.2.4.1.9~~12.11.2.4.1.9 Results of analysis.

~~12.10.2.4.2~~~~12.11.2.4.2~~ Establish written chain of custody protocol and quality assurance procedures that include the following information:

~~12.10.2.4.2.1~~~~12.11.2.4.2.1~~ Methodology of analysis;

~~12.10.2.4.2.2~~~~12.11.2.4.2.2~~ Sample handling and storage;

~~12.10.2.4.2.3~~~~12.11.2.4.2.3~~ Federal reference for method, equivalent, and alternate test procedures;

~~12.10.2.4.2.4~~~~12.11.2.4.2.4~~ Instrumentation selection and use;

~~12.10.2.4.2.5~~~~12.11.2.4.2.5~~ Calibration and standardization;

~~12.10.2.4.2.6~~~~12.11.2.4.2.6~~ Replicate sample analysis;

~~12.10.2.4.2.7~~~~12.11.2.4.2.7~~ Blind samples;

~~12.10.2.4.2.8~~~~12.11.2.4.2.8~~ Data handling, evaluation, and storage procedures;

~~12.10.2.4.2.9~~~~12.11.2.4.2.9~~ Quality control;

~~12.10.2.4.2.10~~~~12.11.2.4.2.10~~ Inter-laboratory quality assurance;

~~12.10.2.4.2.11~~~~12.11.2.4.2.11~~ Intra-laboratory quality assurance.

~~12.10.2.4.3~~~~12.11.2.4.3~~ Follow its chain of custody protocol and quality assurance procedures during analysis of samples for lead content.

~~12.10.2.4.4~~~~12.11.2.4.4~~ Make available upon request these protocols and quality assurance procedures.

~~12.10.2.4.5~~~~12.11.2.4.5~~ Maintain documentation that these protocols and procedures have been followed.

~~12.11.12.12~~ 12.12 Lead-Based Paint Abatement Supervisor Target Housing License

~~12.11.12.12.1~~ 12.12.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of one year:

~~12.11.1.1.12.12.1.1~~ 12.12.1.1 Is at least 18 years of age;

~~12.11.1.2.12.12.1.2~~ 12.12.1.2 Demonstrates one of the following:

~~12.11.1.2.12.12.1.2.1~~ 12.12.1.2.1 At least one year of experience as a lead-based paint abatement worker, or

~~12.11.1.2.2.12.12.1.2.2~~ 12.12.1.2.2 At least two years of experience in the building trades or in a related field;

~~12.11.1.3.12.12.1.3~~ 12.12.1.3 Provides evidence of completion of a Department-approved lead-based paint activities training course, initial 32-hour course for supervisors, including eight hours of hands-on training.

~~12.11.1.3.1.12.12.1.3.1~~ 12.12.1.3.1 Training term

~~12.11.1.3.1.1.12.12.1.3.1.1~~ 12.12.1.3.1.1 Initial eight-hour training course is valid for three years.

~~12.11.1.3.1.2.12.12.1.3.1.2~~ 12.12.1.3.1.2 The Lead-based paint activities training course, refresher for supervisors is required every three years after initial training and is valid for three years.

~~12.11.1.4.12.12.1.4~~ 12.12.1.4 Passes, with a minimum grade of 70 percent, a Department-approved third-party certification exam for lead-based paint supervisor.

~~12.11.1.4.1.12.12.1.4.1~~ 12.12.1.4.1 The applicant may take the certification examination a maximum of three times within six months after completing an approved initial training course.

~~12.11.1.4.2.12.12.1.4.2~~ 12.12.1.4.2 If an applicant does not pass the certification examination and become licensed by the Department after up to three attempts within this six-month period, initial licensing may be denied, and the individual

shall retake the initial training course before reapplying for initial licensing in the same discipline.

~~12.11.2~~12.12.2 Licensee's Responsibilities

~~12.11.2.1~~12.12.2.1 Licensed lead-based paint abatement supervisors target housing are responsible for ensuring compliance with this rule during all abatement activities to which they are assigned.

~~12.11.2.2~~12.12.2.2 A licensed lead-based paint abatement supervisor target housing shall:

~~12.11.2.2.1~~12.12.2.2.1 Be physically present at the work site at all times abatement is being conducted.

~~12.11.2.2.2~~12.12.2.2.2 Regularly direct work being performed by other individuals to ensure that the work practices required by the relevant sections of this rule are being followed.

~~12.11.2.2.3~~12.12.2.2.3 Have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

~~12.11.3~~12.12.3 Licensee's Authorized Activities

~~12.11.3.1~~12.12.3.1 A licensed lead-based paint abatement supervisor target housing is authorized to:

~~12.11.3.1.1~~12.12.3.1.1 Supervise and conduct abatement projects at target housing and public facilities, and

~~12.11.3.1.2~~12.12.3.1.2 Prepare occupant protection plans and abatement reports.

~~12.12~~12.13 Lead-Based Paint Abatement Supervisor Superstructure License

~~12.12.1~~12.13.1 Requirements for Licensure: An applicant for this license shall fulfill the following requirements to be licensed by the Department for a period of one year.

~~12.12.1.1~~12.13.1.1 Is at least 18 years of age;

12.12.1.212.13.1.2 Demonstrates one of the following:

12.12.1.2.112.13.1.2.1 At least one year of experience as a lead-based paint abatement worker; or

12.12.1.2.212.13.1.2.2 At least two years of experience in de-leading in commercial facilities or superstructures.

12.12.1.312.13.1.3 Provides evidence of completion of:

12.12.1.3.112.13.1.3.1 A Department-approved, third-party, 32-hour Society for Protective Coatings C3 (Supervisor/Competent Person Training for De-leading/Hazardous Coatings Removal on Industrial and Marine Structures) training course, including 8 hours on hands-on training; or

12.12.1.3.212.13.1.3.2 A Department-approved lead-based paint activities training course, initial 32-hour course for supervisors and documentation of supplemental training (in-house or outsourced) on the following topics:

12.12.1.3.2.112.13.1.3.2.1 Abrasive blasting.

12.12.1.3.2.212.13.1.3.2.2 Hydroblasting.

12.12.1.3.2.312.13.1.3.2.3 Chemical stripping.

12.12.1.3.2.412.13.1.3.2.4 Power tool cleaning and other mechanical disturbances of lead-based paint.

12.12.1.3.2.512.13.1.3.2.5 Containment methods for de-leading operations.

12.12.1.3.2.612.13.1.3.2.6 Containment, ventilation, and filtration systems inspection and maintenance.

12.12.1.3.2.712.13.1.3.2.7 Air supplied respirator systems inspection and maintenance.

12.12.1.3.2.812.13.1.3.2.8 Decontamination systems inspection and maintenance.

12.12.1.3.2.912.13.1.3.2.9 Regulated area access controls.

12.12.1.3.2.1012.13.1.3.2.10 Visible emissions monitoring.

~~12.12.1.3.2.11~~12.13.1.3.2.11 Ambient and regulated area air monitoring.

~~12.12.1.3.2.12~~12.13.1.3.2.12 Hazardous waste management.

~~12.12.1.3.2.13~~12.13.1.3.2.13 Countermeasures for environmental releases of lead.

~~12.12.1.3.2.14~~12.13.1.3.2.14 Post-abatement visual clearance.

~~12.12.1.3.3~~12.13.1.3.3 Training term

~~12.12.1.3.3.1~~12.13.1.3.3.1 Initial training course and supplemental training (if applicable) are valid for three years.

~~12.12.1.3.4~~12.13.1.3.4 Refresher courses

~~12.12.1.3.4.1~~12.13.1.3.4.1 A Department-approved eight-hour Society for Protective Coatings C5 (Supervisor/Competent Person Training for De-leading/Hazardous Coatings Removal on Industrial and Marine Structures) refresher course is required every three years after initial training and is valid for three years; or

~~12.12.1.3.4.2~~12.13.1.3.4.2 A Department-approved eight-hour lead-based paint activities training course refresher for target housing supervisors and documentation of supplemental training (in-house or outsourced) in the following topics is required every three years after initial training and is valid for three years:

~~12.12.1.3.4.2.1~~12.13.1.3.4.2.1 Abrasive blasting.

~~12.12.1.3.4.2.2~~12.13.1.3.4.2.2 Hydroblasting.

~~12.12.1.3.4.2.3~~12.13.1.3.4.2.3 Chemical stripping.

~~12.12.1.3.4.2.4~~12.13.1.3.4.2.4 Power tool cleaning and other mechanical disturbances of lead-based paint.

~~12.12.1.3.4.2.5~~12.13.1.3.4.2.5 Containment methods for de-leading operations.

~~12.12.1.3.4.2.6~~12.13.1.3.4.2.6 Containment, ventilation, and filtration systems inspection and maintenance.

~~12.12.1.3.4.2.7~~12.13.1.3.4.2.7 Air supplied respirator systems inspection and maintenance.

~~12.12.1.3.4.2.8~~12.13.1.3.4.2.8 Decontamination systems inspection and maintenance.

~~12.12.1.3.4.2.9~~12.13.1.3.4.2.9 Regulated area access controls.

~~12.12.1.3.4.2.10~~12.13.1.3.4.2.10 Visible emissions monitoring.

~~12.12.1.3.4.2.11~~12.13.1.3.4.2.11 Ambient and regulated area air monitoring.

~~12.12.1.3.4.2.12~~12.13.1.3.4.2.12 Hazardous waste management.

~~12.12.1.3.4.2.13~~12.13.1.3.4.2.13 Countermeasures for environmental releases of lead.

~~12.12.1.3.4.2.14~~12.13.1.3.4.2.14 Post-abatement visual clearance.

~~12.12.2~~12.13.2 Licensee's Responsibilities:

~~12.12.2.1~~12.13.2.1 Licensed lead-based paint abatement supervisors superstructure are responsible for ensuring compliance with this rule during all abatement activities to which they are assigned.

~~12.12.2.2~~12.13.2.2 A licensed lead-based paint abatement supervisor superstructure shall:

~~12.12.2.2.1~~12.13.2.2.1 Be physically present at the work site at all times abatement is being conducted.

~~12.12.2.2.2~~12.13.2.2.2 Regularly direct work being performed by other individuals to ensure that the work practices required by the relevant sections of this rule are being followed.

~~12.12.2.2.3~~~~12.13.2.2.3~~ Have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

~~12.12.3~~~~12.13.3~~ Licensee's Authorized Activities:

~~12.12.3.1~~~~12.13.3.1~~ A licensed lead-based paint abatement supervisor superstructure is authorized to:

~~12.12.3.1.1~~~~12.13.3.1.1~~ Supervise and conduct abatement projects at superstructures and commercial facilities, and

~~12.12.3.1.2~~~~12.13.3.1.2~~ Prepare occupant protection plans and abatement reports.

~~12.13~~~~12.14~~ Lead-based Paint Abatement Worker Target Housing License

~~12.13.1~~~~12.14.1~~ Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of one year:

~~12.13.1.1~~~~12.14.1.1~~ Is at least 18 years of age.

~~12.13.1.2~~~~12.14.1.2~~ Provides evidence of completion of a Department-approved lead-based paint activities training course, initial 24-hour course for target housing workers, including ~~four~~~~eight~~ hours of hands-on training.

~~12.13.1.2.1~~~~12.14.1.2.1~~ Training term

~~12.13.1.2.1.1~~~~12.14.1.2.1.1~~ Initial 24-hour training course is valid for three years.

~~12.13.1.2.1.2~~~~12.14.1.2.1.2~~ A Department-approved eight-hour lead-based paint activities training course refresher for target housing workers is required every three years after initial training and is valid for three years.

~~12.13.2~~~~12.14.2~~ Licensee's Responsibilities

~~12.13.2~~12.14.2.1 Licensed lead-based paint abatement target housing workers are responsible for complying with this rule during all abatement activities to which they are assigned.

~~12.13.2.2~~12.14.2.2 A licensed lead-based paint abatement target housing worker shall have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

~~12.13.3~~12.14.3 Licensee's Authorized Activities

~~12.13.3.1~~12.14.3.1 A licensed lead-based paint abatement target housing worker is authorized to conduct abatement at target housing and public facilities.

~~12.14~~12.15 Lead-based Paint Abatement Worker Superstructure

~~12.14.1~~12.15.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of one year:

~~12.14.1.1~~12.15.1.1 Is at least 18 years of age.

~~12.14.1.2~~12.15.1.2 Provides evidence of completion of:

~~12.14.1.2.1~~12.15.1.2.1 A 24-hour Department-approved lead-based paint activities training course for target housing workers, including eight hours of hands-on training; and

~~12.14.1.2.2~~12.15.1.2.2 Documentation of supplemental training (in-house or outsourced) in the following topics:

~~12.14.1.2.2.1~~12.15.1.2.2.1 Abrasive blasting.

~~12.14.1.2.2.2~~12.15.1.2.2.2 Hydroblasting.

~~12.14.1.2.2.3~~12.15.1.2.2.3 Chemical stripping.

~~12.14.1.2.2.4~~12.15.1.2.2.4 Power tool cleaning and other mechanical disturbances of lead-based paint.

~~12.14.1.2.2.5~~12.15.1.2.2.5 Containment methods for de-leading operations.

~~12.14.2~~12.15.2 Training term

~~12.14.2.~~12.15.2.1 Initial 24-hour training course and supplemental training are valid for three years.

~~12.14.2.2.~~12.15.2.2 Refresher courses:

~~12.14.2.2.1.~~12.15.2.2.1 A Department-approved eight-hour lead-based paint activities training course refresher for target housing workers; and

~~12.14.2.2.2.~~12.15.2.2.2 Documentation of supplemental refresher training (in-house or outsourced) in the following topics:

~~12.14.2.2.2.1.~~12.15.2.2.2.1 Abrasive blasting.

~~12.14.2.2.2.2.~~12.15.2.2.2.2 Hydroblasting.

~~12.14.2.2.2.3.~~12.15.2.2.2.3 Chemical stripping.

~~12.14.2.2.2.4.~~12.15.2.2.2.4 Power tool cleaning and other mechanical disturbances of lead-based paint.

~~12.14.2.2.2.5.~~12.15.2.2.2.5 Containment methods for de-leading operations.

~~12.14.2.2.3.~~12.15.2.2.3 The refresher training course and supplemental refresher training are required every three years after initial training and are valid for three years.

~~12.14.3.~~12.15.3 Licensee's Responsibilities

~~12.14.3.1.~~12.15.3.1 Licensed lead-based paint abatement superstructure workers are responsible for complying with this rule during all abatement activities to which they are assigned.

~~12.14.3.2.~~12.15.3.2 A licensed lead-based paint abatement superstructure worker shall have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

~~12.14.4.~~12.15.4 Licensee's Authorized Activities

~~12.14.4.1.~~12.15.4.1 A licensed lead-based paint abatement superstructure worker is authorized to conduct abatement at superstructures and commercial facilities.

~~12.15.~~12.16 Lead-based Paint Inspector

~~12.15.1~~12.16.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of one year:

~~12.15.1.1~~12.16.1.1 Is at least 18 years of age.

~~12.15.1.2~~12.16.1.2 Demonstrates one of the following:

~~12.15.1.2.1~~12.16.1.2.1 A bachelor's degree in a related field,

~~12.15.1.2.2~~12.16.1.2.2 An associate degree in a related field ~~or certification in construction trades~~ and either:

~~12.15.1.2.2.1~~12.16.1.2.2.1 ~~Two~~One or more years of experience as a lead-based paint abatement supervisor; or

~~12.15.1.2.2.2~~12.16.1.2.2.2 ~~Two~~One or more years of experience as an asbestos inspector.

~~12.15.1.2.3~~12.16.1.2.3 A high school degree or GED, and either:

~~12.15.1.2.3.1~~12.16.1.2.3.1 ~~Three~~Two or more years of experience as a lead-based paint abatement supervisor; or

~~12.15.1.2.3.2~~12.16.1.2.3.2 ~~Three~~One or more years of experience as an asbestos inspector.

~~12.15.1.3~~12.16.1.3 Provides evidence of ~~one of~~ the following:

~~12.15.1.3.1~~12.16.1.3.1 Completion of a Department-approved lead-based paint activities training course, initial 24-hour course for lead-based paint inspectors with four hours of hands-on trainings; and

~~12.15.1.3.2~~12.16.1.3.2 Successfully passing, with a minimum grade of 70 percent, a Department-approved third-party certification examination for lead-based paint inspector.

~~12.15.1.4~~12.16.1.4 The applicant may take the certification examination a maximum of three times within six months after completing an approved initial training course.

~~12.15.1.4.1~~12.16.1.4.1 If an applicant does not pass the certification examination and become licensed by the Department after up to three attempts within this six-month period, the initial license may be denied, and the individual shall retake the initial training course before reapplying for initial licensing in the same discipline.

~~12.15.2~~12.16.2 Training term

~~12.15.2.1~~12.16.2.1 Initial 24-hour training course is valid for three years.

~~12.15.2.2~~12.16.2.2 A Department-approved eight-hour refresher course is required every three years after initial training and is valid for three years.

~~12.15.3~~12.16.3 Licensee's Responsibilities:

~~12.15.3.1~~12.16.3.1 Licensed lead-based paint inspectors are responsible for complying with this rule during all lead-based paint activities.

~~12.15.3.2~~12.16.3.2 A licensed lead-based paint inspector shall have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

~~12.15.4~~12.16.4 Licensee's Authorized Activities:

~~12.15.4.1~~12.16.4.1 An individual licensed as a lead-based paint inspector is authorized to conduct the following activities:

~~12.15.4.1.1~~12.16.4.1.1 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, and clearance testing.

~~12.15.4.1.2~~12.16.4.1.2 Developing sampling and analysis plans.

~~12.15.4.1.3~~12.16.4.1.3 _____ Collecting of samples from suspected lead-based paint.

~~12.15.4.1.4~~12.16.4.1.4 _____ Developing of inspection reports.

~~12.15.4.1.5~~12.16.4.1.5 _____ Performing random sampling for multi-unit properties.

~~12.15.4.1.6~~12.16.4.1.6 _____ Conducting clearance examinations following interim controls, renovations, ongoing maintenance, remodeling, and activities other than abatement.

~~12.15.4.1.7~~12.16.4.1.7 _____ Conducting 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).

~~12.15.4.1.8~~12.16.4.1.8 _____ Conducting clearance examinations 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 lead-based paint inspector shall not be performed using random sampling of dwelling units or common areas in multi-unit properties.

~~12.16~~12.17 _____ Lead-based Paint Inspector-Risk Assessor

~~12.16.1~~12.17.1 _____ Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of one year:

~~12.16.1.1~~12.17.1.1 _____ Is at least 18 years of age.

~~12.16.1.2~~12.17.1.2 _____ Demonstrates one of the following:

~~12.16.1.2.1~~12.17.1.2.1 _____ A bachelor's degree and one year of experience in a related field,

~~12.16.1.2.2~~12.17.1.2.2 _____ An associate's degree in a related field ~~or certification in construction trades~~, and either:

~~12.16.1.2.2~~+~~12.17.1.2.2.1~~ ~~Two~~One or more years of experience as a lead-based paint abatement supervisor; or

~~12.16.1.2.2.2~~~~12.17.1.2.2.2~~ ~~Two~~One or more years of experience as an asbestos inspector.

~~12.16.1.2.3~~~~12.17.1.2.3~~ A high school degree or GED, and either:

~~12.16.1.2.3.1~~+~~12.17.1.2.3.1~~ ~~Three~~Two or more years of experience as a lead-based paint abatement supervisor; or

~~12.16.1.2.3.2~~~~12.17.1.2.3.2~~ ~~Three~~One or more years of experience as an asbestos inspector.

~~12.16.1.3~~~~12.17.1.3~~ Provides evidence of completion of and successful examination for the following Department-approved, third-party lead-based paint activities training courses:

~~12.16.1.3.1~~+~~12.17.1.3.1~~ Initial Department-approved 24-hour lead-based paint activities training course training course for lead-based paint inspectors, including four hours of hands-on training, and

~~12.16.1.3.2~~~~12.17.1.3.2~~ Initial Department-approved lead-based paint activities training course 16-hour training course for lead-based paint risk assessors, including four hours of hands-on training.

~~12.16.1.4~~~~12.17.1.4~~ Provides evidence of the following experience:

~~12.16.1.4.1~~+~~12.17.1.4.1~~ Participation in the planning, field work, and report development for at least 12 comprehensive lead-based paint inspections over a period of 12 months as a licensed lead-based paint inspector, or

~~12.16.1.4.2~~~~12.17.1.4.2~~ One year of experience in a related field, including, but not limited to, lead, asbestos, or other environmental remediation work.

~~12.16.1.5~~12.17.1.5 Provides documentation of successfully passing, with a minimum grade of 70 percent, a Department-approved third-party certification exam for lead-based paint inspector.

~~12.16.1.6~~12.17.1.6 Successfully passes, with a minimum grade of 70 percent, a Department-approved third-party certification exam for lead-based paint risk assessor.

~~12.16.1.6.1~~12.17.1.6.1 The applicant may take the certification examination a maximum of three times within six months after completing an approved training course for the discipline.

~~12.16.1.6.2~~12.17.1.6.2 If an applicant does not pass the certification examination and become licensed by the Department after three attempts within this six-month period, the initial license may be denied, and the individual shall retake the initial training course before reapplying for initial licensing in the same discipline.

~~12.16.2~~12.17.2 Training term

~~12.16.2.1~~12.17.2.1 Initial 16-hour lead-based paint course for risk assessor training course is valid for three years.

~~12.16.2.2~~12.17.2.2 A Department approved eight-hour refresher course is required every three years after initial training and is valid for three years. Individuals who have successfully passed a Department-approved third-party certification exam for lead-based paint risk assessor are not required to refresh the lead-based paint inspector training.

~~12.16.3~~12.17.3 Licensee's Responsibilities:

~~12.16.3.1~~12.17.3.1 Licensed lead-based paint inspector-risk assessors are responsible for complying with this rule during all lead-based paint activities.

~~12.16.3.2~~12.17.3.2 A licensed lead-based paint inspector-risk assessor shall have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

~~12.16.4~~12.17.4 Licensee's Authorized Activities

~~12.16.4.1~~12.17.4.1 An individual licensed as a lead-based paint inspector-risk assessor is authorized to conduct the following activities:

~~12.16.4.1.1~~12.17.4.1.1 Conduct all services performed by a lead-based paint inspector.

~~12.16.4.1.2~~12.17.4.1.2 Utilize information developed from inspections to assess the potential hazards of lead-based paint.

~~12.16.4.1.3~~12.17.4.1.3 Develop a risk assessment and analysis plan.

~~12.16.4.1.4~~12.17.4.1.4 Conduct a risk assessment.

~~12.16.4.1.5~~12.17.4.1.5 Make recommendations for response actions to all identified lead-based paint hazards.

~~12.16.4.1.6~~12.17.4.1.6 Develop an interim controls plan.

~~12.17~~12.18 Lead-based Paint Project Designer

~~12.17.1~~12.18.1 Requirements for Licensure: An applicant for this license shall fulfill the following requirements to be licensed by the Department for a period of one year.

~~12.17.1.1~~12.18.1.1 Is at least 18 years of age.

~~12.17.1.2~~12.18.1.2 Demonstrates one of the following:

~~12.17.1.2.1~~12.18.1.2.1 Certification as an Industrial Hygienist from the American Board of Industrial Hygiene Certified, or a Registered Professional Engineer or a Registered Architect and either:

~~12.17.1.2.1.1~~12.18.1.2.1.1 Six months of experience conducting of lead-based paint abatement activities, or

~~12.17.1.2.1.2~~12.18.1.2.1.2 One year of experience as a project designer for asbestos or radon

~~12.17.1.2.2~~12.18.1.2.2 A bachelor's degree and one year of experience in a related field and either:

~~12.17.1.2.2.1~~12.18.1.2.2.1 One year of experience in lead-based paint abatement activities, or

~~12.17.1.2.2.2~~12.18.1.2.2.2 One year of experience as a project designer for asbestos or radon.

~~12.17.1.2.3~~12.18.1.2.3 An associate degree in a related field or certification in construction trades, and either:

~~12.17.1.2.3.1~~12.18.1.2.3.1 Two years of experience in engineering or industrial hygiene,

~~12.17.1.2.3.2~~12.18.1.2.3.2 One year of experience in lead-based paint abatement activities, or

~~12.17.1.2.3.3~~12.18.1.2.3.3 One year of experience as a project designer asbestos or radon.

~~12.17.1.2.4~~12.18.1.2.4 A high school degree or GED, and either:

~~12.17.1.2.4.1~~12.18.1.2.4.1 Four years of experience in engineering or industrial hygiene,

~~12.17.1.2.4.2~~12.18.1.2.4.2 One year of experience in lead-based paint activities, or

~~12.17.1.2.4.3~~12.18.1.2.4.3 One year of experience as an asbestos or radon project designer.

~~12.17.1.3~~12.18.1.3 Provides evidence of completion of and successful examination for the following Department-approved, third-party lead-based paint activities training courses:

~~12.17.1.3.1~~12.18.1.3.1 Initial Department-approved 32-hour course for supervisors, including eight hours of hands-on training; and

~~12.17.1.3.2~~12.18.1.3.2 Initial Department-approved eight-hour course for project designers, including four hours of hands-on training.

~~12.17.1.3.3~~12.18.1.3.3 Provides documentation of successfully passing, with a minimum grade of 70 percent, a Department-approved third-party certification exam for lead-based paint supervisor.

~~12.17.2~~12.18.2 Training term

~~12.17.2.1~~12.18.2.1 Initial 32-hour lead-based paint supervisor and eight-hour lead-based paint project designer courses are valid for three years.

~~12.17.2.2~~12.18.2.2 Eight-hour Department-approved lead-based paint supervisor and eight-hour lead-based paint project designer refresher courses are required every three years after initial training and are valid for three years.

~~12.17.3~~12.18.3 Licensee's Responsibilities:

~~12.17.3.1~~12.18.3.1 Licensed lead-based paint project designers are responsible for complying with this rule during all lead-based paint activities.

~~12.17.3.2~~12.18.3.2 A licensed lead-based paint project designer shall have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.

~~12.17.4~~12.18.4 Licensee's Authorized Activities

~~12.17.4.1~~12.18.4.1 An individual licensed as a lead-based paint project designer is authorized to conduct the following activities:

~~12.17.4.1.1~~12.18.4.1.1 Designing, preparing and evaluating lead-based paint abatement project specifications.

~~12.17.4.1.2~~12.18.4.1.2 Determining how lead-based paint abatement should be conducted.

~~12.17.4.1.3~~12.18.4.1.3 Preparing occupant protection plans and abatement reports.



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: November 13, 2023, virtually via Microsoft Teams

Members Present: Chair Sean Brown, Brendan Atwood, Jared Adler, Jennifer Mojo, John Kessler, Diane Sherman, Michael Obuchowski, and Nicole Dubuque

Minutes By: Melissa Mazza-Paquette and Anna Reinold

- 2:02 p.m. meeting called to order, welcome and introductions.
- Review and approval of [minutes](#) from the October 9, 2023 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- Note the following emergency rules were supported by ICAR Chair:
 - On 10/23/23: Emergency Housing Transition Benefit, by the Agency of Human Services, Department for Children and Families
 - This emergency rule is necessary to continue providing emergency housing assistance in accordance with Act 81.
 - Act 81 established an emergency housing transition benefit that provides continued housing in a hotel or motel for households that were housed through the pandemic-era General Assistance Emergency Housing Program as of June 30, 2023. Under Act 81, the transition benefit ends April 1, 2024. This emergency rule maintains the eligibility criteria initially established in 23-E05, with the following changes: 1) language clarifying that a household must accept and maintain a hotel or motel housing placement for the duration of the eligibility reassessment period to maintain eligibility for the transition benefit; 2) not including “upon expiration of the eligibility reassessment period” from rule 2652.5(D)(i) to align with the requirement in Act 81 that eligibility terminate upon noncompliance with the criteria established in the Act; 3) new definition of misconduct; 4) language addressing hospital-level care and short-term alternative housing placements; and 5) language addressing notice and appeal rights.
 - On 10/23/23: Expansion of Eligibility Criteria for Temporary Housing Assistance, by the Agency of Human Services, Department for Children and Families
 - This emergency rule is necessary to continue providing temporary housing assistance to families with children under 18 years of age and calculating the income contribution based on average or current daily motel rate.
 - Temporary housing assistance under the General Assistance program provides up to 84 or 28 days of housing in a hotel or motel. Households that are without housing due to a catastrophic situation may be eligible for up to 84 days. Households that are ineligible under catastrophic criteria may be eligible for up to 28 days if the household has a member belonging to a vulnerable population. This rule maintains categorical eligibility for 28 days of housing for families with children under 18 years of age or who are 18 or 19 years of age and attending school, as initially established in 23-E05. This rule also maintains the update to the basic needs standard chart in rule 2652.4 and the methodology for calculating the 30 percent income contribution in rule 2652.4, as initially established in 23-E05. This rule adds language addressing lodging licensing

violations. Criteria related to the Act 81 transition benefit are not included in this rule and will be included in a separate emergency rule.

- Public comments made by Jay Greene, Office of Racial Equity regarding the General Assistance Temporary Housing Assistance proposed rule by the Department for Children and Families
- Presentation of Proposed Rules on pages 3-6 to follow.
 1. Rules Governing Medications for Opioid Use Disorder, Department of Health, page 3
 2. General Assistance Temporary Housing Assistance, Department for Children and Families, page 4
 3. Regulations for Lead Control, Agency of Human Services, Department of Health, page 5
 4. Vermont Fire Service Training Council Rules and Policies, Vermont Fire Service Training Council, page 6
- Next scheduled meeting is December 11, 2023 at 2:00 p.m.
- 3:11 p.m. meeting adjourned.

**Proposed Rule: Regulations for Lead Control, Agency of Human Services, Department of Health
Presented By: Meg McCarthy**

Motion made to accept the rule by Diane Sherman, seconded by Jen Mojo, and passed unanimously except for Brendan Atwood who abstained, with the following recommendations:

1. Proposed Filing – Coversheet:
 - a. #7: Define ‘RRPM’.
 - b. #8: Include who is asking for this rule to be changed.
2. Economic Impact Analysis: Provide an estimate of how many units might fall under this rule.
3. Environmental Impact Analysis, #3: Consider reduction of lead in soil because of this rule.
4. Public Input Maximization Plan, #4: Clarify that the rental property owners noted reached out to the department for a copy of the proposed rule. Clarify that you'll share the rule with the others listed and complete outreach and efforts being made. Include all those that were included in the outreach and any public information campaigns. Consider reach out to small landlords broadly who might not have a certificate yet.

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JENNEY SAMUELSON
SECRETARY

TODD W. DALOZ
DEPUTY SECRETARY

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

MEMORANDUM

TO: Sarah Copeland Hanzas, Secretary of State

FROM: Jenney Samuelson, Secretary, Agency of Human Services

A handwritten signature in blue ink, appearing to be "Jenney Samuelson", written in a cursive style.

DATE: March 7, 2024

SUBJECT: Signatory Authority for Purposes of Authorizing Administrative Rules

I hereby designate Todd Daloz, Deputy Secretary, Agency of Human Services as signatory to fulfill the duties of the Secretary of the Agency of Human Services as the adopting authority for administrative rules as required by Vermont's Administrative Procedures Act, 3. V.S.A § 801 et seq.

CC: Todd W. Daloz via Todd.Daloz@vermont.gov