

## 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(s) 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 who has satisfactorily completed an accredited training program approved by the Commissioner and has a current license issued by the Department to perform abatement work supervision pursuant to Section 12.12 or 12.13.
- 4.48 "Lead-based paint abatement worker" means any individual who has satisfactorily completed an accredited training program approved by the Commissioner and has a current license issued by the Department to perform abatement work pursuant to Section 12.14 or 12.15.
- 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-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.

- 4.53 "Lead-based paint inspector" means any individual who has satisfactorily completed an accredited training program approved by the Commissioner and has a current license issued by the Department to conduct lead-based paint inspections pursuant to Section 12.16.
- 4.54 "Lead-based paint inspector-risk assessor" means any individual who has satisfactorily completed an accredited training program approved by the Commissioner and has a current license issued by the Department to conduct lead-based paint inspections and risk assessments pursuant to Section 12.17.
- 4.55 "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.
- 4.56 "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.
- 4.57 "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:
- 4.57.1 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.
- 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.
- 4.58 "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, certified uncompensated child care operator, or a holder of a lead-safe RRPM firm license for owners of rental target housing 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.

5.1.4 A licensed lead-based paint contractor entity may apply for a waiver of required work practices as described in Sections 8.1.2 and 9.2.

## 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 RRPM 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 paint chips, 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. The licensed lead-based paint inspector or lead-based paint inspector-risk assessor may be requested by the owner to apply for exemption on the owner's behalf.

5.4.1.2 An owner of target housing, rental target housing or a child-occupied facility, or owner's representative, shall arrange to have the licensed lead-based paint inspector or lead-based paint inspector-risk assessor apply for exemption, which includes providing 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. The licensed lead-based paint inspector or lead-based paint inspector-risk assessor may be requested by the owner to submit an application for exemption on the owner's behalf.

5.4.2.2 An owner of target housing, rental target housing or a child-occupied facility, or owner's representative shall arrange to have the licensed lead-based paint inspector or lead-based paint inspector-risk assessor apply for exemption, which includes providing 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 until paint stabilization occurs. 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 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, licensed lead-safe RRPM supervisor, 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 or 40 C.F.R. 745.227(e)(8), whichever is lower, have been met.

Table 1  
**Clearance Dust Standards (Wipe Sampling Only)<sup>1</sup>**

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

<sup>1</sup> 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 or RRPM activities 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 initial 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 for a minimum of six years.
- 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. This training is valid for five years 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.

11.4.3 The training provider may also offer an online four hour refresher training with no hands-on component that addresses the topics listed in Section 11.4.2. This course 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.

## 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 license, except as described in Section 12.2.6.5, 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;

12.2.6.5.4 Applicants shall certify that they will not provide training to on-the-job workers and shall perform all RRPM activities personally; and

12.2.6.5.5 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.

## 12.9 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 based paint or RRPM 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 Successfully passes, with a minimum grade of 70 percent, a Department-approved third-party certification exam for lead-based paint risk assessor.

12.17.1.5.1 The applicant may take the certification examination a maximum of three times within six months after completing an approved training course for the discipline.

12.17.1.5.2 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.