

Administrative Procedures – Proposed Rule Filing

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” ([CVR 04-000-001](#)) adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

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

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

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

Regulations for Lead Control

_____/s/ Michael K. Smith_____, on 5/26/2020
(signature) (date)

Printed Name and Title:

Michael K. Smith
Secretary
Agency of Human Services

RECEIVED BY: _____

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

1. TITLE OF RULE FILING:
Regulations for Lead Control

2. ADOPTING AGENCY:
Vermont Department of Health

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

Name: Shayla Livingston

Agency: Department of Health

Mailing Address: 108 Cherry Street, Burlington, VT 05401

Telephone: 802 863 - 7280 Fax: 802 951 - 1275

E-Mail: shayla.livingston@vermont.gov

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

<https://www.healthvermont.gov/about-us/laws-regulations/public-comment>

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

Name: Brendan Atwood

Agency: Department of Health

Mailing Address: 108 Cherry Street, Burlington, VT 05401

Telephone: 802 863 - 7280 Fax: 802 951 - 1275

E-Mail: brendan.atwood@vermont.gov

5. RECORDS EXEMPTION INCLUDED WITHIN RULE:
(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?) **No**

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

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

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

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

The statute states the following:

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

18 V.S.A. § 1752(b) The Secretary shall adopt emergency rules, and not later than January 1, 1994, the Secretary shall adopt permanent rules, establishing standards and specifications for the accreditation of training programs both within and outside Vermont

18 V.S.A. § 1759 (f) The Commissioner may adopt rules pursuant to 3 V.S.A. Chapter 25 as necessary for the implementation, administration, and enforcement of this section.

18 V.S.A. § 1760(a)(2) Unsafe work practices are prohibited and include...Failing to employ one or more of the lead-safe work practice standards that the Commissioner shall adopt by rule.

8. CONCISE SUMMARY (150 WORDS OR LESS):

This rule seeks to protect public health by reducing lead exposure for children, workers and the public. 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.

9. EXPLANATION OF WHY THE RULE IS NECESSARY:

Act 149 (2017) amended Title 18 to authorize the Health Department to assume the activities required to enforce the federal Renovation, Repair and Painting regulations. This rulemaking updates the rule to reflect those changes. The major change is that all individuals licensed to work on pre-1978 buildings where lead paint will be disturbed will now be licensed and regulated by the Vermont Department of Health instead of the United States Environmental Protection Agency (EPA).

10. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

This rulemaking reflects the changes necessary for the Health Department to assume enforcement and

implementation of the Renovation, Repair and Painting regulations.

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

Property owners of pre-1978 rental housing

Owners of child occupied facilities in pre 1978 buildings

Individuals that perform renovation, repair, painting and maintenance work and

Individuals who train workers.

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

There should be a very minimal economic impact to licensed and regulated individuals. The State will have to increase staffing and programming, but these efforts should be offset by the fee revenue previously provided by the US EPA.

13. A HEARING IS SCHEDULED .

14. HEARING INFORMATION

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

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION NEEDED FOR THE NOTICE OF RULEMAKING.

Date: 7/7/2020

Time: 10:00 AM

Street Address: Via Phone

Zip Code: 1 802-552-8456 Conference ID: 905 389 348#

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

Date:

Proposed Rule Coversheet

Time: AM

Street Address:

Zip Code:

15. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING): 7/14/2020

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

Abatement

Deteriorated paint

Lead-based paint

renovation, repair, painting and maintenance (RRPM)

lead

Administrative Procedures – Adopting Page

Instructions:

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

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

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

1. TITLE OF RULE FILING:

Regulations for Lead Control

2. ADOPTING AGENCY:

Vermont Department of Health

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

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

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

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

November 1, 2003 Secretary of State Rule Log # 03-34
VERMONT REGULATIONS FOR LEAD CONTROL

Administrative Procedures – Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose.

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

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

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3. CATEGORY OF AFFECTED PARTIES:

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

Property owners of pre-1978 rental housing: should see minimal change in cost as all requirements in this rule exist today. May see slight increase in cost due to better outreach and education.

Owners of child occupied facilities in pre 1978 buildings: should see minimal change in cost as all

Economic Impact Analysis

requirements in this rule exist today. May see slight increase in cost due to better outreach and education.

Individuals that perform renovation, repair, painting and maintenance work: will see a minor increase in fees (\$50/year), as well as a possible increase in cost due to increased outreach and education around regulatory requirements.

Individuals who train workers: should see an increase in individuals seeking training due to increased outreach and education.

State of Vermont: Licensing fees will be collected by the State, so the State will see an increase in funds, but will also need to hire new staff to implement the rule - projected to be cost neutral.

4. IMPACT ON SCHOOLS:

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

None

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

The alternative is to not assume authority for the Renovation, Repair and Painting regulations and the regulated community will continue to pay fees to and be regulated by the EPA.

6. IMPACT ON SMALL BUSINESSES:

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

The rates are established by the Legislature.

Insofar as all of the affected parties could be small businesses - the affected parties should not see a negative economic impact.

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

Economic Impact Analysis

In taking over the regulation from the EPA, the Department aspires to clarify and streamline the regulations for all Vermonters, including small businesses.

8. COMPARISON:

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

The alternative is to not assume authority for the Renovation, Repair and Painting regulations and the regulated community will continue to pay fees to and be regulated by the EPA.

9. SUFFICIENCY: *EXPLAIN THE SUFFICIENCY OF THIS ECONOMIC IMPACT ANALYSIS.*

Because this is federal regulation, the economic impact will be similar with or without the rule.

Administrative Procedures – Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis.

Examples of Environmental Impacts include but are not limited to:

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

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2. ADOPTING AGENCY:

Vermont Department of Health

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

None

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

None

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

None

6. RECREATION: *EXPLAIN HOW THE RULE IMPACT RECREATION IN THE STATE:*

None

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

None

Environmental Impact Analysis

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

N/A

9. **SUFFICIENCY:** *EXPLAIN THE SUFFICIENCY OF THIS ENVIRONMENTAL IMPACT ANALYSIS.*

N/A

Administrative Procedures – Public Input

Instructions:

In completing the public input statement, an agency describes the strategy prescribed by ICAR to maximize public input, what it did do, or will do to comply with that plan to maximize the involvement of the public in the development of the rule.

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

1. TITLE OF RULE FILING:

Regulations for Lead Control

2. ADOPTING AGENCY:

Vermont Department of Health

3. PLEASE DESCRIBE THE STRATEGY PRESCRIBED BY ICAR TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE:

The Department obtained input from key stakeholders prior to the ICAR hearing. The Department will post the proposed rule on the Department website, and hold a public hearing.

4. PLEASE LIST THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The Department obtained input from key stakeholders prior to the ICAR hearing. The Department will post the proposed rule on the Department website, and hold a public hearing.

Paper copies may be obtained by calling the Department at 802-863-7280.

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

United States Environmental Protection Agency (EPA)

Associated General Contractors of Vermont

Public Input

Vermont Home Builders & Remodelers Association of
Northern Vermont
Lead paint abatement workers and
trainers

Lead paint inspectors

Licensed lead-paint contractors

Vermont Housing and Conservation Board

Chapter 6**Subchapter 3****Vermont Regulations for Lead Control****Table of Contents**

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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(a–c), 1759(b) and 1766(a)(3).
- 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 children and the public. The rule provides the requirements for work practices, licensing, and training for lead-based paint activities and renovation, repair, painting and maintenance activities to prevent the creation of lead hazards that cause lead poisoning.

3.0 **Scope**

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

4.0 **Definitions**

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

- 4.1 “Abatement” means any set of measures designed to eliminate lead hazards permanently in accordance with standards established by appropriate state and federal agencies.
- 4.1.1 “Abatement” includes the removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or components, and the removal or permanent covering of lead-contaminated soil; and
- 4.1.1.1 All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.

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

- 4.5 “Agent” means any party who enters into a contract with a seller or lessor, including any party who enters into a contract with a representative of the seller or lessor, for the purpose of selling or leasing target housing. This term does not apply to purchasers or any purchaser's representative who receives all compensation from the purchaser.
- 4.6 “Bare soil” means soil or sand not covered by grass, sod, other live ground covers, wood chips, gravel, artificial turf, or similar covering.
- 4.7 “Business day” means Monday through Friday except for Federal and State holidays.
- 4.8 “Child” or “children” means an individual or individuals under 18 years of age, except where specified as a child or children 6 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 buildings.
- 4.10.2 With respect to common areas in public or commercial buildings 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 buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building 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 “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.

- 4.12 “Commissioner” means the Commissioner of the Vermont Department of Health or their duly authorized agent. Unless otherwise specified in these Regulations, the term “the Department” shall be synonymous with Commissioner.
- 4.13 “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.
- 4.14 “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.
- 4.15 “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.
- 4.16 “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.
- 4.17 “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.
- 4.18 “De-leading” means the activities conducted by a person who offers to eliminate lead-based paint or lead-based paint hazards or to plan such

activities in commercial buildings, bridges, or other structures or superstructures. De-leading is considered abatement.

- 4.19 “Department” means the Vermont Department of Health.
- 4.20 “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.
- 4.21 “Discipline” means one of the specific types or categories of lead-based paint activities or RRPM activities identified in this subpart for which individuals may receive training from accredited programs and become licensed or certified by the Department. For example, “abatement worker” is a discipline.
- 4.22 “Disturb” means to engage in activities such as renovation, remodeling, repair, maintenance, plumbing, electrical work, carpentry, window installation, painting, or weatherization, that create dust or paint chips from painted surfaces.
- 4.23 “Dripline” means the area within 3 feet surrounding the perimeter of a building.
- 4.24 “Dry sanding” means sanding without moisture and includes both hand and machine sanding.
- 4.25 “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:
- 4.25.1 No later than 365 days after the most recent compliance statement was received by the Department;
- 4.25.2 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;
- 4.25.3 Any other date agreed to by the owner and the Department; or
- 4.25.4 Any other date set by the Department.
- 4.26 “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 that lead exposures do not exceed limits set by the Department.

- 4.27 “Dwelling unit” means a:
- 4.27.1 Single-family dwelling, including attached structures such as porches and stoops; or
 - 4.27.2 Housing unit in a structure that contains more than 1 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 1 or more persons.
- 4.28 “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.
- 4.29 “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.
- 4.30 “Enclosure” means the use of rigid, durable construction materials that are mechanically fastened 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”).
- 4.31 “EPA” means the U.S. Environmental Protection Agency.
- 4.32 “Facility” means any institutional, commercial, public, private, or industrial structure, installation, building or private residence and its grounds.
- 4.33 “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.
- 4.34 “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.
- 4.35 “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.
- 4.36 “Hazardous waste” means any waste as defined in 40 CFR 261.3 and by the Vermont Hazardous Waste Management Regulations.

- 4.37 “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 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.
- 4.38 “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.
- 4.39 “HUD” means the U.S. Department of Housing and Urban Development.
- 4.40 “Impact surface” means an interior or exterior surface that is subject to damage by repeated sudden force such as certain parts of door frames.
- 4.41 “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.
- 4.42 “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.
- 4.43 “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.
- 4.44 “Lead-based paint” means paint or other surface coatings that contain lead in an amount:
- 4.44.1 Equal to 1.0 mg/cm² or 0.5 percent by weight or greater;
- 4.44.2 Lower than that described in 4.44.1 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

- 4.44.3 Lower than that described in 4.44.1 as may be established by the Administrator of the U.S. Environmental Protection Agency.
- 4.45 “Lead-based paint contractor entity” means any entity that employs one or more individuals licensed by the Department and has a current license issued by the Department pursuant to Section 12.10 to conduct lead-based paint activities.
- 4.46 “Lead-based paint abatement supervisor” means any individual who has a current license issued by the Department pursuant to Section 12.11 or 12.12 to supervise and conduct abatement projects and prepare occupant protection plans and abatement reports.
- 4.47 “Lead-based paint abatement worker” means any individual who has a current license issued by the Department pursuant to Section 12.13 or 12.14 to perform abatement work.
- 4.48 “Lead-based paint activities” means:
- 4.48.1 With regard to target housing or a child-occupied facility: risk assessment, inspection, visual inspection for risk assessment, project design, abatement, visual inspection for clearance, dust clearance after an abatement project, and lab analysis of paint chip or dust wipe samples collected for the purpose of an inspection or risk assessment; and
- 4.48.2 With regard to a public facility constructed before 1978, a commercial building, 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.
- 4.49 “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 12.15, 12.16, or 12.17, who inspects, designs, oversees, or evaluates lead hazard reduction projects, providing services including risk assessment, project design, clearance examinations, dust clearance, lead sampling.
- 4.50 “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:

- 4.50.1 Dust lead hazard: Surface dust that contains lead equal to or exceeding 10 micrograms per square foot on floors or 100 micrograms per square foot on interior windowsills based on wipe samples, or any lower standard set by the Secretary of the U.S. Department of Housing and Urban Development or the Administrator of the U.S. Environmental Protection Agency.
- 4.50.2 Soil lead hazard: A residential soil-lead hazard is bare soil that contains total lead equal to or exceeding 41 ppm (parts per million) based on soil samples.
- 4.51 “Lead-based paint inspection” means a surface-by-surface investigation to determine the presence of lead-based paint and other lead hazards 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.
- 4.52 "Lead-based paint inspector" means any individual who has a current license issued by the Department pursuant to Section 12.15 to conduct lead-based paint inspections.
- 4.53 "Lead-based paint inspector-risk assessor" means an individual who has a current license issued by the Department pursuant to Section 12.16 to conduct lead-based paint inspections and risk assessments.
- 4.54 "Lead-based paint project designer" means any individual who has a current license issued by the Department pursuant to Section 12.17 to prepare lead abatement project designs, occupant protection plans, and abatement reports.
- 4.55 “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.
- 4.56 “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.
- 4.57 “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).

- 4.58 “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.
- 4.59 “Lead-safe RRPM supervisor” means an individual who has a current license issued by the Department pursuant to Section 12.9. 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.
- 4.60 “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. Lead waste shall be disposed of in accordance with the appropriate Vermont Department of Environmental Conservation waste management rules.
- 4.61 “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.
- 4.62 “Licensee” means any person who engages in lead-based paint or RRPM activities and has obtained a license to perform such activities for compensation.
- 4.63 “Living area” means any area of a residential dwelling used by one or more children age 6 and under, including, but not limited to, living rooms, kitchen areas, dens, playrooms, and children's bedrooms.
- 4.64 “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.
- 4.65 “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.
- 4.66 “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 childcare 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.

- 4.66.1 With regard to removing painted components or portions of painted components, the entire surface area removed is the amount of painted surface disturbed.
- 4.66.2 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.
- 4.66.3 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.
- 4.67 “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.
- 4.68 "Occupant" means any person who resides in, or regularly uses, a dwelling, dwelling unit, mobile dwelling, or structure.
- 4.69 “On-the-job worker” means any person conducting RRPM activities that has been trained by a licensed RRPM Supervisor according to protocols established by the Department.
- 4.70 “OSHA” means the Occupational Safety and Health Administration of the U.S. Department of Labor.
- 4.71 "Owner" means any person who, alone or jointly or severally with others:
 - 4.71.1 Has legal title to any dwelling or child-occupied facility with or without actual possession of the property.
 - 4.71.2 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.

- 4.71.3 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.
- 4.71.4 "Owner" does not include a person who holds indicia of ownership given by the person in lawful possession for the primary purpose of assuring repayment of a financial obligation. Indicia of ownership includes interests in real or personal property held as security or collateral for repayment of a financial obligation such as a mortgage, lien, security interest, assignment, pledge, surety bond, or guarantee and includes participation rights of a financial institution used for legitimate commercial purposes in making or servicing the loan.
- 4.72 "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.
- 4.73 "Paint" means any substance applied to a surface as a surface coating, including, but not limited to, household paints, varnishes and stains.
- 4.74 "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.
- 4.75 "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 to be disturbed or replaced.
- 4.76 "Paint removal" means a method of abatement that permanently eliminates lead-based paint from surfaces.
- 4.77 "Painted surface" means a component surface covered in whole or in part with paint or other surface coatings.
- 4.78 "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.
- 4.79 "Permanent" means an expected design life of at least 20 years.

- 4.80 “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.
- 4.81 “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.
- 4.82 “Protective clothing” means clothing designed to protect from lead hazards, including but not limited to disposable gloves, disposable hat, disposable shoe covers, disposable coveralls and eye protection.
- 4.83 “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.
- 4.84 “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.
- 4.84.1 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.
- 4.84.2 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.
- 4.85 "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 6 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.

- 4.86 “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.
- 4.87 “Residential property” means a dwelling unit, common areas, building exterior surfaces, and any surrounding land, including outbuildings such as garages, fences and play equipment affixed to the land, belonging to an owner and available for use by residents, but not including land used for agricultural, commercial, industrial or other non-residential purposes, and not including paint on the pavement of parking lots, garages, or roadways.
- 4.88 “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:
- 4.88.1 Information gathering regarding the age and history of the housing and occupancy by children under age 6;
 - 4.88.2 Visual inspection;
 - 4.88.3 Limited wipe sampling or other environmental sampling techniques;
 - 4.88.4 Other activity as may be appropriate; and
 - 4.88.5 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.
- 4.89 “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 6 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.

- 4.90 “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.
- 4.91 “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.
- 4.92 “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:
- 4.92.1 An entity that transfers shares in a cooperatively owned project, in return for consideration; and
- 4.92.2 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.
- 4.93 “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).
- 4.94 “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.
- 4.95 “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.
- 4.96 “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.
- 4.97 “Structure” means a whole facility, building or a major portion thereof, such as a building wing.
- 4.98 “Substrate” means the material directly beneath the painted surface out of which the components are constructed, including wood, drywall, plaster, concrete, brick or metal.

- 4.99 “Superstructure” means a large steel or other industrial structure such as a bridge or water tower, that may contain lead-based paint.
- 4.100 “Target housing” means any dwelling constructed prior to 1978, except any 0-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.
- 4.101 “Tenant” means the individual named as the lessee in a lease, rental agreement or occupancy agreement for a dwelling unit.
- 4.102 “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.
- 4.103 “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.
- 4.104 “Training manager” means the individual responsible for administering a training program and monitoring the performance of principal instructors and guest instructors.
- 4.105 “Training provider” means any organization or entity accredited pursuant to these regulations to offer lead-based paint activities or RRPM activities training courses.
- 4.106 “TSCA” means the Toxic Substances Control Act, 15 U.S.C. 2601, as amended.
- 4.107 “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.
- 4.108 “Unit” means a room or connected group of rooms used or intended to be used by a single tenant or owner.
- 4.109 “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.

- 4.110 “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.
- 4.111 “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.
- 4.112 “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.”
- 4.113 “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.”
- 4.114 “Work area” means the area that the licensed RRPM supervisor or certified uncompensated child care operator establishes to contain the dust and debris generated by RRPM activities.
- 4.115 “Worksite” means an interior or exterior area where lead-based paint hazard reduction activity takes place. There may be more than one worksite in a dwelling unit or at a residential property.
- 4.116 “XRF analyzer” means an instrument used to determine lead concentration by X-ray fluorescence.
- 4.117 “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.

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 6-10 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 worksite 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 notification or permit application, if applicable, or separately, using forms provided by the Department.

5.2 Lead Exposure Control and Worker Protection

5.2.1 Employees are protected by the OSHA regulations at 29 CFR 1926.62. The worker protection regulations in this Chapter apply to

all persons conducting lead-based paint activities or RRPM activities, regardless of employment status.

5.2.2 Each individual involved in lead abatement activities or 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-containing waste material shall prevent the creation of lead-based paint hazards to human health or the environment from fumes, dust, vapors or liquids.

5.2.2.2 The consumption of food or beverages, the use 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 worksites 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 dirty 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-containing 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)) that 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 worksite 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 worksite in accordance with 29 CFR 1926.62(d).

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 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 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 inspector/risk assessor shall:

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

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

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

5.4.1.2 An owner of target housing, rental target housing or a child occupied facility, or owner's representative, shall

provide a copy of the written inspection report to the Department for review and determination of exempt status.

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

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

5.4.2 Property exemption

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

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

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

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

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

5.4.2.3 If a property has been remodeled or gutted, it is not exempt from this section unless the full requirements of 5.3.5.1 are met.

5.4.2.4 A new written inspection report pursuant to Section 5.3.5.1. 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 4.1.4.3 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 5.3.5 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 wells 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 agent 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 telephone number 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 in one direction and visually checking for dust and debris, must be conducted:
- 6.2.3.1 At least once a year in common areas accessible to tenants or children; and
- 6.2.3.2 At each change of tenant, in the unit with the change of tenant.
- 6.2.4 All visible paint chips are removed from the ground on the property.
- 6.2.5 A visual inspection of all interior and exterior painted surfaces and components at the property is performed to identify deteriorated paint. This inspection must occur:
- 6.2.5.1 At least once a year; and
- 6.2.5.2 At each change of tenant.
- 6.2.6 If more than one square foot of deteriorated paint is found, per room for any interior surface or for any exterior surface located within any area of the premises to which access by tenants or children is not restricted,

owners of rental target housing and child care facilities, or the owner's representative must ensure that:

- 6.2.6.1 The deteriorated paint stabilization is conducted within 30 days by a licensed RRPM firm or a certified uncompensated child care operator pursuant to the requirements in Section 7 of this Chapter, and
- 6.2.6.2 Access to the areas of deteriorated paint is restricted until the paint can be stabilized as required in Section 6.2.6.1.
- 6.2.6.3 Any deteriorated exterior paint identified after November 1 must be stabilized no later than the following May 31, provided that access to surfaces and components with deteriorated paint and areas directly below those surfaces is clearly restricted. Owners of rental target housing and child care facilities, or the owner's representative must file an extension request pursuant to Section 6.4.
- 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 of the rental target housing or child care facilities for which the requirements of this Section were performed;
 - 6.2.7.2 The dates of completion; and
 - 6.2.7.3 The name, RRPM supervisor license or uncompensated child care operator certification number, and address for the person 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.
 - 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.

6.3.4 The owner of the premises of a child care facility must provide a copy of the compliance statement required in Section 6.2.7 to the following:

6.3.4.1 The owner's liability insurance carrier.

6.3.4.2 The Vermont Department for Children and Families.

6.3.4.3 The adult tenant of the facility, if any.

6.4 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.

6.5 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 childcare 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 4.78, 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 7 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 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 4.78, or certify in writing that a pamphlet has been delivered to the dwelling and that the lead-safe RRPM firm or licensed 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 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 7 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 7 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 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 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 7.2.3.2 and 7.2.3.3 or obtain a copy from the licensed 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 RRPM Supervisor provided written initial notification to each affected unit, the lead-safe RRPM firm or licensed 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 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 7 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 RRPM Supervisor or certified uncompensated child care operator performing the RRPM activities has been unsuccessful in obtaining a written acknowledgment from an 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 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 7 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 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 RRPM supervisor or certified uncompensated child care operator.
- 7.2.3.4.3 The licensed 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 7.2.1.1 shall:
- 7.2.4.2 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.
- 7.2.4.3 Be either a separate sheet or part of any written contract or service agreement for the RRPM activities.
- 7.2.4.4 Be written in the same language as the text of the contract or agreement for the RRPM activities or, in the case of nonowner occupied target housing, in the same language as the lease or rental agreement or the pamphlet.
- 7.3 Work practice standards
RRPM activities shall be performed by licensed lead-safe RRPM firms and supervised by a licensed lead-safe RRPM supervisor or by a certified uncompensated child care operator.

7.3.1 Posting signs

- 7.3.1.2 The lead-safe RRPM firm, licensed 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.
- 7.3.1.3 To the extent practicable, these signs shall be in the primary language of the occupants.
- 7.3.1.4 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 independent dust clearance testing have been completed.
- 7.3.1.5 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.
- 7.3.1.6 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

- 7.3.2.2 Before beginning the RRPM activities, the lead-safe RRPM firm, licensed RRPM supervisor, or on-the-job workers, or certified uncompensated child care operator shall isolate the work area so that no dust or debris leaves the work area while the RRPM activities are being performed.
- 7.3.2.2.1 The lead-safe RRPM firm, licensed RRPM supervisor or certified uncompensated child care operator shall maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced, taking any other steps necessary to ensure that no dust or debris leaves the work area while the RRPM activities are being performed.
- 7.3.2.2.2 Containment shall be installed in such a manner that it does not interfere with occupant and worker egress in an emergency.

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

7.3.2.3.1 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.

7.3.2.3.2 Close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.

7.3.2.3.3 Close windows and doors in the work area.

7.3.2.3.4 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.

7.3.2.3.5 Cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 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.

7.3.2.3.6 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.

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

7.3.2.4.1 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.

7.3.2.4.2 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.

7.3.2.4.3 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.

7.3.2.4.4 If the RRPM activities will affect surfaces within 10 feet of the property line, the lead-safe RRPM firm, licensed 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 in order to prevent contamination of other buildings, other areas of the property, or adjacent buildings or properties.

7.3.2.4.5 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 RRPM supervisor or their on-the-job workers, or certified uncompensated child care operator shall contain waste from RRPM activities to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal.

7.3.3.2 If a chute is used to remove waste from the work area, it shall be covered.

7.3.3.3 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.

7.3.3.4 When the lead-safe RRPM firm, licensed RRPM supervisor or certified uncompensated child care operator transports waste from RRPM activities, the waste shall be contained to prevent release of dust and debris.

7.3.4 Cleaning the work area. After the RRPM activities have been completed, the lead-safe RRPM firm, licensed 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.

- 7.3.4.2 Interior and exterior RRP activities. The lead-safe RRP firm, licensed RRP supervisor or their on-the-job workers, or certified uncompensated child care operator shall:
- 7.3.4.2.1 Collect all paint chips and debris and, without dispersing any of it, seal this material in a heavy-duty bag.
 - 7.3.4.2.2 Remove the protective plastic sheeting. Mist the plastic sheeting before folding it, fold the dirty side inward, and either tape shut to seal or seal in heavy-duty bags.
 - 7.3.4.2.3 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.
 - 7.3.4.2.4 Dispose of the plastic sheeting as lead waste.
- 7.3.4.3 Additional cleaning for interior RRP activities. The lead-safe RRP firm, licensed RRP 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 2 feet of the work area in the following manner, cleaning from higher to lower:
- 7.3.4.3.1 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.
 - 7.3.4.3.2 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.
 - 7.3.4.3.3 Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth.
 - 7.3.4.3.4 Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the

rinse water, such as the 2-bucket mopping method, or using a wet mopping system.

7.3.5 Standards for post-RRPM activities visual inspection and independent dust clearance testing

7.3.5.2 Interiors: A licensed lead-safe RRPM supervisor 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.

7.3.5.3 After the visual inspection is performed, the lead-safe RRPM firm, licensed lead-safe RRPM supervisor or certified uncompensated child care operator shall hire a licensed lead-based paint inspector or licensed lead-based paint inspector/risk assessor to perform dust clearance sampling at the conclusion of RRPM activities.

7.3.5.3.1 The dust clearance samples shall be collected by a licensed lead-based paint inspector or licensed lead-based paint inspector/risk assessor.

7.3.5.3.2 The lead-safe RRPM firm, lead-safe RRPM supervisor or their on-the-job workers, or certified uncompensated child care operator shall re-clean the work area until the independent dust clearance sample results are below the clearance standards in 8.3.7.4 or any lower standards State, Territorial, Tribal, or local standard.

7.3.5.3.3 The licensed lead-safe RRPM supervisor or certified uncompensated child care operator shall document, via a written attestation, that the work area has been adequately cleaned using the techniques required in Section 7.3.4, that no dust, debris or residue is present, and that they have conducted the independent dust clearance required in Section 7.3.5.

7.3.5.3.4 The licensed lead-safe RRPM supervisor or certified uncompensated child care operator shall obtain the signature of the property owner and an adult occupant of each dwelling unit on the written attestation described in Section 7.3.5.2.3.

- 7.3.5.3.5 When the licensed lead-safe RRPM supervisor or certified uncompensated child care operator has conducted the visual inspection, dust clearance, attestation and obtained the signatures required in Sections 7.3.5.2.4, the warning signs may be removed from the work area.
- 7.3.5.4 Exteriors. A licensed lead-safe RRPM supervisor 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 windowsills and the ground.
- 7.3.5.4.1 If dust, debris or residue is present, these conditions shall be eliminated, and another visual inspection shall be performed.
- 7.3.5.4.2 When the area passes the visual inspection, remove the warning signs.
- 7.3.5.5 Activities conducted after post-RRPM activities inspection and attestation. 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 attestation has been performed.
- 7.4 Recordkeeping and reporting requirements.
- 7.4.1 Lead-safe RRPM firms, licensed 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):
- 7.4.2.2 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 5.3.4. These records or reports include:

- 7.4.2.2.1 Reports prepared by a licensed lead-based paint inspector or licensed lead-based paint inspector/risk assessor.
- 7.4.2.2.2 Records prepared by a licensed lead-based paint inspector/risk assessor after using an XRF analyzer, including a description of the components that were tested and their locations, and the result of each test.
- 7.4.2.2.3 Records prepared by a licensed 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.
- 7.4.2.3 Signed and dated acknowledgments of receipt as described in 7.2.1.1.1.
- 7.4.2.4 Certifications of attempted delivery as described in 7.2.1.2.1.
- 7.4.2.5 Certificates of mailing as described in 7.2.1.1.2.
- 7.4.2.6 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.
- 7.4.2.7 Documentation of compliance with the work practice standard requirements of 7.3, including:
 - 7.4.2.7.1 Documentation that a licensed RRPM supervisor or certified uncompensated child care operator was assigned to the project;
 - 7.4.2.7.2 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;
 - 7.4.2.7.3 Documentation that the licensed RRPM supervisor 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;

7.4.2.7.4 Documentation that the licensed RRPM supervisor or certified uncompensated child care operator performed the post- RRPM activities inspection and attestation described in 7.3.5;

7.4.2.7.5 Documentation of the independent dust clearance testing required by Section 7.3.5.

7.4.2.7.6 The signed cleaning attestation required by 7.3.5.2.3.

7.4.2.7.7 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 or certified uncompensated child care operator's training certificate, and a certification by the licensed lead-safe RRPM supervisor or uncompensated child care operator conducting the emergency RRPM activities.

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:

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

7.4.3.3 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 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.

7.4.4.2 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.

7.4.4.3 The licensed RRPM supervisor 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:

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

7.4.4.3.2 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 RRPM activities took place within a child-occupied facility.

7.4.4.4 When performing RRPM activities in common areas of multi-unit target housing, the licensed RRPM supervisor 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:

7.5.1.2 The information distribution requirements in Section 7.2;

7.5.1.3 The warning sign requirements in Section 7.3.1.1; and

7.5.1.4 The work area containment requirements in 7.3.2.

8.0 Work Practice Requirements for Lead Abatement

- 8.1 Notification of lead abatement projects
- 8.1.1 A lead-based paint abatement contractor intending to engage in a lead abatement project shall notify the Department in writing.
- 8.1.1.1 The lead-based paint abatement contractor shall submit the written notification the Department on a Department-provided form at least 10 business days before beginning any on-site work at the lead abatement project.
- 8.1.1.2 The lead-based paint abatement contractor shall include in the notification a diagram, occupant protection plan when applicable, and a written abatement plan of the project area.
- 8.1.1.3 The lead-based paint abatement contractor shall notify the Department within 24 hours of changes to the notification.
- 8.1.2 The lead-based paint abatement contractor shall send to the Department a written request for a waiver of the lead abatement work practice requirements with the original notification form, if necessary.
- 8.1.2.1 Waivers to lead abatement work practices requirements may be permitted when the standard procedure is not practicable, not feasible, not safe, or when a cost saving alternative exists and the proposed waiver adequately protects human health and safety and the environment from exposure to lead hazards.
- 8.1.2.2 The written request for waiver shall include a justification that presents clear and convincing evidence that the lead project is distinctive in some way and the proposed alternative(s) to required work practices will comply with the intent of State law and these rules.
- 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 abatement contractor shall notify the Department if the contractor will not be on the project 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 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 supervisors and workers on the abatement and their license number(s);

8.1.3.1.3 The name and address and signature of the third party responsible for dust clearance and/or monitoring, date of dust clearance testing and/or monitoring and proof of certification;

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 Storage and disposal sites of all 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 worksite

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

8.2.1.1 A current copy of these regulations;

8.2.1.2 Copies of the Lead-based Paint Contractor Entity's procedures for using the decontamination system, if used, enclosure system or any

other procedures which have been established to prevent contamination of areas outside the worksite.

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 worksite location shall be posted by the nearest telephone and at the entrance to the clean room;

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 project 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 worksite during all active phases of any permitted lead abatement project.

8.3.2 The methods used in the removal of lead paint shall not present a hazard to health from fumes, dust, vapors or liquids by inhalation or absorption through the skin or the mucous membranes, either from removal materials or from the lead-based paint being removed. Abatement shall be conducted in compliance with Section 5.0 of this rule.

8.3.3 Interior worksite preparation and cleanup: Worksite preparation for abatement projects in target housing and public buildings 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 worksite 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 lead abatement area shall be sealed with plastic sheeting to avoid including these sealed areas in the final cleaning and clearance phases of the lead abatement project.
- 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 worksite 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 worksite shall be sealed with plastic. During winter months, vents can be temporarily opened during non-abatement activities to allow for heating the worksite.
- 8.3.3.6 Moveable objects: Movable objects shall be removed from the worksite. 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 worksite 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 worksite 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.

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 is 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 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 debris before disposal.
- 8.3.4.5 Warning signs: Warning signs shall be posted at a 20-foot perimeter around the building (or less if distance to 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 debris shall be kept in a secured area until final disposal.
- 8.3.5 Window treatment or replacement worksite 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 the 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 29 CFR 1926.62(m)(1)(i) shall be posted at a 20-foot perimeter around the building (or less if distance to next building or sidewalk is less than 20 feet). If window is to be removed from inside, no exterior sign or barrier is necessary.

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 next building or sidewalk is less than 20 feet). A locked room shall be used to store debris 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 debris shall be kept in a secured area 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 Worker Protection

- 8.3.6.1 Lead Contractor Protection Standards: Employees are protected under OSHA regulations, and the regulations in this Chapter apply to all persons conducting lead-based paint activities.
- 8.3.6.2 Respiratory Protection: Each lead abatement contractor 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 contractors 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 an abatement 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 worker 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 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 lead-based paint contractor entity, the on-site lead-based paint abatement supervisor, and individual lead consulting contractors 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 Contractor Protection Provisions: Employers shall provide workers with personal protective equipment and clothing at a minimum.
- 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 Buildings
- 8.3.7.1 Visual Clearance of Non-abatement Work -Use of Unlicensed Workers Prior to Independent Dust Clearance
- 8.3.7.1.1 Workers 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 workers, the lead abatement contractor shall perform final cleaning activities in all abatement areas and any areas which unlicensed workers had access including entry and egress routes.
- 8.3.7.1.3 A second visual clearance is required prior to collection of independent dust clearance sampling.
- 8.3.7.2 Final Visual Clearance Standards for Target Housing and Public Buildings
- 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.

8.3.7.2.4 Clearance documents shall be submitted to the Department and shall include the following information:

8.3.7.2.5 Date of visual inspection;

8.3.7.2.6 Project location;

8.3.7.2.7 Lead-based paint contractor entity;

8.3.7.2.8 Printed name, license number and signature of the lead-based paint abatement

8.3.7.2.9 supervisor; and

8.3.7.2.10 Results of the inspection.

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

8.3.7.3.1 After the 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 site(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 ft² of a common area room (if present).

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

8.3.7.3.3.1 Samples required in 8.3.7.3.2.1-8.3.7.3.2.4; and

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

8.3.7.4 Re-occupancy after an abatement project:

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

Table 1
Clearance Dust Standards (Wipe Sampling Only)¹

<u>Surface</u>	<u>Leaded Dust Loading (µg/ft²)</u>
<u>All floors</u>	<u>10</u>
<u>Interior windowsills</u>	<u>100</u>
<u>Window troughs</u>	<u>100</u>

¹ No clearance standards are currently available for vacuum sampling.

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

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.

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 must 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 should be collected so that at least 5 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 2 feet distant from each other and 2 feet away from the foundation, unless the bare soil is closer than 2 feet.

8.3.7.5.4 Play Area Sampling Locations:

8.3.7.5.4.1 A second composite sample should consist of at least 5 and no more than 10 aliquots collected along an X-shaped grid in the child's principle play area.

8.3.7.5.4.2 Each spot should be at least 1 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 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 10 V.S.A. § 6605m and the Vermont Agency of Natural Resources regulations on solid and hazardous waste.
- 8.3.7.6.2 Transport of lead waste shall occur in a manner that is in accordance with the Vermont Agency of Transportation.
- 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.
- 8.3.7.6.4 The abatement contractor shall submit copies of all disposal receipts and documentation to the facility owner and to the Department within 60 days.
- 8.3.7.6.5 Documentation of disposal includes but is not limited to the following: waste generator, transporter(s), final landfill name and address, quantity of lead waste, dated signature of landfill operator.

9.0 Standards for Abatement in Superstructures, Commercial Building, and Industrial De-Leading

9.1 General Post Abatement Requirements for Commercial Buildings 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. For abatement in areas expected to be used by children, a licensed lead-based paint inspector shall utilize appropriate sampling strategies to determine bare soil clearance standards per Section 8.3.7.5.
- 9.1.2 Disposal of lead waste: All lead waste shall be handled and disposed of in accordance with the Vermont Agency of Natural Resources Vermont Hazardous Waste Management Regulations or those of another designated agency having jurisdiction over solid waste disposal.

9.1.2.1 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.

9.1.2.2 The lead-based paint contractor entity shall submit copies of all waste disposal manifests to the facility owner and to the Department within 60 days.

9.1.3 Transportation of lead waste: Transportation of lead waste shall occur in a manner that is in accordance with the Vermont Agency of Transportation or other designated agency having jurisdiction.

9.1.4 Reporting: Copies of all clearance documents shall be submitted to the facility owner, and the Department within 30 days. Documentation of visual clearance shall include, but not be limited to the following:

9.1.4.1 Date of visual inspection;

9.1.4.2 Project location;

9.1.4.3 Lead-based paint contractor entity;

9.1.4.4 Printed name, license number and signature of the lead-based paint abatement supervisor; and

9.1.4.5 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 superstructures and commercial buildings. 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 regulations in this Chapter 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 at all lead abatement projects.

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 the work area without the respiratory protection required for the level of exposure in the work area.

10.3 Personal Protection: The lead-based paint consulting firm shall provide each lead-based paint consultant, at a minimum, 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 contractor'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 projects 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 project:

10.3.3.2.1 The name, address, and license number of each 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.
- 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 consultant performing the dust/soil sampling, name and signature of the analyst performing the analysis, and the name and license number of the Lead Analytical Laboratory employed to analyze such samples.

10.3.3.3 The lead-based paint consulting firm shall maintain the following air sampling records and make them available for review for the duration of the lead-based paint project:

- 10.3.3.3.1 Dates, times, and sampling locations;
- 10.3.3.3.2 Sampling methods;
- 10.3.3.3.3 Sampling rate;
- 10.3.3.3.4 Time period;
- 10.3.3.3.5 Methods of sample analysis;
- 10.3.3.3.6 Results of the sample analysis; and
- 10.3.3.3.7 Name and signature of the analyst and the name and license number of the lead-based paint consultant who took the 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 the project's end, and to the facility occupants, upon request:

- 10.3.4.1.1 Documentation of visual clearance including but not be 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 Abatement contractor,
 - 10.3.4.1.1.4 Printed name, license number and signature of the lead-based paint consultant, and
 - 10.3.4.1.1.5 Results of inspection.
- 10.3.4.1.2 Documentation of final dust/soil clearance, including but not be 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 and signature of the lead-based paint consultant 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 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. No refunds will be provided.

11.2.1.2.1 Lead-safe RRPM Training Course:

- 11.2.1.2.1.1 \$560 per course accreditation for both initial and refresher courses
- 11.2.1.2.1.2 \$340 per course for accreditation renewal every four years, if renewal is before expiration of accreditation
- 11.2.1.2.2 Lead-based Paint Activities Training Course:
 - 11.2.1.2.2.1 \$480 per course accreditation for both initial and refresher courses, annually
- 11.2.1.2.3 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 24 hours in advance.
 - 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:
 - 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 conducts the assessment, how the skills are graded, what facilities are used, and pass/fail rate.
- 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; and

- 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 instructors or work practice instructor(s) for each course offered by the program have met the requirements per these regulations.
- 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 2 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.

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 regulation.

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.).

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 instructors, guest instructors and hands-on instructors, 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,

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 training provider, training manager or instructors regarding lead-based paint activities or RRPM activities

11.2.6.2.12 A copy of current training accreditation, for accreditation renewals only

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

11.2.7 Granting Accreditation for a Training Course

11.2.7.1 Accreditation and reaccreditation shall be granted after the Department has:

- 11.2.7.1.1 Received a complete application;
- 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 lead 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 4 years for Lead-safe RRPM Training Courses
- 11.2.7.4 Visitation: The Department may visit to review any lead 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 courses but not the hands-on portion of these courses, or for final course tests or proficiency tests. Electronic learning courses must comply with the following requirements:
 - 11.2.8.1.1 A unique identifier must be assigned to each student for them to use to launch and re-launch the course.

- 11.2.8.1.2 The training provider must track each student's course log-ins, launches, progress, and completion, and maintain these records.
- 11.2.8.1.3 The course must include at least 16 periodic knowledge checks over the entire course. The knowledge checks must be successfully completed before the student can go on to the next module.
- 11.2.8.1.4 There must be a test of at least 20 questions at the end of the electronic learning portion of the course, of which 80% 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 lead training course is not licensed, certified, permitted or approved by a state other than Vermont or by a federal agency, then visitation of the course by a Department representative may be necessary.

11.3 Training Provider Exams

11.3.1 All training providers shall provide a course examination to each individual 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 80% or higher in order 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 exam. The numbered certificate shall include:

11.3.1.4.1.1 The name of the student,

11.3.1.4.1.2 A photograph of the student,

11.3.1.4.1.3 A unique number identifying the student,

11.3.1.4.1.4 The course completed, the dates of the course and the examination,

11.3.1.4.1.5 The expiration date of the training certification, and

11.3.1.4.1.6 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 in order 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 8 training hours with 2 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 RRPM Supervisor 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 pertains 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
- 11.4.1.14 Hands-on training
 - 11.4.1.14.1 Site preparation
 - 11.4.1.14.2 Lead safe work practices
 - 11.4.1.14.3 Clean up and decontamination
- 11.4.2 The refresher training course shall be a minimum of 4 hours and shall address the following topics:
 - 11.4.2.1 An overview of key safety practices
 - 11.4.2.2 An update on new technologies

11.5 Lead-Based Paint Activities Training Course Content and Requirements

11.5.1 Lead-Based Paint Abatement Supervisor

11.5.1.1 The initial training course shall include a minimum of 40 training hours with 8 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.

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).

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.

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.

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.

11.5.1.1.8.3 Supervisory techniques.

11.5.1.1.9 Lead paint abatement or lead hazard reduction including prohibited methods.

11.5.1.1.10 Interior dust abatement/cleanup or lead hazard reduction.

11.5.1.1.11 Soil and exterior dust abatement or lead hazard reduction.

11.5.1.1.11.1 Soil, dust and air sampling.

11.5.1.1.11.2 Clearance standards.

11.5.1.1.12 Waste disposal.

11.5.1.1.13 Community relations process.

11.5.1.1.14 Cost estimation.

11.5.1.1.15 Record Keeping.

11.5.1.1.16 Historic Preservation

11.5.1.1.16.1 Identifying Historical Buildings

11.5.1.1.16.2 Identifying Historical Features

11.5.1.1.16.3 Appropriate Abatement Alternatives

11.5.1.2 The refresher training course shall be a minimum of 8 hours and shall address the following topics:

11.5.1.2.1 An overview of key safety practices.

11.5.1.2.2 An update on new technologies.

11.5.2 Lead-based Paint Abatement Worker, Target Housing and Public Buildings

11.5.2.1 The initial training course shall be a minimum of 16 training hours with 4 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.

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).

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.

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.

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.

11.5.2.1.6 Interior dust abatement methods/cleanup or lead hazard reduction.

11.5.2.1.7 Soil and exterior dust abatement methods or lead hazard reduction.

11.5.2.1.8 Waste disposal.

11.5.2.1.9 Historic Preservation

11.5.2.1.9.1 Identifying Historical Buildings

11.5.2.1.9.2 Identifying Historical Features

11.5.2.1.9.3 Appropriate Abatement Alternatives

11.5.2.2 The refresher training shall be a minimum of 8 hours and shall address the following topics:

11.5.2.2.1 An overview of key safety practices.

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 4 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.

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.

11.5.3.1.2.5 Treatment.

11.5.3.1.3 Regulatory background.

11.5.3.1.3.1 Federal Department of Housing and Urban Development (HUD), Occupational Safety and Health Administration (OSHA),

Environmental Protection Agency (EPA),
and other agencies.

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.

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.

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

11.5.3.1.4.8.2 Identifying Historical Features

11.5.3.1.4.8.3 Appropriate Abatement
Alternatives

11.5.3.2 Refresher course

11.5.3.2.1 The refresher training course shall be a minimum of
4 hours and shall address the following topics:

11.5.3.2.1.1 An overview of key safety practices.

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 4 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.

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 clearance 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

- 11.5.4.1.4.2.5 Interpretation of soil 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 Number and location of samples.
 - 11.5.4.1.4.3.3 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.
 - 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 4 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 8 training hours with 4 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.

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.).

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

11.5.5.1.12.3 Appropriate Abatement Alternatives

11.5.5.2 The refresher training course shall be a minimum of 4 hours and shall address the following topics:

11.5.5.2.1 An overview of key safety practices.

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 Chapter 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 worksite.

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.

12.2.4 State, local government, and nonprofit firms receiving certification 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 agent of the firm

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. – 12.17.)

12.2.6.3 For licenses:

12.2.6.3.1 The required fee for the specific license category listed in 12.1.3.3.2., payable to the Vermont Department of Health.

12.2.6.3.1.1 No refunds will be provided.

12.2.6.3.1.2 Fees are not required for any State or local government, agent of the State, or nonprofit training program and employee of the State.

12.2.6.3.1.3 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 License Categories and Fees:

12.2.6.3.2.1 Lead-safe RRPM Firm: \$300 every 5 years

12.2.6.3.2.2 Lead-safe RRPM Supervisor: \$50 per year

12.2.6.3.2.3 Lead-based Paint Contractor Entity \$600 per year

12.2.6.3.2.4 Lead-based Paint Abatement Supervisor: \$120 per year

12.2.6.3.2.5 Lead-based Paint Abatement Target Housing/Public Buildings Worker: \$60 per year

12.2.6.3.2.6 Lead-based Paint Abatement Worker Superstructure: \$60 per year

12.2.6.3.2.7 Lead-based Paint Inspector: \$180 per year

12.2.6.3.2.8 Lead-based Paint Inspector/Risk Assessor: \$180 per year

12.2.6.3.2.9 Lead-based Paint Project Designer: \$180 per year

12.2.6.3.3 Proof of ability to indemnify

12.2.6.3.3.1 As part of their application to the Department, each applicant for a Lead-based Paint Contractor Entity license, Lead-safe RRPM Firm license, or individual

conducting lead-based paint activities or RRPM activities shall provide the Department with evidence 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:

12.2.6.3.3.1.1 Proof of effective liability insurance coverage for at least \$300,000 (e.g. an ACORD certificate of insurance), or

12.2.6.3.3.1.2 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.

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 living in the household 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.

12.2.7.3 Fees are not refundable.

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 within 90 days of the expiration, that individual is required to retake the initial course, retake the third-party certification exam in the appropriate discipline, if applicable, and reapply for a new license.

12.4 Amendments to a license or certification

12.4.1 A licensee or certification holder shall amend its licensure no later than 90 days after the date a change occurs to information included in its most recent license application.

12.4.2 If the licensee or certification holder fails to amend its licensure no later than 90 days after the date the change occurs, the firm may not perform lead-based paint activities or RRPM activities until its licensure or certification is amended.

12.4.3 To amend a license or certification, an amended application form shall be submitted, indicating the information that has changed.

12.4.4 The licensee shall also pay the appropriate fee for the amended license type.

12.4.5 Amending a license or certification does not affect the license or certification's expiration date.

12.5 Reciprocity

12.5.1 If licensed or certified outside of Vermont under a law that provides standards which are equal to or more stringent than those of Vermont, the applicant shall:

12.5.1.1 Complete the Vermont application, and

12.5.1.2 Meet the requirements specified for the license or certification category.

12.5.2 The Department will review the course content to determine whether it is equivalent.

12.5.3 If an applicant has an interim training certification from outside of Vermont, the applicant shall:

12.5.3.1 Pay the required fee for the license category

12.5.3.2 Take the third-party certification examination in the appropriate discipline

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, valid for 5 years:

12.6.1.1 Is at least 18 years of age;

12.6.1.2 Completes and passes the examination for the Department's cleaning and paint inspection training.

12.6.2 Training term: the Department's cleaning and paint inspection training is valid for 5 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 5 years:

12.7.1.1 Is at least 18 years of age;

12.7.1.2 Completes and passes the examination for:

12.7.1.2.1 A Vermont-accredited 8-hour RRPM Training Course, including 2 hours of hands-on training; 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 2 hours of hands-on training, and a Vermont-specific module and examination; and

12.7.1.3 Completes and passes the examination for the Department's cleaning and paint inspection training.

12.7.2 Training term

12.7.2.1 Initial 8-hour training course is valid for 5 years

12.7.2.2 In-person 4-hour refresher is valid for 5 years

12.7.2.3 Online 4-hour refresher with no hands-on component is valid for 3 years. Individuals who take the online 4-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.

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 RRP activities in accordance with the work practice standards in Section 6.0 and 7.0.

12.7.3.2.2 Perform the pre-renovation education requirements of 7.3.1.

12.7.3.2.3 Meet the recordkeeping requirements of 7.4.

12.7.3.2.4 Have with them at the worksite copies of their initial course completion certificate and their most recent refresher course completion certificate.

12.8 Lead-Safe RRP Firm License

12.8.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of 5 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 license in Vermont, provides a list of license(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 RRP 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 license application

12.8.1.4.2 Within the past year, if license renewal application

12.8.1.5 Provides documentation that at least one employee of the entity is licensed as a lead-safe RRP supervisor.

12.8.1.6 Submits a complete application and has an environmental compliance history for the firm, its principals,

and its key employees that does not show an unwillingness or inability to maintain compliance with environmental statutes or regulations.

12.8.2 Licensee's Responsibilities: Firms performing RRPM activities shall ensure that:

12.8.2.1 All individuals performing RRPM activities on behalf of the firm are either licensed or have been trained on-the-job by a licensed lead-safe RRPM supervisor.

12.8.2.2 A licensed lead-safe RRPM supervisor is assigned to each RRPM project performed by the firm and discharges all the lead-safe RRPM supervisor responsibilities identified in 12.8.2.

12.8.2.3 All RRPM activities performed by the firm or its employees are performed in accordance with the work practice standards in Section 6.0 and 7.0.

12.8.2.4 The pre-renovation education requirements of 7.3.1 have been performed.

12.8.2.5 The recordkeeping requirements of 7.4 are met.

12.9 Lead-Safe RRPM Supervisor License

12.9.1 Requirements for Licensure:

12.9.1.1 An application shall fulfill the following requirements to be licensed by the Department for a period of 1 year:

12.9.1.1.1 Is at least 18 years of age;

12.9.1.1.2 Completes and passes the examination for:

12.9.1.1.2.1 A Vermont-accredited 8-hour RRPM Training Course, including 2 hours of hands-on training; or

12.9.1.1.2.2 An EPA-accredited RRP Lead-safe Certified Renovator course or an EPA RRP-authorized state or tribal accredited course, including 2 hours of hands-on training, and a

Vermont-specific module and examination;
and

12.9.1.1.2.3 Completes and passes the examination for the Department's cleaning and paint inspection training.

12.9.1.2 Training term

12.9.1.2.1 Initial 8-hour training course is valid for 5 years

12.9.1.2.2 In-person 4-hour refresher is valid for 5 years

12.9.1.2.3 Online 4-hour refresher is valid for 3 years. Individuals who take the online 4-hour refresher with no hands-on component shall take a refresher course with a hands-on component for their next refresher course.

12.9.2 Licensee's Responsibilities:

12.9.2.1 Lead-safe RRPM supervisors are responsible for ensuring compliance with this Chapter during RRPM activities to which they are assigned.

12.9.2.2 A lead-safe RRPM supervisor shall:

12.9.2.2.1 Perform all the tasks described in 7.2 and shall either perform or direct on-the-job workers who perform all of the tasks described in 7.3.

12.9.2.2.2 Provide training, using protocols provided by the Department, to on-the-job workers on the work practices required by 7.3 that they will be using in performing their assigned tasks.

12.9.2.2.3 Maintain at the worksite documentation that the licensed RRPM supervisor provided training, according to Department protocols, for all on-the-job workers conducting RRPM activities on the project, if applicable;

12.9.2.2.4 Be physically present at the worksite at all times when RRPM activities are occurring and when the signs required by Section 7.2.2.2.2 are

12.9.2.2.5 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 does not spread beyond the work area.

12.9.2.2.6 Have with them at the worksite copies of their initial course completion certificate and their most recent refresher course completion certificate.

12.9.2.2.7 Prepare the records required by 7.4.

12.10 **Lead-based Paint Contractor Entity License**

12.10.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of 1 year:

12.10.1.1 Identifies from the following list the type of license for which they are applying:

12.10.1.1.1 Abatement, Target Housing

12.10.1.1.2 Abatement, Superstructure

12.10.1.1.3 Lead-based Paint Consulting Firm

12.10.1.1.4 Analytical Testing Laboratory

12.10.1.2 Identifies their business entity type and provides an organizational chart listing addresses and phone numbers for branch of the organization

12.10.1.3 If previously denied a license in the Vermont, provides a list of license(s) applied for and the date(s) of application

12.10.1.4 If permitted, licensed or certified outside of Vermont, provides a copy of each valid certification or license

12.10.1.5 Provides documentation of any lead-related enforcement actions associated with the applicant regarding lead abatement activities, including notices of violation, civil fines, assurances of

discontinuance, orders from the Commissioner, or court orders issued:

12.10.1.5.1 Within the past two (2) years, if initial license application

12.10.1.5.2 Within the past year, if license renewal application

12.10.1.6 For those applying to be licensed as an abatement contractor entity for target housing or an abatement contractor entity for superstructures:

12.10.1.6.1 Provides documentation that at least one employee of the entity meets the licensure requirements for the relevant lead-based paint abatement supervisor in Section 12.9.1.

12.10.1.6.2 Provides a copy of the written worker protection program per Section 8.3.6.

12.10.1.6.3 Provides documentation of individuals' respirator fit test tests (see Sections 8.3.6.2.2. and 10.1.1.3.)

12.10.1.6.4 Provides documentation of individuals' medical clearances and a copy of a written medical monitoring program (see Section 8.3.6.4. and 10.3.1)

12.10.1.6.5 Provides a copy of the written exposure monitoring program (See Section 10.3.2)

12.10.1.6.6 Provides documentation of each employee's lead-based paint abatement experience

12.10.1.6.7 Provides evidence that all workers and supervisors have obtained licenses in accordance with these regulations

12.10.1.6.8 Provides a list of affiliations with other lead-related businesses

12.10.1.7 For those applying to be licensed as a lead-based paint consulting firm:

12.10.1.7.1.1 Provides a list of affiliations with other lead-related businesses

12.10.1.7.1.2 Identifies a principal contact

12.10.1.7.1.3 Identify the number of years operating under firm name

12.10.1.7.1.4 Provides a worker protection plan

12.10.1.8 For those applying to be licensed as an analytical testing laboratory:

12.10.1.8.1 Provides a list of employees performing analysis or other services with license numbers and type of license issued by Department

12.10.1.8.2 Provides documentation of proficiencies, state licenses, accreditations

12.10.1.8.3 Provides a copy of the applicant's quality assurance/quality control manual

12.10.1.8.4 Agrees to allow the Department to perform on-site inspections of its facilities, equipment, and records.

12.10.1.8.5 Provides evidence of successful participation in the Environmental Lead Proficiency Analytical Testing Program

12.10.1.8.6 Provides evidence of accreditation from a national laboratory accrediting organization which maintains a Memorandum of Understanding with EPA through the National Lead Laboratory Accreditation Program.

12.10.2 Licensee's Responsibilities:

12.10.2.1 All license types shall:

12.10.2.1.1 Ensure that all lead-based paint activities performed by the Lead-based Paint Contractor Entity and its employees and agents are carried out in accordance with the requirements in these regulations; and

12.10.2.1.2 Provide each employee documentation of the employee's training certificate and Vermont license once it has been received from the training facility or the Department.

12.10.2.2 Entities licensed to conduct lead abatement in target housing and lead abatement on superstructures shall:

12.10.2.2.1 Ensure that a licensed lead-based paint abatement supervisor target housing/public or lead-based paint abatement supervisor remains present on-site during all active phases during of any permitted lead abatement project.

12.10.2.2.2 Follow the written respiratory protection program and make it available to all individuals in its employment at all lead abatement projects

12.10.2.2.3 Follow the written exposure monitoring program and make it available to all its employees.

12.10.2.2.4 Follow the written medical monitoring program and make it available to all its employees.

12.10.2.3 Lead-based paint consulting firms shall:

12.10.2.3.1 Perform all lead-based paint abatement activities under their direction in accordance with these regulations.

12.10.2.3.2 Have their current licenses at the work site.

12.10.2.3.3 Provide project documents to the Department as required in these regulations.

12.10.2.4 Analytical testing laboratories shall:

12.10.2.4.1 Develop all final dust clearance analysis reports to contain all required lab and analytical information including, but not limited to, the following:

12.10.2.4.1.1 Specific location of the abatement project;

12.10.2.4.1.2 Description of the sampling activity;

12.10.2.4.1.3 Name and signature of the consultant performing the sampling activity;

12.10.2.4.1.4 Date and time samples were obtained;

12.10.2.4.1.5 Name and address of the licensed analytical lab performing analysis;

- 12.10.2.4.1.6 Name and signature of the analyst;
- 12.10.2.4.1.7 Method of analysis used;
- 12.10.2.4.1.8 Detection level of analysis; and
- 12.10.2.4.1.9 Results of analysis.

12.10.2.4.2 Establish written chain of custody protocol and quality assurance procedures that include the following information:

- 12.10.2.4.2.1 Methodology of analysis.
- 12.10.2.4.2.2 Sample handling and storage.
- 12.10.2.4.2.3 Federal reference for method, equivalent, and alternate test procedures.
- 12.10.2.4.2.4 Instrumentation selection and use.
- 12.10.2.4.2.5 Calibration and standardization.
- 12.10.2.4.2.6 Replicate sample analysis.
- 12.10.2.4.2.7 Blind samples.
- 12.10.2.4.2.8 Data handling, evaluation, and storage procedures.
- 12.10.2.4.2.9 Quality control.
- 12.10.2.4.2.10 Inter-laboratory quality assurance.
- 12.10.2.4.2.11 Intra-laboratory quality assurance.

12.10.2.4.3 Follow its chain of custody protocol and quality assurance procedures during analysis of samples for lead content.

12.10.2.4.4 Make available upon request these protocols and quality assurance procedures.

12.10.2.4.5 Maintain documentation that these protocols and procedures have been followed.

12.11 Lead-Based Paint Abatement Supervisor Target Housing License

12.11.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of 1 year:

12.11.1.1 Is at least 18 years of age;

12.11.1.2 Demonstrates one of the following:

12.11.1.2.1 At least one year of experience as a Lead-based Paint Abatement Worker, or

12.11.1.2.2 At least two years of experience in the building trades or in a related field;

12.11.1.3 Provides evidence of completion of a Department-approved Lead-based Paint Activities Training Course, initial 24-hour course for workers and the Lead-based Paint Activities Training Course, initial 8-hour course for supervisors, including 8 hours of hands-on training.

12.11.1.3.1 Training term

12.11.1.3.1.1 Initial 8-hour training course is valid for 3 years

12.11.1.3.1.2 The Lead-based Paint Activities Training Course, refresher for workers and the Lead-based Paint Activities Training Course, refresher for supervisors are required every 3 years after initial training and are valid for 3 years.

12.11.1.4 Passes, with a grade of 70 percent, a Department-approved third-party certification exam in the appropriate discipline

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

12.11.1.4.2 If an applicant does not pass the certification examination and become licensed by the Department after up to three attempts within this six-month period, initial licensing may be denied, and the individual shall retake the initial training course before reapplying for initial licensing in the same discipline.

12.11.2 Licensee's Responsibilities

12.11.2.1 Licensed lead-based paint abatement supervisors are responsible for ensuring compliance with this Chapter during all abatement activities to which they are assigned.

12.11.2.2 A licensed lead-based paint abatement supervisor shall:

12.11.2.2.1 Be physically present at the worksite at all times that abatement is being conducted.

12.11.2.2.2 Regularly direct work being performed by other individuals to ensure that the work practices required by the relevant section of this Chapter are being followed.

12.11.2.2.3 Have with them at the worksite copies of their initial course completion certificate and their most recent refresher course completion certificate.

12.11.3 Licensee's Authorized Activities

12.11.3.1 A licensed lead-based paint abatement supervisor is authorized to:

12.11.3.1.1 Supervise and conduct abatement projects, and

12.11.3.1.2 Prepare occupant protection plans and abatement reports.

12.12 Lead-Based Paint Abatement Supervisor Superstructures License

12.12.1 Requirements for Licensure: An applicant for this license shall fulfill the following requirements to be licensed by the Department for a period of 1 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 de-leading in commercial buildings or superstructures;

12.12.1.3 Provides evidence of completion of

12.12.1.3.1 A Department-approved, third-party, 32-hour Society for Protective Coatings C3 (Supervisor/Competent Person Training for De-leading/Hazardous Coatings

Removal on Industrial and Marine Structures) training course, including 8 hours on hands-on training, or

12.12.1.3.2A Department-approved Lead-based Paint Activities Training Course, initial 24-hour course for workers and the Lead-based Paint Activities Training Course, initial 8-hour course for supervisors, including 8 hours of on-the-job training related to de-leading activities.

12.12.1.3.3 Training term

12.12.1.3.3.1 Initial training course is valid for 3 years

12.12.1.3.4 Refresher courses:

12.12.1.3.4.1 An 8-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 3 years after initial training and is valid for 3 years, or

12.12.1.3.4.2 An 8-hour Lead-based Paint Activities Training Course Refresher for target housing supervisor is required every 3 years after initial training and is valid for 3 years.

12.12.2 Licensee's Responsibilities:

12.12.2.1 Licensed lead-based paint abatement supervisors are responsible for ensuring compliance with this Chapter during all abatement activities to which they are assigned.

12.12.2.2 A licensed lead-based paint abatement supervisor shall:

12.12.2.2.1 Be physically present at the worksite at all times that 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 section of this Chapter are being followed.

12.12.2.2.3 Have with them at the worksite 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 is authorized to:

12.12.3.1.1 Supervise and conduct abatement projects, and

12.12.3.1.2 Prepare occupant protection plans and abatement reports.

12.13 Lead-based Paint Abatement Worker Target Housing/Public Buildings License

12.13.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of 1 year:

12.13.1.1 Is at least 18 years of age

12.13.1.2 Provides evidence of completion of a Department-approved Lead-based Paint Activities Training Course, initial 24-hour course for target housing workers, including 4 hours of hands-on training.

12.13.1.2.1 Training term

12.13.1.2.1.1 Initial 24-hour training course is valid for 3 years

12.13.1.2.1.2 A refresher course is required every 3 years after initial training and is valid for 3 years.

12.13.2 Licensee's Responsibilities:

12.13.2.1 Licensed lead-based paint abatement target housing/public buildings workers are responsible for complying with this Chapter during all abatement activities to which they are assigned.

12.13.2.2 A licensed lead-based paint abatement target housing/public buildings worker shall have with them at the

worksite 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 target housing/public buildings worker is authorized to conduct abatement in target housing and public buildings.

12.14 Lead-based Paint Abatement Worker Superstructure

12.14.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of 1 year:

12.14.1.1 Is at least 18 years of age

12.14.1.2 Provides evidence of completion of

12.14.1.2.1 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

12.14.1.2.2 A 24-hour Lead-based Paint Activities Training Course for target housing workers including 8 hours of hands-on training and 8 hours of experience in industrial de-leading...

12.14.2 Training term

12.14.2.1 Initial 24-hour training course is valid for 3 years

12.14.2.2 Refresher courses:

12.14.2.2.1 An 8-hour C5 (Supervisor/Competent Person Training for De-leading/Hazardous Coatings Removal on Industrial and Marine Structures) refresher course is required every 3 years after initial training and is valid for 3 years, or

12.14.2.2.2 An 8-hour Lead-based Paint Activities Training Course Refresher for target housing workers is required every 3 years after initial training and is valid for 3 years.

12.14.3 Licensee's Responsibilities:

12.11.2.1 Licensed lead-based paint abatement superstructure workers are responsible for complying with this Chapter during all abatement activities to which they are assigned.

12.11.2.2 A licensed lead-based paint abatement superstructure worker shall have with them at the worksite copies of their initial course completion certificate and their most recent refresher course completion certificate.

12.14.4 Licensee's Authorized Activities:

12.14.4.1 A licensed lead-based paint abatement superstructure worker is authorized to conduct abatement for superstructures.

12.15 Lead-based Paint Inspector

12.15.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of 1 year:

12.15.1.1 Is at least 18 years of age;

12.15.1.2 Demonstrates one of the following:

12.15.1.2.1 A bachelor's degree in a related field,

12.15.1.2.2 An associate degree in a related field or certification in construction trades and either

12.15.1.2.2.1 2 or more years of experience as a Lead-based Paint Abatement Supervisor, or

12.15.1.2.2.2 2 or more years of experience as an Asbestos Inspector

12.15.1.2.3 A high school degree or GED, and either

12.15.1.2.3.1 3 or more years of experience as a Lead-based Paint Abatement Supervisor, or

12.15.1.2.3.2 3 or more years of experience as an Asbestos Inspector

12.15.1.3 Provides evidence of one of the following:

12.15.1.3.1 Completion of a Department-approved Lead-based Paint Activities Training Course, initial 24-hour course for lead-based paint inspectors with 4 hours of hands-on trainings, and

12.15.1.3.2 Successfully passing, with a grade of 70 percent, a Department-approved third-party certification examination in the appropriate discipline

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

12.15.1.4.1 If an applicant does not pass the certification examination and become licensed by the Department after up to three attempts within this six-month period, the initial license may be denied, and the individual shall retake the initial training course before reapplying for initial licensing in the same discipline.

12.15.2 Training term

12.15.2.1 Initial 24-hour training course is valid for 3 years

12.15.2.2 A 4-hour refresher course is required every 3 years after initial training and is valid for 3 years.

12.15.3 Licensee's Responsibilities:

12.15.3.1 Licensed lead-based paint inspectors are responsible for complying with this Chapter during all lead-based paint activities.

12.15.3.2 A licensed lead-based paint inspector shall have with them at the worksite 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 An individual licensed as a lead-based paint inspector is authorized to conduct the following activities:

- 12.15.4.1.1 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, clearance testing.
- 12.15.4.1.2 Developing sampling and analysis plans.
- 12.15.4.1.3 Collecting of samples from suspect lead-based paint.
- 12.15.4.1.4 Developing of inspection reports.
- 12.15.4.1.5 Performing random sampling for multi-unit properties
- 12.15.4.1.6 Conducting clearance examinations following interim controls, renovations, ongoing maintenance, remodeling, and activities other than abatement.
- 12.15.4.1.7 Conducting clearance examinations following interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation in accordance with the requirements of 24 CFR 35.1340 clearance (b) - (g).
- 12.15.4.1.8 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 pain inspector shall not be performed using random sampling of dwelling units or common areas in multi-unit properties

12.16 Lead-based Paint Inspector/Risk Assessor

12.16.1 Requirements for Licensure: An applicant shall fulfill the following requirements to be licensed by the Department for a period of 1 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 and one year of experience in a related field,

12.16.1.2.2 An associate degree in a related field or certification in construction trades, and either

12.16.1.2.2.1 2 or more years of experience as a Lead-based Paint Abatement Supervisor, or

12.16.1.2.2.2 2 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 3 or more years of experience as a Lead-based Paint Abatement Supervisor, or

12.16.1.2.3.2 3 or more years of experience as an Asbestos Inspector

12.16.1.3 Provides evidence of completion of and successful examination for the following Department-approved, third-party Lead-based Paint Activities Training Courses:

12.16.1.3.1 Initial 24-hour Lead-based Paint Activities Training Course training course for lead-based paint inspectors, including 4 hours of hands-on training, and

12.16.1.3.2 Initial Lead-based Paint Activities Training Course 16-hour training course for lead-based paint inspector/risk assessors, including 4 hours of hands-on training

12.16.1.4 Provides evidence of the following experience:

12.16.1.4.1 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 inspector, or

12.16.1.4.2 One year of experience in a related field including, but not limited to, lead, asbestos, or other environmental remediation work

12.16.1.5 Successfully passes, with a grade of 70 percent, a Department-approved third-party certification exam in the appropriate discipline

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

12.16.1.5.2 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, 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 inspector and 16-hour risk assessor training courses are valid for 3 years.

12.16.2.2 4-hour Inspector and 4-hour Risk Assessor refresher courses are required every 3 years after initial training and are valid for 3 years.

12.16.3 Licensee's Responsibilities:

12.16.3.1 Licensed lead-based paint inspector/risk assessors are responsible for complying with this Chapter during all lead-based paint activities.

12.16.3.2 A licensed lead-based paint inspector/risk assessor shall have with them at the worksite 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/risk assessor is authorized to conduct the following activities:

12.16.4.1.1 Conduct all services performed by a lead-based paint abatement worker.

12.16.4.1.2 Utilize information developed from inspections to assess the potential hazards of lead-based paint.

12.16.4.1.3 Develop a risk assessment and analysis plan.

12.16.4.1.4 Conduct a risk assessment.

12.16.4.1.5 Make recommendations for response actions to all identified lead-based paint hazards.

12.17 Lead-based Paint Project Designer

12.17.1 Requirements for Licensure: An applicant for this license shall fulfill the following requirements to be licensed by the Department for a period of 1 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 Certification as an Industrial Hygienist from the American Board of Industrial Hygiene Certified, or a Registered Professional Engineer or a Registered Architect and either

12.17.1.2.1.1 6 months of experience conducting of lead-based paint abatement activities, or

12.17.1.2.1.2 1 year of experience as a Project Designer for asbestos or radon

12.17.1.2.2 A bachelor's degree and one year of experience in a related field and either

12.17.1.2.2.1 1 year of experience in lead-based paint abatement activities, or

12.17.1.2.2.2 1 year of experience as a project designer for asbestos or radon

12.17.1.2.3 An associate degree in a related field or certification in construction trades, and either

12.17.1.2.3.1 2 years of experience in engineering or industrial hygiene,

12.17.1.2.3.2 1 year of experience in lead-based paint abatement activities, or

12.17.1.2.3.3 1 year of experience as a project designer asbestos or radon

12.17.1.2.4 A high school degree or GED, and either

12.17.1.2.4.1 4 years of experience in engineering or industrial hygiene,

12.17.1.2.4.2 1 year of experience in lead-based paint activities, or

12.17.1.2.4.3 1 year of experience as an asbestos or radon project designer

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 32-hour course for supervisors, including 8 hours of hands-on training, and

12.17.1.3.2 Initial 8-hour course for project designers, including 4 hours of hands-on training

12.17.2 Training term

12.17.2.1 Initial 32-hour supervisor training course and 8-hour risk assessor courses are valid for 3 years

12.17.2.2 8-hour Supervisor and 4-hour Project Designer refresher courses are required every 3 years after initial training and are valid for 3 years.

12.17.3 Licensee's Responsibilities:

12.17.3.1 Licensed lead-based paint project designers are responsible for complying with this Chapter, including the requirements in Section 10, during all lead-based paint activities.

12.17.3.2 A licensed lead-based paint project designer shall have with them at the worksite 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 project designer is authorized to conduct the following activities:

12.17.4.1.1 Designing, preparing and evaluating lead-based paint abatement project specifications.

12.17.4.1.2 Determining how lead-based paint abatement should be conducted.

12.17.4.1.3 Preparing occupant protection plans and abatement reports.

DRAFT

~~Vermont Regulations For Lead Control~~



~~V.S.A. Title 18, Chapter 38~~



~~VERMONT DEPARTMENT OF HEALTH
P.O. Box 70, Drawer 30
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Agency of Human Services~~

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VERMONT REGULATIONS FOR LEAD CONTROL

1. General Provisions

1.1 Purpose

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

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

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

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

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

~~4.1.1 Scope No person shall perform Lead-based paint activities in any facility without obtaining certification and licensure from the Commissioner. The Commissioner shall require the payment of fees at the time of application. The Commissioner shall not process an application for which a fee has not been paid when required. Upon receipt and approval of a completed project notification, the Commissioner shall issue a project permit.~~

~~4.1.2 When Is Abatement Applicable~~

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

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

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

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

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

~~1.1.3 Right of Entry – The Commissioner is authorized, upon presenting appropriate credentials, to seek permission to enter a work-site where lead-based paint activities are being conducted, located on public or private property, under the authority granted the Commissioner by 18 VSA Section 107. If permission is refused, the Commissioner may seek, pursuant to the authority granted by 18 VSA Section 121, a search warrant authorizing the inspection of such premises.~~

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

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

~~1.1.6 Severability – If any provision of any section of these regulations or the application thereof to any firm, individual or circumstance is found by a court of competent jurisdiction to be illegal, invalid, or void, the remainder of these regulations shall be deemed unaffected and shall continue in full force and effect~~

2. Definitions

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

For purposes of these rules:

~~2.2.1 Abatement - means any set of measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by appropriate state and federal agencies. The term includes:~~

- ~~(a) — the removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or permanent covering of lead-contaminated soil; and~~
- ~~(b) — all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.~~
- ~~(c) — Interim controls are not considered an abatement activity.~~
- ~~(d) — Essential Maintenance Practices (EMP) are not considered an abatement activity.~~

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

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

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

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

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

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

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

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

~~2.2.10 Commissioner – means the Commissioner of the Vermont Department of Health.~~

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

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

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

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

~~2.2.15 Department – means the Vermont Department of Health.~~

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

~~2.2.17 Dwelling means:~~

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

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

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

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

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

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

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

2.2.24 Interim Controls means:

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

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

2.2.26 Lead-based Paint ~~means paint or other surface coatings that contain lead in excess of 1.0 mg/cm² or 0.5 percent by weight, or (1) in the case of paint or other surface coatings such lower level as may be established by the Secretary of Housing and Urban Development, as defined by Section 302(c) of the Lead-Based Paint Poisoning Prevention Act, or (2) in the case of any other paint or surface coatings, such other level as may be established by the Administrator of the EPA.~~

2.2.27 Lead-Based Paint Activities means:

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

2.2.28 Lead-Based Paint Hazard ~~means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, lead-containing coatings, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as established by the appropriate federal agency.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~2.2.43 Training Day – means eight contact hours of training delivery.~~

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

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

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

General Requirements for Certification

3.1 — Certification

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

3.2 — Procedures for Certification

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

(a) — Application for Certification

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

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

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

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

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

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

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

(b) — Action Upon Receipt of Applications

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

(c) — Denial of Applications

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

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

3.3 — Expiration of Certification

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

3.4 — Reciprocity

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

3.5 — Documentation

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

~~3.6 — Licensing~~

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

~~3.7 — Renewal of Certification~~

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

~~3.8 — Accreditation and License Fees~~

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

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

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

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

~~3.9 — Enforcement~~

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

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

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

4.1. Certification Standards for Lead Abatement Contractors

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

4.2 Certification Standards for Workers and Supervisors

4.2.1 Requirements for Certification

(a) Lead Workers

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

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

(b) Lead Supervisors

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

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

4.3 CERTIFICATION STANDARDS FOR CONSULTING CONTRACTORS AND INDIVIDUAL CONSULTANTS

4.3.1 General Requirements

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

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

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

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

4.3.2 Certification Standards for Lead Consulting Contractors

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

(a) ~~Retention of Records~~

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

(b) ~~Required Records~~

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

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

4.3.3 Certification Standards for Individual Consultants

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

I. Inspector Technician Certification

Inspector I

(A) Scope

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

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

(a) Requirements for Inspector I Technician Certification

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

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

Inspector II Lead Sampling Technician

(a) Scope

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

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

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

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

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

II. Inspector/Risk Assessor Certification

(a) Scope

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

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

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

(b) — Requirements for Inspector/Risk Assessor Certification

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

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

III. — Project Designer Certification

(a) — Scope

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

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

(b) — Requirements for Project Designer Certification

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

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

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

~~or~~

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

~~or~~

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

~~or~~

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

~~5. Lead Abatement Requirements-Work Practices Requirements~~

~~5.1 Notification of Lead Abatement Projects and Record Keeping~~

- ~~(a) A Lead Abatement Contractor intending to engage in a lead abatement project shall notify the Department in writing. The written notification shall be received by the Department on a Department provided form or facsimile at least 10 working days before beginning any on-site work at the lead abatement project. A diagram, occupant protection plan when applicable, and a written abatement plan of the project area shall be included. The Department shall be notified within twenty-four (24) hours of changes to the notification.~~
- ~~(b) Waivers to lead abatement work practices requirements may be permitted when the standard procedure is not practicable, not feasible, not safe, or when a cost saving alternative exists and the proposed waiver adequately protects human health and safety and the environment from exposure to lead hazards. A request for a waiver must be sent in writing to the Department with the original permit application form. The written request for waiver must include a justification that presents clear and convincing evidence that the lead project is distinctive in some way and the proposed alternative(s) to required work practices will comply with the intent of State law and these rules. Waivers require written authorization from the Department prior to implementation.~~
- ~~(c) The project, including set-up, shall not start before the contractor has received the project permit or before the start date noted on the project permit. The Department shall be notified if the contractor will not be on the project site for a day or more.~~
- ~~(d) Record Keeping~~
- ~~The following information shall be recorded in a written report by the licensed supervisor when conducting abatement.~~
- ~~(1) Start and completion date(s) of abatement;~~
- ~~(2) Names and addresses of all supervisors and workers on the abatement and their license number(s);~~
- ~~(3) The name and address and signature of the third party responsible for clearance and/or monitoring, date of clearance testing and/or monitoring and proof of certification;~~

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

~~5.2 — Documents to be Retained On-Site~~

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

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

5.3 ~~Work Practices~~

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

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

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

5.3.1 ~~Abatement Specifications~~

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

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

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

~~(b) Interior Work-site Preparation and Cleanup~~

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

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

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

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

(c) ~~Exterior Work-site Preparation and Cleanup~~

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

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

Table 5.1 Window Treatment or Replacement Worksite Preparation

Appropriate Applications — Any Window Treatment or Replacement

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

5.4 Worker Protection

5.4.1 Lead Contractor Protection Standards

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

5.4.2 Respiratory Protection

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

(a) Selection of Respirators

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

TABLE SELECTION OF RESPIRATORS

Respiratory Protection for Lead Aerosols

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

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

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

~~(b) Fitting of Respirators~~

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

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

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

~~(c) Prohibited Activity~~

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

~~5.4.3 Contractor Protection Provisions~~

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

~~5.4.4 Medical Monitoring~~

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

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

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

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

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

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

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

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

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

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

~~Interior treatments with no containment within building :~~

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

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

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

~~(d) Re-occupancy after an abatement project:~~

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

~~Table 5.d
Clearance Dust Standards (Wipe Sampling Only)⁴~~

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

⁴~~No clearance standards are currently available for vacuum sampling.~~

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

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

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

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

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

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

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

~~(f) — Transportation and Disposal of Lead Waste~~

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

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

6. ~~Lead Consulting Activities—Methods and Practices~~

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

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

6.1 ~~Consulting Contractor Protection Standards~~

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

6.1.1 ~~Respiratory Protection~~

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

(a) ~~Selection of Respirators~~

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

~~(b) Fitting of Respirators~~

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

~~(c) Prohibited Activity~~

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

~~6.1.2 Consultant Contractor Protection Provisions~~

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

~~6.1.3 Medical Monitoring~~

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

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

6.1.4 Exposure Monitoring

General Requirements

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

(a) ~~— Personal Air Sampling~~

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

(b) ~~— Record Keeping~~

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

6.1.5 Documents to Be Submitted to the Department and Abatement Contractor

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

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

(b) ~~— The documents in a format approved by the Department shall include the following: visual clearance and final dust/soil clearance. The following information shall be included on each report:~~

(1) ~~— Documentation of visual clearance shall include, but not be limited to the following: date of visual inspection, project location, abatement contractor, printed name, license number and signature of the consultant, and results of inspection.~~

(2) ~~— Documentation of final dust/soil clearance shall include, but not be limited to the following: specific location of the abatement project, name of the lead abatement contractor performing the project, description of the sampling activity. Specific location where samples were taken shall be indicated on a diagram, name and signature of the~~

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

7. Abatement Requirements for Superstructures

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

7.1 General Post Abatement Requirements for Commercial Buildings and Superstructures

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

~~7.2 Alternative Procedures~~

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

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

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

~~8. — CERTIFICATION STANDARDS FOR ANALYTICAL LABORATORIES~~

~~8.1 — Applicability~~

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

~~8.2 — Requirements for Certification of Analytical Laboratories~~

~~8.2.1 — General Requirements~~

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

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

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

~~8.2.2 — Chain of Custody and Quality Assurance~~

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

~~(a) — Methodology of analysis.~~

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

9. ~~CERTIFICATION STANDARDS FOR TRAINING PROGRAMS AND TRAINING COURSES~~

9.1 ~~General Requirements~~

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

9.2 ~~Accreditation of Training Programs~~

9.2.1 ~~Summary of Requirements~~

~~In order to obtain accreditation, a Training Program shall:~~

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

9.2.2 ~~Notification~~

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

9.2.3 ~~Retention of Records~~

~~Training Program Record Keeping Requirements~~

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

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

9.2.4 Requirements for Training Program Instructors

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

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

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

9.2.5 Specific Accreditation Requirements

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

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

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

9.2.6 Granting Certification of a Lead Contractor Training Course

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

9.2.7 Reciprocity

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

9.3 Initial Lead Course Content and Requirements

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

9.3.1 Inspector Technician

Inspector I

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

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

- (e) — Lead-based paint inspection methods.
 - (1) — X-ray fluorescence (XRF) analyzers.
 - (a) — Introduction and operation of XRF analyzers.
 - (b) — Correcting for substrate interference.
 - (c) — Radiation safety.
 - (d) — Similarities and differences between the two types of analyzers (direct and indirect).
 - (e) — Interpretation of the XRF sampling data.
 - (f) — Licensing and registration of XRF analyzers.
 - (g) — Transportation of XRF analyzers.
 - (h) — XRF analyzer record keeping.

 - (2) — Alternative Inspection Technologies:
 - (a) — Lead-based paint testing operations.

 - (3) — Responsibilities.

 - (4) — Formulation and implementation of the sampling plan and final inspection report.
 - (a) — Formulating a plan.
 - (b) — Computing sample size.
 - (c) — Selecting specific units.
 - (d) — Selecting the components in each unit.
 - (e) — Classification of components.
 - (f) — Collection and preparation of paint chip and soil samples for laboratory analysis.
 - (g) — Record Keeping.

 - (5) — Preparation of final inspection report of test results.
 - (6) — Dust and soil clearance sampling methodologies.
 - (7) — Legal liability.
 - (8) — Historic Preservation
 - (a) — Identifying Historical Buildings
 - (b) — Identifying Historical Features

(c) — ~~Appropriate Abatement Alternatives.~~

Inspector II Lead Sampling Technician

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

9.3.2 Inspector/Risk Assessor

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

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

~~(2) — Soil sample collection~~

- ~~(a) — Sources~~
- ~~(b) — Soil clearance levels~~
- ~~(c) — Soil sample collection techniques~~
- ~~(d) — Number and location of soil samples~~
- ~~(e) — Interpretation of soil sampling results~~

~~(3) — Dust samples.~~

- ~~(a) — Sources.~~
- ~~(b) — Number and location of samples.~~
- ~~(c) — Interpretation of test results.~~

~~(4) — Lead in drinking water.~~

- ~~(a) — Sources.~~
- ~~(b) — Sampling technique for lead in drinking water.~~
- ~~(c) — Interpretation of sampling results.~~

~~(5) — Data entry forms.~~

~~(g) — Interpretation of results and preparation of final report.~~

~~(h) — Recommendations to abate or reduce lead-based paint hazards including instruction on when interim controls are appropriate.~~

~~(i) — Development of an interim control plan.~~

~~(j) — Record Keeping.~~

9.3.3 Project Designer

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

9.3.4 Supervisor

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

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

- ~~(o) — Cost estimation.~~
- ~~(p) — Record Keeping.~~
- ~~(q) — Historic Preservation

 - ~~(1) — Identifying Historical Buildings~~
 - ~~(2) — Identifying Historical Features~~
 - ~~(3) — Appropriate Abatement Alternatives~~~~

9.3.5 Supervisor, Commercial Buildings and Superstructures

- ~~(a) — Training courses shall include all topics per supervisor target housing (a-p) and an additional 8 hours to include the following:

 - ~~(1) — Welding~~
 - ~~(2) — Burning~~
 - ~~(3) — Power Tools~~
 - ~~(4) — Abrasive Tools~~
 - ~~(5) — Torch Cutting~~
 - ~~(6) — Mechanical Disturbance of Lead~~~~

9.3.6 Lead Abatement Worker

- ~~(a) — Minimum of 24 training hours with 10 of these hours hands-on training hours.~~
- ~~(b) — Background information on lead.

 - ~~(1) — History of lead use.~~
 - ~~(2) — Sources of environmental lead contamination (paint, surface dust and soil, water, air, food, other).~~~~
- ~~(c) — Regulatory review.

 - ~~(1) — Federal (OSHA, HUD, EPA, and other agencies).~~
 - ~~(2) — State/local.~~~~
- ~~(d) — Hazard recognition and control.

 - ~~(1) — Health effects of lead.~~
 - ~~(2) — Site characterization.~~
 - ~~(3) — Exposure measurements.~~
 - ~~(4) — Material identification.~~
 - ~~(5) — Safety and health plan.~~
 - ~~(6) — Medical surveillance.~~
 - ~~(7) — Engineering and work practices.~~~~
- ~~(e) — Personal protective equipment.~~

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

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

9.3.7 Worker, Commercial Buildings and Superstructures

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

9.4 Refresher Lead Course Content and Requirements

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

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

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

9.5 Training Provider Exams

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



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: May 11, 2020, Microsoft Teams virtual meeting
Members Present: Chair Brad Ferland, Diane Bothfeld, Jennifer Mojo, John Kessler, Matt Langham, Steve Knudson and Clare O'Shaughnessy
Members Absent: Dirk Anderson and Ashley Berliner
Minutes By: Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the March 9, 2020 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- The following Emergency Rules were approved by Chair Ferland:
 - Suspension of Credentialing Verification Practices, Department of Financial Regulation on 3/23/20
 - Administrative Rules for Notaries Public and Remote Notarization, Office of Professional Regulation on 3/25/20
 - Hospital Licensing Rule, Agency of Human Services, Department of Health on 3/27/20
 - Coverage of Health Care Services Delivered Telephone, Telehealth, or Store and Forward Means, Department of Financial Regulation on 4/3/20
 - Rule on Rulemaking, Office of the Secretary of State on 4/6/20
 - H-2020-03-E Coverage of COVID-19 Diagnosis, Treatment, and Prevention, Department of Financial Regulation on 4/15/20
 - 10 App. V.S.A. § 2. Report, big game, Department of Fish and Wildlife, Vermont Fish and Wildlife Board on 4/16/20
 - Nursing Home Rate Setting Response to COVID-19, Department of Vermont Health Access, Division of Rate Setting on 4/29/20
- Presentation of Proposed Rule 'Regulations for Lead Control' by the Agency of Human Services, Vermont Department of Health is on page 2.
- Next scheduled meeting is June 8, 2020 at 2:00 p.m.
- 2:39 p.m. meeting adjourned.

Proposed Rule: Regulations for Lead Control, Agency of Human Services, Vermont Department of Health

Presented by Shayla Livingston, Vermont Department of Health

Motion made to accept the rule by Diane Bothfeld, seconded by John Kessler, and passed unanimously with the following recommendations:

1. Proposed Rule Coversheet, #15: Complete.
2. Proposed Rule Coversheet, #16: Define 'RRPM' before the acronym in parentheses.
3. Economic Impact Analysis: Explain how this proposed rule may benefit Vermont in regards to the fees from workers paid to the EPA.
4. Economic Impact Analysis, #3: List estimated costs and benefits anticipated.
5. Economic Impact Analysis, #4: Explain reasoning.
6. Economic Impact Analysis, #5: Note that the legislature sets the rate if appropriate.
7. Public Input, #5: Reach out to the Association of General Contractors and the Vermont Builders and Remodelers Association.

DRAFT