

June 2, 2021

1 **R307. Environmental Quality, Air Quality.**

2 **R307-841. Residential Property and Child-Occupied Facility**
3 **Renovation.**

4 **R307-841-1. Purpose.**

5 This rule implements 40 CFR 745, regulations developed under
6 Sections 402 and 406 of the Toxic Substances Control Act (15
7 U.S.C. 2682 and 2686) and applies to all renovations performed for
8 compensation in target housing and child-occupied facilities. The
9 purpose of this rule is to ensure the following:

10 (1) Owners and occupants of target housing and child-
11 occupied facilities receive information on lead-based paint
12 hazards before these renovations begin; and

13 (2) Individuals performing renovations regulated in
14 accordance with R307-841-3 are properly trained; renovators and
15 firms performing these renovations are certified; and the work
16 practices in R307-841-5 are followed during these renovations.

17
18 **R307-841-2. Effective Dates.**

19 (1) Training, certification and accreditation requirements,
20 and work practice standards. The training, certification and
21 accreditation requirements and work practice standards in this
22 rule are applicable as follows:

23 (a) Training programs. Effective April 8, 2010, no training
24 program may provide, offer, or claim to provide training or
25 refresher training for director certification as a renovator or a
26 dust sampling technician without accreditation from the director
27 under R307-842-1. Training programs may apply for accreditation
28 under R307-842-1;

29 (b) Firms.

30 (i) Firms may apply for certification under R307-841-7
31 beginning April 8, 2010.

32 (ii) On or after April 8, 2010, no firm may perform, offer,
33 or claim to perform renovations without certification from the
34 director under R307-841-7 in target housing or child-occupied
35 facilities, unless the renovation qualifies as one of the
36 exceptions identified in R307-841-3(1).

37 (c) Individuals. On or after April 8, 2010, all renovations
38 must be directed by renovators certified in accordance with R307-
39 841-8(1) and performed by certified renovators or individuals
40 trained in accordance with R307-841-8(2)(b) in target housing or
41 child-occupied facilities, unless the renovation qualifies for one
42 of the exceptions identified in R307-841-3(1).

43 (d) Work practices.

44 (i) On or after April 8, 2010 and before July 5, 2012, all

June 2, 2021

1 renovations must be performed in accordance with the work practice
2 standards in R307-841-5 and the associated recordkeeping
3 requirements in R307-841-6(2)(a) and (2)(f) in target housing or
4 child-occupied facilities, unless the renovation qualifies for the
5 exceptions identified in R307-841-3(1). This does not apply to
6 renovations in target housing for which the firm performing the
7 renovation has obtained a statement signed by the owner that the
8 renovation will occur in the owner's residence, no child under age
9 six resides there, the housing is not a child-occupied facility,
10 and the owner acknowledges that the work practices to be used
11 during the renovation will not necessarily include all of the
12 lead-safe work practices contained in EPA's renovation, repair,
13 and painting rule. For the purposes of this section, a child
14 resides in the primary residence of his or her custodial parents,
15 legal guardians, and foster parents. A child also resides in the
16 primary residence of an informal caretaker if the child lives and
17 sleeps most of the time at the caretaker's residence.

18 (ii) On or after July 5, 2012, all renovations must be
19 performed in accordance with the work practice standards in R307-
20 841-5 and the associated recordkeeping requirements in R307-841-
21 6(2)(a) and (2)(f) in target housing or child-occupied facilities,
22 unless the renovation qualifies for the exception identified in
23 R307-841-3(1).

24 (2) Renovation-specific pamphlet. Renovators or firms
25 performing renovations must provide owners and occupants with
26 "Renovate Right: Important Lead Hazard Information for Families,
27 Child Care Providers and Schools."
28

29 **R307-841-3. Applicability.**

30 (1) This rule applies to all renovations performed for
31 compensation in target housing and child-occupied facilities,
32 except for the following:

33 (a) Renovations in target housing or child-occupied
34 facilities in which a written determination has been made by an
35 inspector or risk assessor, certified pursuant to R307-842-2, that
36 the components affected by the renovation are free of paint or
37 other surface coatings that contain lead equal to or in excess of
38 1.0 milligrams/per square centimeter (mg/cm²) or 0.5% by weight,
39 where the firm performing the renovation has obtained a copy of
40 the determination; or

41 (b) Renovations in target housing or child-occupied
42 facilities in which a certified renovator, using an EPA-recognized
43 test kit as defined in R307-840-2 and following the kit
44 manufacturer's instructions, has tested each component affected by

June 2, 2021

1 the renovation and determined that the components are free of
2 paint or other surface coatings that contain lead equal to or in
3 excess of 1.0 mg/cm² or 0.5% by weight. If the components make up
4 an integrated whole, such as the individual stair treads and
5 risers of a single staircase, the renovator is required to test
6 only one of the individual components, unless the individual
7 components appear to have been repainted or refinished separately.

8 (c) Renovations in target housing or child-occupied
9 facilities in which a certified renovator has collected a paint
10 chip sample from each painted component affected by the renovation
11 and a laboratory recognized by EPA pursuant to section 405(b) of
12 TSCA as being capable of performing analyses for lead compounds in
13 paint chip samples has determined that the samples are free of
14 paint or other surface coatings that contain lead equal to or in
15 excess of 1.0 mg/cm² or 0.5% by weight. If the components make up
16 an integrated whole, such as the individual stair treads and
17 risers of a single staircase, the renovator is required to test
18 only one of the individual components, unless the individual
19 components appear to have been repainted or refinished separately.

20 (2) The information distribution requirements in R307-841-4
21 do not apply to emergency renovations, which are renovation
22 activities that were not planned but result from a sudden,
23 unexpected event (such as non-routine failures of equipment) that,
24 if not immediately attended to, presents a safety or public health
25 hazard, or threatens equipment and/or property with significant
26 damage. Interim controls performed in response to an elevated
27 blood lead level in a resident child are also emergency
28 renovations. Emergency renovations other than interim controls
29 are also exempt from the warning sign, containment, waste
30 handling, training, and certification requirements in R307-841-5,
31 R307-841-7, and R307-841-8 to the extent necessary to respond to
32 the emergency. Emergency renovations are not exempt from the
33 cleaning requirements of R307-841-5(1)(e) which must be performed
34 by certified renovators or individuals trained in accordance with
35 R307-841-8(2)(b), the cleaning verification requirements of R307-
36 841-5(2), which must be performed by certified renovators, and the
37 recordkeeping requirements of R307-841-6(2)(e) and (f).

38
39 **R307-841-4. Information Distribution Requirements.**

40 (1) Renovations in dwelling units. No more than 60 days
41 before beginning renovation activities in any residential dwelling
42 unit of target housing, the firm performing the renovation must:

43 (a) Provide the owner of the unit with the pamphlet, and
44 comply with one of the following:

June 2, 2021

1 (i) Obtain, from the owner, a written acknowledgment that
2 the owner has received the pamphlet; or

3 (ii) Obtain a certificate of mailing at least 7 days prior
4 to the renovation; and

5 (b) If the owner does not occupy the dwelling unit, provide
6 an adult occupant of the unit with the pamphlet, and comply with
7 one of the following:

8 (i) Obtain, from the adult occupant, a written
9 acknowledgment that the occupant has received the pamphlet, or
10 certify in writing that a pamphlet has been delivered to the
11 dwelling and that the firm performing the renovation has been
12 unsuccessful in obtaining a written acknowledgment from an adult
13 occupant. Such certification must include the address of the unit
14 undergoing renovation, the date and method of delivery of the
15 pamphlet, names of the persons delivering the pamphlet, reason for
16 lack of acknowledgment (e.g., occupant refuses to sign, no adult
17 occupant available), the signature of a representative of the firm
18 performing the renovation, and the date of signature; or

19 (ii) Obtain a certificate of mailing at least 7 days prior
20 to the renovation.

21 (2) Renovations in common areas. No more than 60 days before
22 beginning renovation activities in common areas of multi-unit
23 target housing, the firm performing the renovation must:

24 (a) Provide the owner with the pamphlet, and comply with one
25 of the following:

26 (i) Obtain, from the owner, a written acknowledgment that
27 the owner has received the pamphlet; or

28 (ii) Obtain a certificate of mailing at least 7 days prior
29 to the renovation;

30 (b) Comply with one of the following:

31 (i) Notify in writing, or ensure written notification of,
32 each affected unit and make the pamphlet available upon request
33 prior to the start of renovation. Such notification shall be
34 accomplished by distributing written notice to each affected unit.
35 The notice shall describe the general nature and locations of the
36 planned renovation activities, the expected starting and ending
37 dates, and a statement of how the occupant can obtain the pamphlet
38 and a copy of the records required by R307-841-6(3) and (4) at no
39 cost to the occupants; or

40 (ii) While the renovation is ongoing, post informational
41 signs describing the general nature and locations of the
42 renovation and the anticipated completion date. These signs must
43 be posted in areas where they are likely to be seen by the
44 occupants of all of the affected units. The signs must be

June 2, 2021

1 accompanied by a posted copy of the pamphlet or information on how
2 interested occupants can review a copy of the pamphlet or obtain a
3 copy from the renovation firm at no cost to occupants. The signs
4 must also include information on how interested occupants can
5 review a copy of the records required by R307-841-6(3) and (4) or
6 obtain a copy from the renovation firm at no cost to the
7 occupants;

8 (c) Prepare, sign, and date a statement describing the steps
9 performed to notify all occupants of the intended renovation
10 activities and to provide the pamphlet; and

11 (d) If the scope, locations, or expected starting and ending
12 dates of the planned renovation activities change after the
13 initial notification, and the firm provided written initial
14 notification to each affected unit, the firm performing the
15 renovation must provide further written notification to the owners
16 and occupants providing revised information on the ongoing or
17 planned activities. This subsequent notification must be provided
18 before the firm performing the renovation initiates work beyond
19 that which was described in the original notice.

20 (3) Renovations in child-occupied facilities. No more than
21 60 days before beginning renovation activities in any child-
22 occupied facility, the firm performing the renovation must:

23 (a)(i) Provide the owner of the building with the pamphlet,
24 and comply with one of the following:

25 (A) Obtain, from the owner, a written acknowledgment that
26 the owner has received the pamphlet; or

27 (B) Obtain a certificate of mailing at least 7 days prior to
28 the renovation;

29 (ii) If the adult representative of the child-occupied
30 facility is not the owner of the building, provide an adult
31 representative of the child-occupied facility with the pamphlet,
32 and comply with one of the following:

33 (A) Obtain, from the adult representative, a written
34 acknowledgment that the adult representative has received the
35 pamphlet, or certify in writing that a pamphlet has been delivered
36 to the facility and that the firm performing the renovation has
37 been unsuccessful in obtaining a written acknowledgment from an
38 adult representative. Such certification must include the address
39 of the child-occupied facility undergoing renovation, the date and
40 method of delivery of the pamphlet, names of the persons
41 delivering the pamphlet, reason for lack of acknowledgment (e.g.,
42 representative refuses to sign), the signature of a representative
43 of the firm performing the renovation, and the date of signature;
44 or

June 2, 2021

1 (B) Obtain a certificate of mailing at least 7 days prior to
2 the renovation;

3 (b) Provide the parents and guardians of children using the
4 child-occupied facility with the pamphlet and information
5 describing the general nature and locations of the renovation and
6 the anticipated completion date and information on how interested
7 parents or guardians of children frequenting the child-occupied
8 facility can review a copy of the records required by R307-841-
9 6(3) and (4) or obtain a copy from the renovation firm at no cost
10 to the parents or guardians by complying with one of the
11 following:

12 (i) Mail or hand-deliver the pamphlet and the renovation
13 information to each parent or guardian of a child using the child-
14 occupied facility; or

15 (ii) While the renovation is ongoing, post informational
16 signs describing the general nature and locations of the
17 renovation and the anticipated completion date. These signs must
18 be posted in areas where they can be seen by the parents or
19 guardians of the children frequenting the child-occupied facility.
20 The signs must be accompanied by a posted copy of the pamphlet or
21 information on how interested parents or guardians of children
22 frequenting the child-occupied facility can review a copy of the
23 pamphlet or obtain a copy from the renovation firm at no cost to
24 the parents or guardians. The signs must also include information
25 on how interested parents or guardians of children frequenting the
26 child-occupied facility can review a copy of the records required
27 by R307-841-6(3) and (4) or obtain a copy from the renovation firm
28 at no cost to the parents or guardians.

29 (c) The renovation firm must prepare, sign, and date a
30 statement describing the steps performed to notify all parents and
31 guardians of the intended renovation activities and to provide the
32 pamphlet.

33 (4) Written acknowledgment. The written acknowledgments
34 required by paragraphs (1)(a)(i), (1)(b)(i), (2)(a)(i),
35 (3)(a)(i)(A), and (3)(a)(ii)(A) of this section must:

36 (a) Include a statement recording the owner or occupant's
37 name and acknowledging receipt of the pamphlet prior to the start
38 of renovation, the address of the unit undergoing renovation, the
39 signature of the owner or occupant as applicable, and the date of
40 signature;

41 (b) Be either a separate sheet or part of any written
42 contract or service agreement for the renovation; and

43 (c) Be written in the same language as the text of the
44 contract or agreement for the renovation or, in the case of non-

June 2, 2021

1 owner occupied target housing, in the same language as the lease
2 or rental agreement or the pamphlet.

3

4 **R307-841-5. Work Practice Standards.**

5 (1) Standards for renovation activities. Renovations must be
6 performed by firms certified under R307-841-7 using renovators
7 certified under R307-841-8. The responsibilities of certified
8 firms are set forth in R307-841-7(4) and the responsibilities of
9 certified renovators are set forth in R307-841-8(2).

10 (a) Occupant protection. Firms must post signs clearly
11 defining the work area and warning occupants and other persons not
12 involved in renovation activities to remain outside of the work
13 area. To the extent practicable, these signs must be in the
14 primary language of the occupants. These signs must be posted
15 before beginning the renovation, must remain in place, and must be
16 readable until the renovation and the post-renovation cleaning
17 verification have been completed. If warning signs have been
18 posted in accordance with 24 CFR 35.1345(b)(2) or 29 CFR
19 1926.62(m), additional signs are not required by this section.

20 (b) Containing the work area. Before beginning the
21 renovation, the firm must isolate the work area so that no dust or
22 debris leaves the work area while the renovation is being
23 performed. In addition, the firm must maintain the integrity of
24 the containment by ensuring that any plastic or other impermeable
25 materials are not torn or displaced, and taking any other steps
26 necessary to ensure that no dust or debris leaves the work area
27 while the renovation is being performed. The firm must also
28 ensure that containment is installed in such a manner that it does
29 not interfere with occupant and worker egress in an emergency.

30 (i) Interior renovations. The firm must:

31 (A) Remove all objects from the work area, including
32 furniture, rugs, and window coverings, or cover them with plastic
33 sheeting or other impermeable material with all seams and edges
34 taped or otherwise sealed;

35 (B) Close and cover all duct openings in the work area with
36 taped-down plastic sheeting or other impermeable material;

37 (C) Close windows and doors in the work area. Doors must be
38 covered with plastic sheeting or other impermeable material.
39 Doors used as an entrance to the work area must be covered with
40 plastic sheeting or other impermeable material in a manner that
41 allows workers to pass through while confining dust and debris to
42 the work area;

43 (D) Cover the floor surface, including installed carpet,
44 with taped-down plastic sheeting or other impermeable material in

June 2, 2021

1 the work area 6 feet beyond the perimeter of surfaces undergoing
2 renovation or a sufficient distance to contain the dust, whichever
3 is greater. Floor containment measures may stop at the edge of the
4 vertical barrier when using a vertical containment system
5 consisting of impermeable barriers that extend from the floor to
6 the ceiling and are tightly sealed at joints with the floor,
7 ceiling, and walls; and

8 (E) Use precautions to ensure that all personnel, tools, and
9 other items, including the exterior of containers of waste, are
10 free of dust and debris before leaving the work area.

11 (ii) Exterior renovations. The firm must:

12 (A) Close all doors and windows within 20 feet of the
13 renovation. On multi-story buildings, close all doors and windows
14 within 20 feet of the renovation on the same floor as the
15 renovation, and close all doors and windows on all floors below
16 that are the same horizontal distance from the renovation;

17 (B) Ensure that doors within the work area that will be used
18 while the job is being performed are covered with plastic sheeting
19 or other impermeable material in a manner that allows workers to
20 pass through while confining dust and debris to the work area;

21 (C) Cover the ground with plastic sheeting or other
22 disposable impermeable material extending 10 feet beyond the
23 perimeter of surfaces undergoing renovation or a sufficient
24 distance to collect falling paint debris, whichever is greater,
25 unless the property line prevents 10 feet of such ground covering.
26 Ground containment measures may stop at the edge of the vertical
27 barrier when using a vertical containment system; and

28 (D) If the renovation will affect surfaces within 10 feet of
29 the property line, the renovation firm must erect vertical
30 containment or equivalent extra precautions in containing the work
31 area to ensure that dust and debris from the renovation does not
32 contaminate adjacent buildings or migrate to adjacent properties.
33 Vertical containment or equivalent extra precautions in containing
34 the work area may also be necessary in other situations in order
35 to prevent contamination of other buildings, other areas of the
36 property, or adjacent buildings or properties.

37 (c) Prohibited and restricted practices. The work practices
38 listed below are prohibited or restricted during a renovation as
39 follows:

40 (i) Open-flame burning or torching of painted surfaces is
41 prohibited;

42 (ii) The use of machines designed to remove paint or other
43 surface coatings through high speed operation such as sanding,
44 grinding, power planing, needle gun, abrasive blasting, or

June 2, 2021

1 sandblasting, is prohibited on painted surfaces unless such
2 machines have shrouds or containment systems and are equipped with
3 a HEPA vacuum attachment to collect dust and debris at the point
4 of generation. Machines must be operated so that no visible dust
5 or release of air occurs outside the shroud or containment system;
6 and

7 (iii) Operating a heat gun on painted surfaces is permitted
8 only at temperatures below 1,100 degrees Fahrenheit.

9 (d) Waste from renovations.

10 (i) Waste from renovation activities must be contained to
11 prevent releases of dust and debris before the waste is removed
12 from the work area for storage or disposal. If a chute is used to
13 remove waste from the work area, it must be covered.

14 (ii) At the conclusion of each work day and at the
15 conclusion of the renovation, waste that has been collected from
16 renovation activities must be stored under containment, in an
17 enclosure, or behind a barrier that prevents release of dust and
18 debris out of the work area and prevents access to dust and
19 debris.

20 (iii) When the firm transports waste from renovation
21 activities, the firm must contain the waste to prevent release of
22 dust and debris.

23 (e) Cleaning the work area. After the renovation has been
24 completed, the firm must clean the work area until no dust,
25 debris, or residue remains.

26 (i) Interior and exterior renovations. The firm must:

27 (A) Collect all paint chips and debris and, without
28 dispersing any of it, seal this material in a heavy-duty bag; and

29 (B) Remove the protective sheeting. Mist the sheeting before
30 folding it, fold the dirty side inward, and either tape shut to
31 seal or seal in heavy-duty bags. Sheeting used to isolate
32 contaminated rooms from non-contaminated rooms must remain in
33 place until after the cleaning and removal of other sheeting.
34 Dispose of the sheeting as waste.

35 (ii) Additional cleaning for interior renovations. The firm
36 must clean all objects and surfaces in the work area and within 2
37 feet of the work area in the following manner, cleaning from
38 higher to lower:

39 (A) Walls. Clean walls starting at the ceiling and working
40 down to the floor by either vacuuming with a HEPA vacuum or wiping
41 with a damp cloth;

42 (B) Remaining surfaces. Thoroughly vacuum all remaining
43 surfaces and objects in the work area, including furniture and
44 fixtures, with a HEPA vacuum. The HEPA vacuum must be equipped

June 2, 2021

1 with a beater bar when vacuuming carpets and rugs; and

2 (C) Wipe all remaining surfaces and objects in the work
3 area, except for carpeted or upholstered surfaces, with a damp
4 cloth. Mop uncarpeted floors thoroughly, using a mopping method
5 that keeps the wash water separate from the rinse water, such as
6 the 2-bucket mopping method, or using a wet mopping system.

7 (2) Standards for post-renovation cleaning verification.

8 (a) Interiors.

9 (i) A certified renovator must perform a visual inspection
10 to determine whether dust, debris, or residue is still present. If
11 dust, debris, or residue is present, these conditions must be
12 removed by re-cleaning and another visual inspection must be
13 performed.

14 (ii) After a successful visual inspection, a certified
15 renovator must:

16 (A) Verify that each windowsill in the work area has been
17 adequately cleaned, using the following procedure.

18 (I) Wipe the windowsill with a wet disposable cleaning cloth
19 that is damp to the touch. If the cloth matches or is lighter
20 than the cleaning verification card, the windowsill has been
21 adequately cleaned.

22 (II) If the cloth does not match and is darker than the
23 cleaning verification card, re-clean the windowsill as directed in
24 paragraphs (1)(e)(ii)(B) and (1)(e)(ii)(C) of this section, then
25 either use a new cloth or fold the used cloth in such a way that
26 an unused surface is exposed, and wipe the surface again. If the
27 cloth matches or is lighter than the cleaning verification card,
28 that windowsill has been adequately cleaned.

29 (III) If the cloth does not match and is darker than the
30 cleaning verification card, wait for 1 hour or until the surface
31 has dried completely, whichever is longer.

32 (IV) After waiting for the windowsill to dry, wipe the
33 windowsill with a dry disposable cleaning cloth. After this wipe,
34 the windowsill has been adequately cleaned.

35 (B) Wipe uncarpeted floors and countertops within the work
36 area with a wet disposable cleaning cloth. Floors must be wiped
37 using application device with a long handle and a head to which
38 the cloth is attached. The cloth must remain damp at all times
39 while it is being used to wipe the surface for post-renovation
40 cleaning verification. If the surface within the work area is
41 greater than 40 square feet, the surface within the work area must
42 be divided into roughly equal sections that are each less than 40
43 square feet. Wipe each such section separately with a new wet
44 disposable cleaning cloth. If the cloth used to wipe each section

June 2, 2021

1 of the surface within the work area matches the cleaning
2 verification card, the surface has been adequately cleaned.

3 (I) If the cloth used to wipe a particular surface section
4 does not match the cleaning verification card, re-clean that
5 section of the surface as directed in paragraphs (1)(e)(ii)(B) and
6 (1)(e)(ii)(C) of this section, then use a new wet disposable
7 cleaning cloth to wipe that section again. If the cloth matches
8 the cleaning verification card, that section of the surface has
9 been adequately cleaned.

10 (II) If the cloth used to wipe a particular surface section
11 does not match the cleaning verification card after the surface
12 has been re-cleaned, wait for 1 hour or until the entire surface
13 within the work area has dried completely, whichever is longer.

14 (III) After waiting for the entire surface within the work
15 area to dry, wipe each section of the surface that has not yet
16 achieved post-renovation cleaning verification with a dry
17 disposable cleaning cloth. After this wipe, that section of the
18 surface has been adequately cleaned.

19 (iii) When the work area passes the post-renovation cleaning
20 verification, remove the warning signs.

21 (b) Exteriors. A certified renovator must perform a visual
22 inspection to determine whether dust, debris, or residue is still
23 present on surfaces in and below the work area, including
24 windowsills and the ground. If dust, debris, or residue is
25 present, these conditions must be eliminated and another visual
26 inspection must be performed. When the area passes the visual
27 inspection, remove the warning signs.

28 (3) Optional dust clearance testing. Cleaning verification
29 need not be performed if the contract between the renovation firm
30 and the person contracting for the renovation or another federal,
31 state, territorial, tribal, or local law or regulation requires:

32 (a) The renovation firm to perform dust clearance sampling
33 at the conclusion of a renovation covered by this rule.

34 (b) The dust clearance samples are required to be collected
35 by a certified inspector, risk assessor, or dust sampling
36 technician.

37 (c) The renovation firm is required to re-clean the work
38 area until the dust clearance sample results are below the
39 clearance standards in R307-842-3(5)(h) or any local standard.

40 (4) Activities conducted after post-renovation cleaning
41 verification. Activities that do not disturb paint, such as
42 applying paint to walls that have already been prepared, are not
43 regulated by this rule if they are conducted after post-renovation
44 cleaning verification has been performed.

June 2, 2021

1
2 **R307-841-6. Recordkeeping and Reporting Requirements.**

3 (1) Firms performing renovations must retain and, if
4 requested, make available to the director all records necessary to
5 demonstrate compliance with this rule for a period of 3 years
6 following completion of the renovation. This 3-year retention
7 requirement does not supersede longer obligations required by
8 other provisions for retaining the same documentation.

9 (2) Records that must be retained pursuant to paragraph (1)
10 of this section shall include (where applicable):

11 (a) Records or reports certifying that a determination had
12 been made that lead-based paint is not present on the components
13 affected by the renovation, as described in R307-841-3(1). These
14 records or reports include:

15 (i) Reports prepared by a certified inspector or certified
16 risk assessor certified pursuant to R307-842-2.

17 (ii) Records prepared by a certified renovator after using
18 EPA-recognized test kits, including an identification of the
19 manufacturer and model of any test kits used, a description of the
20 components that were tested including their locations, and the
21 result of each test kit used.

22 (iii) Records prepared by a certified renovator after
23 collecting paint chip samples, including a description of the
24 components that were tested including their locations, the name
25 and address of the NLLAP-recognized entity performing the
26 analysis, and the results for each sample.

27 (b) Signed and dated acknowledgments of receipt as described
28 in R307-841-4(1)(a)(i), (1)(b)(i), (2)(a)(i), (3)(a)(i)(A), and
29 (3)(a)(ii)(A).

30 (c) Certifications of attempted delivery as described in
31 R307-841-4(1)(b)(i) and (3)(a)(ii)(A).

32 (d) Certificates of mailing as described in R307-841-
33 4(1)(a)(ii), (1)(b)(ii), (2)(a)(ii), (3)(a)(i)(B), and
34 (3)(a)(ii)(B).

35 (e) Records of notification activities performed regarding
36 common area renovations, as described in R307-841-4(2)(c) and
37 (2)(d), and renovations in child-occupied facilities, as described
38 in R307-841-4(3)(b).

39 (f) Documentation of compliance with the requirements of
40 R307-841-5, including documentation that a certified renovator was
41 assigned to the project, that the certified renovator provided on-
42 the-job training for workers used on the project in a language
43 that the workers can comprehend, that the certified renovator
44 performed or directed workers who performed all of the tasks

June 2, 2021

1 described in R307-841-5(1), and that the certified renovator
2 performed the post-renovation cleaning verification described in
3 R307-841-5(2). If the renovation firm was unable to comply with
4 all of the requirements of this rule due to an emergency as
5 defined in R307-841-3, the firm must document the nature of the
6 emergency and the provisions of the rule that were not followed.
7 This documentation must include a copy of the certified
8 renovator's current Utah Lead-Based Paint Renovator certification
9 card, and a certification by the certified renovator assigned to
10 the project that:

11 (i) Training was provided to workers (topics must be
12 identified for each worker).

13 (ii) Warning signs were posted at the entrances to the work
14 area.

15 (iii) If test kits were used, that the specified brand of
16 kits was used at the specified locations and that the results were
17 as specified.

18 (iv) If paint chip samples were collected, that the samples
19 were collected at the specified locations, that the specified
20 NLLAP-recognized laboratory analyzed the samples, and that the
21 results were as specified.

22 (v) The work area was contained by:

23 (A) Removing or covering all objects in the work area
24 (interiors);

25 (B) Closing and covering all HVAC ducts in the work area
26 (interiors);

27 (C) Closing all windows in the work area (interiors) or
28 closing all windows in and within 20 feet of the work area
29 (exteriors);

30 (D) Closing and sealing all doors in the work area
31 (interiors) or closing and sealing all doors in and within 20 feet
32 of the work area (exteriors);

33 (E) Covering doors in the work area that were being used to
34 allow passage but prevent spread of dust;

35 (F) Covering the floor surface, including installed carpet,
36 with taped-down plastic sheeting or other impermeable material in
37 the work area 6 feet beyond the perimeter of surfaces undergoing
38 renovation or a sufficient distance to contain the dust, whichever
39 is greater (interiors) or covering the ground with plastic
40 sheeting or other disposable impermeable material anchored to the
41 building extending 10 feet beyond the perimeter of surfaces
42 undergoing renovation or a sufficient distance to collect falling
43 paint debris, whichever is greater, unless the property line
44 prevents 10 feet of such ground covering, weighted down by heavy

June 2, 2021

1 objects (exteriors); and

2 (G) Installing (if necessary) vertical containment to
3 prevent migration of dust and debris to adjacent property
4 (exteriors).

5 (vi) Waste was contained on-site and while being transported
6 off-site.

7 (vii) The work area was properly cleaned after the
8 renovation by:

9 (A) Picking up all chips and debris, misting protective
10 sheeting, folding it dirty side inward, and taping it for removal;
11 and

12 (B) Cleaning the work area surfaces and objects using a HEPA
13 vacuum and/or wet cloths or mops (interiors).

14 (viii) The certified renovator performed the post-renovation
15 cleaning verification (the results of which must be briefly
16 described, including the number of wet and dry cloths used).

17 (3)(a) When the final invoice for the renovation is
18 delivered or within 30 days of the completion of the renovation,
19 whichever is earlier, the renovation firm must provide information
20 pertaining to compliance with this rule to the following persons:

21 (i) The owner of the building; and, if different,

22 (ii) An adult occupant of the residential dwelling, if the
23 renovation took place within a residential dwelling, or an adult
24 representative of the child-occupied facility, if the renovation
25 took place within a child-occupied facility.

26 (b) When performing renovations in common areas of multi-
27 unit target housing, renovation firms must post the information
28 required by this rule or instructions on how interested occupants
29 can obtain a copy of this information. This information must be
30 posted in areas where it is likely to be seen by the occupants of
31 all of the affected units.

32 (c) The information required to be provided by paragraph (3)
33 of this section may be provided by completing the sample form
34 titled "Sample Renovation Recordkeeping Checklist" or a similar
35 form containing the test kit information required by R307-841-
36 6(2)(a)(ii) and the training and work practice compliance
37 information required by R307-841-6(2)(f).

38 (4) If dust clearance sampling is performed in lieu of
39 cleaning verification as permitted by R307-841-5(3), the
40 renovation firm must provide, when the final invoice for the
41 renovation is delivered or within 30 days of the completion of the
42 renovation, whichever is earlier, a copy of the dust sampling
43 report to:

44 (a) The owner of the building; and, if different,

June 2, 2021

1 (b) An adult occupant of the residential dwelling, if the
2 renovation took place within a residential dwelling, or an adult
3 representative of the child-occupied facility, if the renovation
4 took place within a child-occupied facility.

5 (c) When performing renovations in common areas of multi-
6 unit target housing, renovation firms must post these dust
7 sampling reports or information on how interested occupants of the
8 housing being renovated can obtain a copy of the report. This
9 information must be posted in areas where they are likely to be
10 seen by the occupants of all of the affected units.

11
12 **R307-841-7. Firm Certification.**

13 (1) Initial certification.

14 (a) Firms that perform renovations for compensation must
15 apply to the director for certification to perform renovations or
16 dust sampling. To apply, a firm must submit to the director a
17 completed "Lead-Based Paint Certification Application for Firms,"
18 signed by an authorized agent of the firm, and pay the correct
19 amount of fees.

20 (b) After the director receives a firm's application, the
21 director will take one of the following actions within 90 days of
22 the date the application is received:

23 (i) The director will approve a firm's application if the
24 director determines that it is complete and that the environmental
25 compliance history of the firm, its principals, or its key
26 employees does not show an unwillingness or inability to maintain
27 compliance with environmental statutes or regulations. An
28 application is complete if it contains all of the information
29 requested on the form and includes at least the correct amount of
30 fees. When the director approves a firm's application, the
31 director will issue the firm a certificate with an expiration date
32 not more than 5 years from the date the application is approved;

33 (ii) The director will request a firm to supplement its
34 application if the director determines that the application is
35 incomplete. If the director requests a firm to supplement its
36 application, the firm must submit the requested information or pay
37 the additional fees within 30 days of the date of the request; and

38 (iii) The director will not approve a firm's application if
39 the firm does not supplement its application in accordance with
40 paragraph (1)(b)(ii) of this section or if the director determines
41 that the environmental compliance history of the firm, its
42 principals, or its key employees demonstrates an unwillingness or
43 inability to maintain compliance with environmental statutes or
44 regulations. The director will send the firm a letter giving the

June 2, 2021

1 reason for not approving the application. The director will not
2 refund the application fees. A firm may reapply for certification
3 at any time by filing a new, complete application that includes
4 the correct amount of fees.

5 (2) Re-certification. To maintain its certification, a firm
6 must be re-certified by the director.

7 (a) Timely and complete application. To be re-certified, a
8 firm must submit a complete application for re-certification. A
9 complete application for re-certification includes a completed
10 "Lead-Based Paint Certification Application for Firms" which
11 contains all of the information requested by the form and is
12 signed by an authorized agent of the firm, noting on the form that
13 it is submitted as a re-certification. A complete application
14 must also include the correct amount of fees.

15 (i) An application for re-certification is timely if it is
16 postmarked 90 days or more before the date the firm's current
17 certification expires. If the firm's application is complete and
18 timely, the firm's current certification will remain in effect
19 until its expiration date or until the director has made a final
20 decision to approve or disapprove the re-certification
21 application, whichever is later.

22 (ii) If the firm submits a complete re-certification
23 application less than 90 days before its current certification
24 expires, and the director does not approve the application before
25 the expiration date, the firm's current certification will expire
26 and the firm will not be able to conduct renovations until the
27 director approves its re-certification application.

28 (iii) If the firm fails to obtain re-certification before
29 the firm's current certification expires, the firm must not
30 perform renovations or dust sampling until it is certified anew
31 pursuant to paragraph (1), of this section.

32 (b) Director's action on an application. After the director
33 receives a firm's application for re-certification, the director
34 will review the application and take one of the following actions
35 within 90 days of receipt:

36 (i) The director will approve a firm's application if the
37 director determines that it is timely and complete and that the
38 environmental compliance history of the firm, its principals, or
39 its key employees does not show an unwillingness or inability to
40 maintain compliance with environmental statutes or regulations.
41 When the director approves a firm's application for re-
42 certification, the director will issue the firm a new certificate
43 with an expiration date not more than 5 years from the date that
44 the firm's current certification expires.

June 2, 2021

1 (ii) The director will request a firm to supplement its
2 application if the director determines that the application is
3 incomplete.

4 (iii) The director will not approve a firm's application if
5 it is not received or is not complete as of the date that the
6 firm's current certification expires, or if the director
7 determines that the environmental compliance history of the firm,
8 its principals, or its key employees demonstrates an unwillingness
9 or inability to maintain compliance with environmental statutes or
10 regulations. The director will send the firm a letter giving the
11 reason for not approving the application. The director will not
12 refund the application fees. A firm may reapply for certification
13 at any time by filing a new application and paying the correct
14 amount of fees.

15 (3) Amendment of certification. A firm must amend its
16 certification within 90 days of the date a change occurs to
17 information included in the firm's most recent application. If
18 the firm fails to amend its certification within 90 days of the
19 date the change occurs, the firm may not perform renovations or
20 dust sampling until its certification is amended.

21 (a) To amend a certification, a firm must submit a completed
22 "Lead-Based Paint Certification Application for Firms," signed by
23 an authorized agent of the firm, noting on the form that it is
24 submitted as an amendment and indicating the information that has
25 changed. The firm must also pay at least the correct amount of
26 fees.

27 (b) If additional information is needed to process the
28 amendment, or the firm did not pay the correct amount of fees, the
29 director will request the firm to submit the necessary information
30 or fees. The firm's certification is not amended until the firm
31 complies with the request.

32 (c) Amending a certification does not affect the
33 certification expiration date.

34 (4) Firm responsibilities. Firms performing renovations must
35 ensure that:

36 (a) All individuals performing renovation activities on
37 behalf of the firm are either certified renovators or have been
38 trained by a certified renovator in accordance with R307-841-8;

39 (b) A certified renovator is assigned to each renovation
40 performed by the firm and discharges all of the certified
41 renovator responsibilities identified in R307-841-8;

42 (c) All renovations performed by the firm are performed in
43 accordance with the work practice standards in R307-841-5;

44 (d) The pre-renovation education requirements of R307-841-4

June 2, 2021

1 have been performed; and

2 (e) The recordkeeping requirements of R307-841-6 are met.

3
4 **R307-841-8. Renovator Certification and Dust Sampling Technician**
5 **Certification.**

6 (1) Renovator certification and dust sampling technician
7 certification.

8 (a) To become a certified renovator or certified dust
9 sampling technician, an individual must successfully complete an
10 initial lead-based paint renovator or dust-sampling technician
11 course accredited by the director under R307-842-1, the EPA under
12 40 CFR 745.225, or a state or tribal program that has been
13 authorized by EPA pursuant to subpart Q of 40 CFR 745.

14 (b) Individuals who have successfully completed an
15 accredited abatement worker or supervisor course, or individuals
16 who successfully completed a director, EPA, HUD, or EPA/HUD model
17 renovation training course before October 4, 2011, but no later
18 than the training course expiration date found on that training
19 certificate, may take an accredited refresher renovator training
20 course that includes hands-on training in lieu of the initial
21 renovator training course to become a certified renovator.

22 (c) Individuals who have successfully completed an
23 accredited lead-based paint inspector or risk assessor course
24 before October 4, 2011, but no later than the training course
25 expiration date found on that training certificate, may take an
26 accredited refresher dust sampling technician course in lieu of
27 the initial training to become a certified dust sampling
28 technician. Individuals who are currently certified as lead-based
29 paint inspectors or risk assessors may act as certified dust
30 sampling technicians without further training.

31 (d) To maintain renovator certification or dust sampling
32 technician certification, an individual must complete a renovator
33 or dust sampling technician refresher course accredited by the
34 director under R307-842-1, the EPA under 40 CFR 745.225, or by a
35 state or tribal program that is authorized under subpart Q of 40
36 CFR 745 within 5 years of the date the individual completed the
37 initial course described in paragraph (1)(a) of this section. If
38 the individual does not complete a refresher course within this
39 time, the individual must re-take the initial course to become
40 certified again. Individuals who complete a renovator course
41 accredited by the director under R307-842-1, the EPA or an EPA
42 authorized program on or before March 31, 2010, must complete a
43 renovator refresher course accredited by the director under R307-
44 842-1, the EPA or an EPA authorized program on or before March 31,

June 2, 2021

1 2016, to maintain renovator certification. Individuals who
2 completed a renovator course accredited by the director under
3 R307-842-1, the EPA or an EPA authorized program between April 1,
4 2010 and March 31, 2011, will have one year added to their
5 original 5-year training certificate expiration date. Individuals
6 who take a renovator refresher course that does not include hands-
7 on training will have a training course certificate expiration
8 date 3 years from the date they complete the training.

9 Individuals who take a refresher training course that includes
10 hands-on training will have a training course certificate
11 expiration date 5 years from the date they complete the training.
12 Individuals who take the renovator refresher course without hands-
13 on training must, for their next renovator refresher course, take
14 a course that includes hands-on training.

15 (e) An individual shall be re-certified as a renovator or a
16 dust sampling technician if the individual successfully completes
17 the appropriate lead-based paint accredited refresher training
18 course and submits a valid copy of the appropriate refresher
19 course completion certificate. During the time period when the
20 individual is not certified by the director, that individual
21 cannot perform any regulated work activities that requires
22 individual certification.

23 (2) Renovator responsibilities. Certified renovators are
24 responsible for ensuring compliance with R307-841-5 at all
25 renovations to which they are assigned. A certified renovator:

26 (a) Must perform all of the tasks described in R307-841-5(2)
27 and must either perform or direct workers who perform all of the
28 tasks described in R307-841-5(1);

29 (b) Must provide training to workers on the work practices
30 required by R307-841-5(1) that they will be using in performing
31 their assigned tasks;

32 (c) Must be physically present at the work site when the
33 signs required by R307-841-5(1)(a) are posted, while the work area
34 containment required by R307-841-5(1)(b) is being established, and
35 while the work area cleaning required by R307-841-5(1)(e) is
36 performed;

37 (d) Must regularly direct work being performed by other
38 individuals to ensure that the work practices required by R307-
39 841-5(1) are being followed, including maintaining the integrity
40 of the containment barriers and ensuring that dust or debris does
41 not spread beyond the work area;

42 (e) Must be available, either on-site or by telephone, at
43 all times that renovations are being conducted;

44 (f) When requested by the party contracting for renovation

June 2, 2021

1 services, must use an acceptable test kit to determine whether
2 components to be affected by the renovation contain lead-based
3 paint;

4 (g) Must have with them at the work site their current Utah
5 Lead-Based Paint Renovator certification card; and

6 (h) Must prepare the records required by R307-841-
7 6(2)(a)(ii), (iii), and (f).

8 (3) Dust sampling technician responsibilities. When
9 performing optional dust clearance sampling under R307-841-5(3), a
10 certified dust sampling technician:

11 (a) Must collect dust samples in accordance with R307-842-
12 3(5)(h), must send the collected samples to a laboratory
13 recognized by EPA under TSCA Section 405(b), and must compare the
14 results to the clearance levels in accordance with R307-842-
15 3(5)(h); and

16 (b) Must have with them at the work site their current Utah
17 Lead-Based Paint Dust Sampling Technician certification card.

18
19 **R307-841-9. Suspending, Revoking, or Modifying an Individual's or**
20 **Firm's Certification.**

21 (1) Grounds for suspending, revoking, or modifying an
22 individual's certification. The director may suspend, revoke, or
23 modify an individual's certification if the individual fails to
24 comply with state lead-based paint administrative rules. The
25 director may also suspend, revoke, or modify a certified
26 renovator's certification if the renovator fails to ensure that
27 all assigned renovations comply with R307-841-5. In addition to
28 an administrative or judicial finding of violation, execution of a
29 consent agreement in settlement of an enforcement action
30 constitutes, for purposes of this section, evidence of a failure
31 to comply with relevant statutes or regulations.

32 (2) Grounds for suspending, revoking, or modifying a firm's
33 certification. The director may suspend, revoke, or modify a
34 firm's certification if the firm:

35 (a) Submits false or misleading information to the director
36 in its application for certification or re-certification,

37 (b) Fails to maintain or falsifies records required in R307-
38 841-6, or

39 (c) Fails to comply, or an individual performing a
40 renovation on behalf of the firm fails to comply, with state lead-
41 based paint administrative rules. In addition to an
42 administrative or judicial finding of violation, execution of a
43 consent agreement in settlement of an enforcement action
44 constitutes, for purposes of this section, evidence of a failure

June 2, 2021

1 to comply with relevant statutes or regulations.

2

3 **KEY: paint, lead-based paint, lead-based paint renovation**

4 **Date of Enactment or Last Substantive Amendment: May 9, 2017**

5 **Notice of Continuation: December 9, 2019**

6 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(i)**

7

8