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

2 **R307-842. Lead-Based Paint Activities.**

3 **R307-842-1. Accreditation of Training Programs: Target Housing**
4 **and Child-Occupied Facilities.**

5 (1) Scope.

6 (a) A training program may seek accreditation to offer
7 courses in any of the following disciplines: inspector, risk
8 assessor, supervisor, project designer, abatement worker,
9 renovator, and dust sampling technician. A training program may
10 also seek accreditation to offer refresher courses for each of the
11 above listed disciplines. Training courses taught in Utah must be
12 accredited by the director. All e-learning renovator refresher
13 courses originating from companies based in Utah must also be
14 accredited by the director.

15 (b) Training programs may apply to the director for
16 accreditation of their lead-based paint activities courses or
17 refresher courses pursuant to this section. Training programs may
18 apply to the director for accreditation of their renovator or dust
19 sampling technician courses or refresher courses pursuant to this
20 section.

21 (c) Initial and refresher courses shall be specific to each
22 discipline and shall be conducted as separate and distinct courses
23 and not combined with any other training during the period of the
24 course.

25 ([e]d) A training program must not provide, offer, or claim
26 to provide director-accredited lead-based paint activities courses
27 without applying for and receiving accreditation from the director
28 as required under paragraph (2) of this section. A training
29 program must not provide, offer, or claim to provide director-
30 accredited renovator or dust sampling technician courses without
31 applying for and receiving accreditation from the director as
32 required under paragraph (2) of this section.

33 ([a]e) Accredited training programs, training program
34 managers, and principal instructors must comply with all of the
35 requirements of this section including approved terms of the
36 application and all the requirements and limitations specified in
37 any accreditation documents issued to training programs.

38 (2) Application process. The following are procedures a
39 training program must follow to receive director accreditation to
40 offer lead-based paint activities courses, renovator courses, or
41 dust sampling technician courses:

42 (a) A training program seeking accreditation shall submit a
43 written application to the director containing the following
44 information:

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1 (i) The training program's name, address, and telephone
2 number;

3 (ii) A list of courses for which it is applying for
4 accreditation. For the purposes of this section, courses taught
5 in different languages and electronic learning courses are
6 considered different courses, and each must independently meet the
7 accreditation requirements;

8 (iii) The name and documentation of the qualifications of
9 the training program manager;

10 (iv) The name(s) and documentation of qualifications of any
11 principal instructor(s); and

12 (v) A statement signed by the training program manager
13 certifying that the training program meets the requirements
14 established in paragraph (3) of this section. If a training
15 program uses EPA-recommended model training materials, the
16 training program manager shall include a statement certifying
17 that, as well; or

18 (vi) If a training program does not use EPA-recommended
19 model training materials, its application for accreditation shall
20 also include:

21 (A) A copy of the student and instructor manuals, or other
22 materials to be used for each course;

23 (B) A copy of the course agenda for each course; and

24 (C) When applying for accreditation of a course in a
25 language other than English, a signed statement from a qualified,
26 independent translator that they had compared the course to the
27 English language version and found the translation to be accurate;

28 (vii) All training programs shall include in their
29 application for accreditation the following:

30 (A) A description of the facilities and equipment to be used
31 for lecture and hands-on training;

32 (B) A copy of the course test blueprint for each course;

33 (C) A description of the activities and procedures that will
34 be used for conducting the assessment of hands-on skills for each
35 course; and

36 (D) A copy of the quality control plan as described in
37 paragraph (3)(i) of this section.

38 (b) If a training program meets the requirements in
39 paragraph (3) of this section, then the director shall approve the
40 application for accreditation no more than 180 days after
41 receiving a complete application from the training program. In
42 the case of approval, a certificate of accreditation shall be sent
43 to the applicant. In the case of disapproval, a letter describing
44 the reasons for disapproval shall be sent to the applicant. Prior

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1 to disapproval, the director may, at its discretion, work with the
2 applicant to address inadequacies in the application for
3 accreditation. The director may also request additional materials
4 retained by the training program under paragraph (8) of this
5 section. If a training program's application is disapproved, the
6 program may reapply for accreditation at any time.

7 (c) A training program may apply for accreditation to offer
8 initial courses or refresher courses in as many disciplines as it
9 chooses. A training program may seek accreditation for additional
10 courses at any time as long as the program can demonstrate that it
11 meets the requirements of this section.

12 (d) A training program applying for accreditation must
13 submit the appropriate fees in accordance with the current
14 Department of Environmental Quality Fee Schedule.

15 (3) Requirements for the accreditation of training programs.
16 A training program accredited by the director to offer lead-based
17 paint activities courses, renovator courses, or dust sampling
18 technician courses must meet the following requirements:

19 (a) The training program shall employ a training manager who
20 has:

21 (i) At least 2 years of experience, education, or training
22 in teaching workers or adults; or

23 (ii) A bachelor's or graduate degree in building
24 construction technology, engineering, industrial hygiene, safety,
25 public health, education, business administration or program
26 management or a related field; or

27 (iii) Two years of experience in managing a training program
28 specializing in environmental hazards; and

29 (iv) Demonstrated experience, education, or training in the
30 construction industry including: lead or asbestos abatement,
31 painting, carpentry, renovation, remodeling, occupational safety
32 and health, or industrial hygiene.

33 (b) The training manager shall designate a qualified
34 principal instructor for each course who has:

35 (i) Demonstrated experience, education, or training in
36 teaching workers or adults; and

37 (ii) Successfully completed at least 16 hours of any
38 director-accredited, EPA-accredited, or EPA-authorized state or
39 tribal-accredited lead-specific training for instructors of lead-
40 based paint activities courses or 8 hours of any director-
41 accredited, EPA-accredited or EPA-authorized state or tribal-
42 accredited lead-specific training for instructors of renovator or
43 dust sampling technician courses; and

44 (iii) Demonstrated experience, education, or training in

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1 lead or asbestos abatement, painting, carpentry, renovation,
2 remodeling, occupational safety and health, or industrial hygiene.

3 (c) The principal instructor shall be responsible for the
4 organization of the course, course delivery, and oversight of the
5 teaching of all course material. The training manager may
6 designate guest instructors as needed for a portion of the course
7 to provide instruction specific to the lecture, hands-on
8 activities, or work practice components of a course. However, the
9 principal instructor is primarily responsible for teaching the
10 course materials and must be present to provide instruction (or
11 oversight of portions of the course taught by guest instructors)
12 for the course for which he or she has been designated the
13 principal instructor.

14 (d) The following documents shall be recognized by the
15 director as evidence that training managers and principal
16 instructors have the education, work experience, training
17 requirements or demonstrated experience, specifically listed in
18 paragraphs (3)(a) and (3)(b) of this section. This documentation
19 must be submitted with the accreditation application and retained
20 by the training program as required by the recordkeeping
21 requirements contained in paragraph (8) of this section. Those
22 documents include the following:

23 (i) Official academic transcripts or diploma as evidence of
24 meeting the education requirements;

25 (ii) Resumes, letters of reference, or documentation of work
26 experience, as evidence of meeting the work experience
27 requirements; and

28 (iii) Certificates from train-the-trainer courses and lead-
29 specific training courses, as evidence of meeting the training
30 requirements.

31 (e) The training program shall ensure the availability of,
32 and provide adequate facilities for, the delivery of the lecture,
33 course test, hands-on training, and assessment activities. This
34 includes providing training equipment that reflects current work
35 practices and maintaining or updating the equipment and facilities
36 as needed.

37 (f) To become accredited in the following disciplines, the
38 training program shall provide initial training courses that meet
39 the following training requirements:

40 (i) The initial inspector course shall last a minimum of 24
41 training hours, with a minimum of 8 hours devoted to hands-on
42 training activities. The minimum curriculum requirements for the
43 initial inspector course are contained in paragraph (4)(a) of this
44 section;

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1 (ii) The initial risk assessor course shall last a minimum
2 of 16 training hours, with a minimum of 4 hours devoted to hands-
3 on training activities. The minimum curriculum requirements for
4 the initial risk assessor course are contained in paragraph (4)(b)
5 of this section;

6 (iii) The initial supervisor course shall last a minimum of
7 32 training hours, with a minimum of 8 hours devoted to hands-on
8 training activities. The minimum curriculum requirements for the
9 initial supervisor course are contained in paragraph (4)(c) of
10 this section;

11 (iv) The initial project designer course shall last a
12 minimum of 8 training hours. The minimum curriculum requirements
13 for the initial project designer course are contained in paragraph
14 (4)(d) of this section;

15 (v) The initial abatement worker course shall last a minimum
16 of 16 training hours, with a minimum of 8 hours devoted to hands-
17 on training activities. The minimum curriculum requirements for
18 the initial abatement worker course are contained in paragraph
19 (4)(e) of this section;

20 (vi) The initial renovator course must last a minimum of 8
21 training hours, with a minimum of 2 hours devoted to hands-on
22 training activities. The minimum curriculum requirements for the
23 initial renovator course are contained in paragraph (4)(f) of this
24 section; and

25 (vii) The initial dust sampling technician course must last
26 a minimum of 8 training hours, with a minimum of 2 hours devoted
27 to hands-on training activities. The minimum curriculum
28 requirements for the initial dust sampling technician course are
29 contained in paragraph (4)(g) of this section.

30 (viii) Electronic learning and other alternative course
31 delivery methods are permitted for the classroom portion of
32 renovator, dust sampling technician, or lead-based paint
33 activities courses but not the hands-on portion of these courses,
34 or for final course tests or proficiency tests described in
35 paragraph (3)(g) of this section. Electronic learning courses must
36 comply with the following requirements:

37 (A) A unique identifier must be assigned to each student for
38 them to use to launch and re-launch the course;

39 (B) The training provider must track each student's course
40 log-ins, launches, progress, and completion, and maintain these
41 records in accordance with paragraph (8) of this section;

42 (C) The course must include periodic knowledge checks
43 equivalent to the number and content of the knowledge checks
44 contained in EPA's model course, but at least 16 over the entire

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1 course. The knowledge checks must be successfully completed
2 before the student can go on to the next module;

3 (D) There must be a test of at least 20 questions at the end
4 of the electronic learning portion of the course, of which 80%
5 must be answered correctly by the student for successful
6 completion of the electronic learning portion of the course. The
7 test must be designed so that students do not receive feedback on
8 their test answers until after they have completed and submitted
9 the test; and

10 (E) Each student must be able to save or print a copy of an
11 electronic learning course completion certificate. The electronic
12 certificate must not be susceptible to easy editing.

13 (g) For each course offered, the training program shall
14 conduct either a course test at the completion of the course, and
15 if applicable, a hands-on skills assessment, or in the
16 alternative, a proficiency test for that discipline. Each student
17 must successfully complete the hands-on skills assessment and
18 receive a passing score on the course test to pass any course, or
19 successfully complete a proficiency test.

20 (i) The training manager is responsible for maintaining the
21 validity and integrity of the hands-on skills assessment or
22 proficiency test to ensure that it accurately evaluates the
23 trainees' performance of the work practices and procedures
24 associated with the course topics contained in paragraph (4) of
25 this section;

26 (ii) The training manager is responsible for maintaining the
27 validity and integrity of the course test to ensure that it
28 accurately evaluates the trainees' knowledge and retention of the
29 course topics; and

30 (iii) The course test shall be developed in accordance with
31 the test blueprint submitted with the training accreditation
32 application.

33 (h) The training program shall issue unique course
34 completion certificates to each individual who passes the training
35 course. The course completion certificate shall include:

36 (i) The name, a unique identification number, and address of
37 the individual;

38 (ii) The name of the particular course that the individual
39 completed;

40 (iii) Dates of course completion/test passage;

41 (iv) For initial inspector, risk assessor, project designer,
42 supervisor, or abatement worker course completion certificates,
43 the expiration date of interim certification, which is 6 months
44 from the date of course completion;

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1 (v) The name, address, and telephone number of the training
2 program;

3 (vi) The language in which the course was taught;

4 (vii) For renovator and dust sampling technician course
5 completion certificates, a photograph of the individual. The
6 photograph must be an accurate and recognizable image of the
7 individual. As reproduced on the certificate, the photograph must
8 not be smaller than 1 square inch; and

9 (viii) For renovator, dust sampling technician, or lead-
10 based paint activities course completion certificates, the
11 expiration date of the training certificate.

12 (i) The training manager shall develop and implement a
13 quality control plan. The plan shall be used to maintain and
14 improve the quality of the training program over time. This plan
15 shall contain at least the following elements:

16 (i) Procedures for periodic revision of training materials
17 and the course test to reflect innovations in the field; and

18 (ii) Procedures for the training manager's annual review of
19 principal instructor competency.

20 (j) Courses offered by the training program must teach the
21 work practice standards contained in R307-841-5 or R307-842-3, as
22 applicable, in such a manner that trainees are provided with the
23 knowledge needed to perform the renovations or lead-based paint
24 activities they will be responsible for conducting.

25 (k) The training manager shall be responsible for ensuring
26 that the training program complies at all times with all of the
27 requirements in this section.

28 (l) The training manager shall allow the director or the
29 director's authorized representative to audit the training program
30 to verify the contents of the application for accreditation as
31 described in paragraph (2) of this section.

32 (m) The training manager must provide notification of
33 renovator, dust sampling technician, or lead-based paint
34 activities courses offered.

35 (i) The training manager must provide the director with
36 notification of all renovator, dust sampling technician, or lead-
37 based paint activities courses offered except for any renovator
38 course without hands-on training delivered via electronic
39 learning. The original notification must be received by the
40 director at least 7 business days prior to the start date of any
41 renovator, dust sampling technician, or lead-based paint
42 activities course;

43 (ii) The training manager must provide the director updated
44 notification when renovator, dust sampling technician, or lead-

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1 based paint activities courses will begin on a date other than the
2 start date specified in the original notification, as follows:

3 (A) For renovator, dust sampling technician, or lead-based
4 paint activities courses beginning prior to the start date
5 provided to the director, an updated notification must be received
6 by the director at least 7 business days before the new start
7 date; and

8 (B) For renovator, dust sampling technician, or lead-based
9 paint activities courses beginning after the start date provided
10 to the director, an updated notification must be received by the
11 director at least 2 business days before the start date provided
12 to the director;

13 (iii) The training manager must update the director of any
14 change in location of renovator, dust sampling technician, or
15 lead-based paint activities courses at least 7 business days prior
16 to the start date provided to the director;

17 (iv) The training manager must update the director regarding
18 any course cancellations, or any other change to the original
19 notification. Updated notifications must be received by the
20 director at least 2 business days prior to the start date provided
21 to the director;

22 (v) Each notification, including updates, must include the
23 following:

24 (A) Notification type (original, update, or cancellation);

25 (B) Training program name, address, and telephone number;

26 (C) Course discipline, type (initial/refresher), and the
27 language in which instruction will be given;

28 (D) Date(s) and time(s) of training;

29 (E) Training location(s) telephone number, and address;

30 (F) Principal instructor's name; and

31 (G) Training manager's name and signature;

32 (vi) Notification must be accomplished using any of the
33 following methods: Written notification, or electronically using
34 the Utah Division of Air Quality electronic notification system.
35 Written notification of renovator, dust sampling technician, or
36 lead-based paint activities course schedules can be accomplished
37 by using either the sample form titled "Renovator, Dust Sampling
38 Technician, or Lead-Based Paint Activities Training Course
39 Notification Form" or a similar form containing the information
40 required in paragraph (3)(m)(v) of this section. All written
41 notifications must be delivered to the director by United States
42 Postal Service, fax, commercial delivery service, hand delivery,
43 or by email. Instructions and sample forms can be obtained from
44 the Utah Division of Air Quality Lead-Based Paint Program web

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1 site;

2 (vii) Renovator, dust sampling technician, or lead-based
3 paint activities courses must not begin on a date, or at a
4 location other than that specified in the original notification
5 unless an updated notification identifying a new start date or
6 location is submitted, in which case the course must begin on the
7 new start date and/or location specified in the updated
8 notification; and

9 (viii) No training program shall provide renovator, dust
10 sampling technician, or lead-based paint activities courses
11 without first notifying the director of such activities in
12 accordance with the requirements of this paragraph.

13 (n) The training manager must provide notification following
14 completion of renovator, dust sampling technician, or lead-based
15 paint activities courses.

16 (i) The training manager must provide the director
17 notification after the completion of any renovator, dust sampling
18 technician, or lead-based paint activities course. This
19 notification must be received by the director no later than 10
20 business days following course completion. Notifications for any
21 e-learning renovator refresher course that does not include hands-
22 on training must be submitted via written notification or
23 electronically using the Utah Division of Air Quality electronic
24 notification system no later than the 10th day of the month and
25 include all students trained in the previous month. Written
26 notification for any e-learning renovator refresher course, can be
27 accomplished by using either the sample form titled "Renovator,
28 Dust Sampling Technician, or Lead-Based Paint Activities Training
29 Course Notification Form" or a similar form containing the
30 information required in paragraph (3)(n)(ii) of this section. All
31 written notifications must be delivered to the director by United
32 States Postal Service, fax, commercial delivery service, hand
33 delivery, or by email. Instructions and sample forms can be
34 obtained from the Utah Division of Air Quality Lead-Based Paint
35 Program web site;

36 (ii) The notification must include the following:

37 (A) Training program name, address, and telephone number;

38 (B) Course discipline and type (initial/refresher);

39 (C) Date(s) of training;

40 (D) The following information for each student who took the
41 course:

42 (I) Name,

43 (II) Address,

44 (III) Date of birth,

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1 (IV) Course completion certificate number,

2 (V) Course test score,

3 (VI) For renovator or dust sampling technician courses, a
4 digital photograph of the student, and

5 (VII) For renovator refresher courses, the expiration date
6 of the training certificate;

7 (E) Training manager's name and signature; and

8 (F) Utah Division of Air Quality Lead-Based Paint Program
9 training verification statement.

10 (iii) Notification must be accomplished using any of the
11 following methods: Written notification, or electronically using
12 the Utah Division of Air Quality electronic notification system.
13 Written notification following renovator, dust sampling
14 technician, or lead-based paint activities training courses can be
15 accomplished by using either the sample form titled "Renovator,
16 Dust Sampling Technician, or Lead-Based Paint Activities Training
17 Course Notification Form" or a similar form containing the
18 information required in paragraph (3)(n)(ii) of this section. All
19 written notifications must be delivered to the director by United
20 States Postal Service, fax, commercial delivery service, hand
21 delivery, or by email. Instructions and sample forms can be
22 obtained from the Utah Division of Air Quality Lead-Based Paint
23 Program web site.

24 (4) Minimum training curriculum requirements. A training
25 program accredited by the director to offer lead-based paint
26 courses in the specific disciplines listed in paragraph (4) must
27 ensure that its courses of study include, at a minimum, the
28 following course topics.

29 (a) Inspector. Instruction in the topics described in
30 paragraphs (4)(a)(iv), (v), (vi), and (vii) of this section must
31 be included in the hands-on portion of the course.

32 (i) Role and responsibilities of an inspector;

33 (ii) Background information on lead and its adverse health
34 effects;

35 (iii) Background information on federal, state, and local
36 regulations and guidance that pertains to lead-based paint and
37 lead-based paint activities;

38 (iv) Lead-based paint inspection methods, including
39 selection of rooms and components for sampling or testing;

40 (v) Paint, dust, and soil sampling methodologies;

41 (vi) Clearance standards and testing, including random
42 sampling;

43 (vii) Preparation of the final inspection report; and

44 (viii) Recordkeeping.

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1 (b) Risk assessor. Instruction in the topics described in
2 paragraphs (4)(b)(iv), (vi), and (vii) of this section must be
3 included in the hands-on portion of the course.

4 (i) Role and responsibilities of a risk assessor;

5 (ii) Collection of background information to perform a risk
6 assessment;

7 (iii) Sources of environmental lead contamination such as
8 paint, surface dust and soil, water, air, packaging, and food;

9 (iv) Visual inspection for the purposes of identifying
10 potential sources of lead-based paint hazards;

11 (v) Lead hazard screen protocol;

12 (vi) Sampling for other sources of lead exposure;

13 (vii) Interpretation of lead-based paint and other lead
14 sampling results, including all applicable federal or state
15 guidance or regulations pertaining to lead-based paint hazards;

16 (viii) Development of hazard control options, the role of
17 interim controls, and operations and maintenance activities to
18 reduce lead-based paint hazards; and

19 (ix) Preparation of a final risk assessment report.

20 (c) Supervisor. Instruction in the topics described in
21 paragraphs (4)(c)(v), (vii), (viii), (ix), and (x) of this section
22 must be included in the hands-on portion of the course.

23 (i) Role and responsibilities of a supervisor;

24 (ii) Background information on lead and its adverse health
25 effects;

26 (iii) Background information on federal, state, and local
27 regulations and guidance that pertain to lead-based paint
28 abatement;

29 (iv) Liability and insurance issues relating to lead-based
30 paint abatement;

31 (v) Risk assessment and inspection report interpretation;

32 (vi) Development and implementation of an occupant
33 protection plan and abatement report;

34 (vii) Lead-based paint hazard recognition and control;

35 (viii) Lead-based paint abatement and lead-based paint
36 hazard reduction methods, including restricted practices;

37 (ix) Interior dust abatement/cleanup or lead-based paint
38 hazard control and reduction methods;

39 (x) Soil and exterior dust abatement or lead-based paint
40 hazard control and reduction methods;

41 (xi) Clearance standards and testing;

42 (xii) Cleanup and waste disposal; and

43 (xiii) Recordkeeping.

44 (d) Project designer.

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- 1 (i) Role and responsibilities of a project designer;
- 2 (ii) Development and implementation of an occupant
- 3 protection plan for large-scale abatement projects;
- 4 (iii) Lead-based paint abatement and lead-based paint hazard
- 5 reduction methods, including restricted practices for large-scale
- 6 abatement projects;
- 7 (iv) Interior dust abatement/cleanup or lead hazard control
- 8 and reduction methods for large-scale abatement projects;
- 9 (v) Clearance standards and testing for large scale
- 10 abatement projects; and
- 11 (vi) Integration of lead-based paint abatement methods with
- 12 modernization and rehabilitation projects for large scale
- 13 abatement projects.
- 14 (e) Abatement worker. Instruction in the topics described in
- 15 paragraphs (4)(e)(iv), (v), (vi), and (vii) of this section must
- 16 be included in the hands-on portion of the course.
- 17 (i) Role and responsibilities of an abatement worker;
- 18 (ii) Background information on lead and its adverse health
- 19 effects;
- 20 (iii) Background information on federal, state, and local
- 21 regulations and guidance that pertain to lead-based paint
- 22 abatement;
- 23 (iv) Lead-based paint hazard recognition and control;
- 24 (v) Lead-based paint abatement and lead-based paint hazard
- 25 reduction methods, including restricted practices;
- 26 (vi) Interior dust abatement methods/cleanup or lead-based
- 27 paint hazard reduction; and
- 28 (vii) Soil and exterior dust abatement methods or lead-based
- 29 paint hazard reduction.
- 30 (f) Renovator. Instruction in the topics described in
- 31 paragraphs (4)(f)(iv), (vi), (vii), and (viii) of this section
- 32 must be included in the hands-on portion of the course.
- 33 (i) Role and responsibility of a renovator;
- 34 (ii) Background information on lead and its adverse health
- 35 effects;
- 36 (iii) Background information on EPA, HUD, OSHA, and other
- 37 federal, state, and local regulations and guidance that pertains
- 38 to lead-based paint and renovation activities;
- 39 (iv) Procedures for using acceptable test kits to determine
- 40 whether paint is lead-based paint;
- 41 (v) Procedures for collecting a paint chip sample and
- 42 sending it to a laboratory recognized by EPA under section 405(b)
- 43 of TSCA;
- 44 (vi) Renovation methods to minimize the creation of dust and

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- 1 lead-based paint hazards;
- 2 (vii) Interior and exterior containment and cleanup methods;
- 3 (viii) Methods to ensure that the renovation has been
- 4 properly completed, including cleaning verification, and clearance
- 5 testing;
- 6 (ix) Waste handling and disposal;
- 7 (x) Providing on-the-job training to other workers; and
- 8 (xi) Record preparation.
- 9 (g) Dust sampling technician. Instruction in the topics
- 10 described in paragraphs (4)(g)(iv) and (vi) of this section must
- 11 be included in the hands-on portion of the course.
- 12 (i) Role and responsibility of a dust sampling technician;
- 13 (ii) Background information on lead and its adverse health
- 14 effects;
- 15 (iii) Background information on federal, state, and local
- 16 regulations and guidance that pertains to lead-based paint and
- 17 renovation activities;
- 18 (iv) Dust sampling methodologies;
- 19 (v) Clearance standards and testing; and
- 20 (vi) Report preparation.
- 21 (5) Requirements for the accreditation of refresher training
- 22 programs. A training program may seek accreditation to offer
- 23 refresher training courses in any of the following disciplines:
- 24 Inspector, risk assessor, supervisor, project designer, abatement
- 25 worker, renovator, and dust sampling technician. A training
- 26 program accredited by the director to offer refresher training
- 27 must meet the following minimum requirements:
- 28 (a) Each refresher course shall review the curriculum topics
- 29 of the full-length courses listed under paragraph (4) of this
- 30 section, as appropriate. In addition, to become accredited to
- 31 offer refresher training courses, training programs shall ensure
- 32 that their courses of study include, at a minimum, the following:
- 33 (i) An overview of current safety practices relating to
- 34 lead-based paint in general, as well as specific information
- 35 pertaining to the appropriate discipline;
- 36 (ii) Current laws and regulations relating to lead-based
- 37 paint in general, as well as specific information pertaining to
- 38 the appropriate discipline; and
- 39 (iii) Current technologies relating to lead-based paint in
- 40 general, as well as specific information pertaining to the
- 41 appropriate discipline;
- 42 (b) Refresher courses for inspector, risk assessor,
- 43 supervisor, and abatement worker must last a minimum of 8 training
- 44 hours. Refresher courses for project designer, renovator, and

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1 dust sampling technician must last a minimum of 4 training hours.
2 Refresher courses for all disciplines except renovator and project
3 designer must include a hands-on component. Renovators must take
4 a refresher course that includes hands-on training at least every
5 other re-certification;

6 (c) Except for e-learning renovator refresher courses and
7 project designer courses, for all other courses offered, the
8 training program shall conduct a hands-on assessment. With the
9 exception of project designer courses, the training program shall
10 conduct a course test at the completion of the course. Renovators
11 must take a refresher course that includes hands-on training at
12 least every other re-certification;

13 (d) A training program may apply for accreditation of a
14 refresher course concurrently with its application for
15 accreditation of the corresponding initial training course as
16 described in paragraph (2) of this section. If so, the director
17 shall use the approval procedure described in paragraph (2) of
18 this section. In addition, the minimum requirements contained in
19 paragraphs (3)(a) through (3)(e), (3)(f)(viii), and (3)(g) through
20 (3)(n), and (5)(a) through (5)(c) of this section shall also
21 apply; and

22 (e) A training program seeking accreditation to offer
23 refresher training courses only shall submit a written application
24 to the director containing the following information:

25 (i) The refresher training program's name, address, and
26 telephone number;

27 (ii) A list of courses for which it is applying for
28 accreditation;

29 (iii) The name and documentation of the qualifications of
30 the training program manager;

31 (iv) The name(s) and documentation of the qualifications of
32 the principal instructor(s);

33 (v) A statement signed by the training program manager
34 certifying that the refresher training program meets the minimum
35 requirements established in paragraph (3) of this section, except
36 for the requirements in paragraph (3)(f) of this section. If a
37 training program uses EPA-developed model training materials, the
38 training manager shall include a statement certifying that, as
39 well;

40 (vi) If the refresher training course materials are not
41 based on EPA-developed model training materials, the training
42 program's application for accreditation shall include:

43 (A) A copy of the student and instructor manuals to be used
44 for each course; and

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1 (B) A copy of the course agenda for each course;

2 (vii) All refresher training programs shall include in their
3 application for accreditation the following:

4 (A) A description of the facilities and equipment to be used
5 for lecture and hands-on training;

6 (B) A copy of the course test blueprint for each course;

7 (C) A description of the activities and procedures that will
8 be used for conducting the assessment of hands-on skills for each
9 course (if applicable); and

10 (D) A copy of the quality control plan as described in
11 paragraph (3)(i) of this section;

12 (viii) The requirements in paragraphs (3)(a) through (3)(e),
13 (3)(f)(viii) and (3)(g) through (3)(n) of this section apply to
14 refresher training providers; and

15 (ix) If a refresher training program meets the requirements
16 listed in this paragraph, then the director shall approve the
17 application for accreditation no more than 180 days after
18 receiving a complete application from the refresher training
19 program. In the case of approval, a certificate of accreditation
20 shall be sent to the applicant. In the case of disapproval, a
21 letter describing the reasons for disapproval shall be sent to the
22 applicant. Prior to disapproval, the director may, at the
23 director's discretion, work with the applicant to address
24 inadequacies in the application for accreditation. The director
25 may also request additional materials retained by the refresher
26 training program under paragraph (8) of this section. If a
27 refresher training program's application is disapproved, the
28 program may reapply for accreditation at any time.

29 (6) Re-accreditation of training programs.

30 (a) Unless re-accredited, a training program's
31 accreditation, including refresher training accreditation, shall
32 expire 4 years after the date of issuance. If a training program
33 meets the requirements of this section, the training program shall
34 be re-accredited.

35 (b) A training program seeking re-accreditation shall submit
36 an application to the director no later than 180 days before its
37 accreditation expires. If a training program does not submit its
38 application for re-accreditation by that date, the director cannot
39 guarantee that the program will be re-accredited before the end of
40 the accreditation period.

41 (c) The training program's application for re-accreditation
42 shall contain:

43 (i) The training program's name, address, and telephone
44 number;

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1 (ii) A list of courses for which it is applying for re-
2 accreditation;

3 (iii) The name and qualifications of the training program
4 manager;

5 (iv) The name(s) and qualifications of the principal
6 instructor(s);

7 (v) A description of any changes to the training facility,
8 equipment or course materials since its last application was
9 approved that adversely affects the students' ability to learn;

10 (vi) A statement signed by the program manager stating:

11 (A) That the training program complies at all times with all
12 requirements in paragraphs (3) and (5) of this section, as
13 applicable; and

14 (B) The recordkeeping and reporting requirements of
15 paragraph (8) of this section shall be followed; and

16 (vii) A payment of appropriate fees in accordance with the
17 current Department of Environmental Quality Fee Schedule.

18 (d) Upon request, the training program shall allow the
19 director or the director's authorized representative to audit the
20 training program to verify the contents of the application for re-
21 accreditation as described in paragraph (6)(c) of this section.

22 (7) Suspension, revocation, and modification of accredited
23 training programs.

24 (a) The director may, after notice and an opportunity, for
25 hearing, suspend, revoke, or modify training program
26 accreditation, including refresher training accreditation, if a
27 training program, training manager, or other person with
28 supervisory authority over the training program has:

29 (i) Misrepresented the contents of a training course to the
30 director and/or the student population;

31 (ii) Failed to submit required information or notifications
32 in a timely manner;

33 (iii) Failed to maintain required records;

34 (iv) Falsified accreditation records, instructor
35 qualifications, or other accreditation-related information or
36 documentation;

37 (v) Failed to comply with the training standards and
38 requirements in this section;

39 (vi) Failed to comply with federal, state, or local lead-
40 based paint statutes or regulations; or

41 (vii) Made false or misleading statements to the director in
42 its application for accreditation or re-accreditation which the
43 director relied upon in approving the application.

44 (b) In addition to an administrative or judicial finding of

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1 violation, execution of a consent agreement in settlement of an
2 enforcement action constitutes, for purposes of this section,
3 evidence of a failure to comply with relevant statutes or
4 regulations.

5 (8) Training program recordkeeping requirements.

6 (a) Accredited training programs shall maintain, and make
7 available to the director or the director's authorized
8 representative, upon request, the following records:

9 (i) All documents specified in paragraph (3)(d) of this
10 section that demonstrate the qualifications listed in paragraphs
11 (3)(a) and (3)(b) of this section of the training manager and
12 principal instructors;

13 (ii) Current curriculum/course materials and documents
14 reflecting any changes made to these materials;

15 (iii) The course test blueprint;

16 (iv) Information regarding how the hands-on assessment is
17 conducted including, but not limited to:

18 (A) Who conducts the assessment;

19 (B) How the skills are graded;

20 (C) What facilities are used; and

21 (D) The pass/fail rate;

22 (v) The quality control plan as described in paragraph
23 (3)(i) of this section;

24 (vi) Results of the students' hands-on skills assessments
25 and course tests, and a record of each student's course completion
26 certificate;

27 (vii) Any other material not listed in paragraphs (8)(a)(i)
28 through (8)(a)(vi) of this section that was submitted to the
29 director as part of the program's application for accreditation.

30 (viii) For renovator refresher and dust sampling technician
31 refresher courses, a copy of each trainee's prior course
32 completion certificate showing that each trainee was eligible to
33 take the refresher course; and

34 (ix) For course modules delivered in an electronic format, a
35 record of each student's log-ins, launches, progress, and
36 completion, and a copy of the electronic learning completion
37 certificate for each student.

38 (b) The training program must retain records pertaining to
39 renovator, dust sampling technician and lead-based paint
40 activities courses at the address specified on the training
41 program accreditation application (or as modified in accordance
42 with paragraph (8)(c) of this section) for the following minimum
43 periods:

44 (i) Records pertaining to lead-based paint activities

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1 courses must be retained for a minimum of 3 years and 6 months;

2 (ii) Records pertaining to renovator or dust sampling
3 technician courses offered must be retained for a minimum of 5
4 years and 6 months.

5 (c) The training program shall notify the director in
6 writing within 30 days of changing the address specified on its
7 training program accreditation application or transferring the
8 records from that address.

9 (9) Amendment of accreditation.

10 (a) A training program must amend its accreditation within
11 90 days of the date a change occurs to information included in the
12 program's most recent application. If the training program fails
13 to amend its accreditation within 90 days of the date the change
14 occurs, the program may not provide renovator, dust sampling
15 technician, or lead-based paint activities training until its
16 accreditation is amended.

17 (b) To amend an accreditation, a training program must
18 submit a completed Division of Air Quality Lead-Based Paint
19 Application for Course Accreditation, signed by an authorized
20 agent of the training provider, noting on the form that it is
21 submitted as an amendment and indicating the information that has
22 changed.

23 (c) Training managers, principal instructors, permanent
24 training locations. If the amendment includes a new training
25 program manager, any new or additional principal instructor(s), or
26 any new permanent training location(s), the training provider is
27 not permitted to provide training under the new training manager
28 or offer courses taught by any new principal instructor(s) or at
29 the new training location(s) until the director either approves
30 the amendment or 30 days have elapsed, whichever occurs earlier.
31 Except:

32 (i) If the amendment includes a new training program manager
33 or new or additional principal instructor that was identified in a
34 training provider accreditation application that the director has
35 already approved under this section, the training provider may
36 begin to provide training under the new training manager or offer
37 courses taught by the new principal instructor on an interim basis
38 as soon as the provider submits the amendment to the director.
39 The training provider may continue to provide training under the
40 new training manager or offer courses taught by the new principal
41 instructor if the director approves the amendment or if the
42 director does not disapprove the amendment within 30 days.

43 (ii) If the amendment includes a new permanent training
44 location, the training provider may begin to provide training at

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1 the new permanent training location on an interim basis as soon as
2 the provider submits the amendment to the director. The training
3 provider may continue to provide training at the new permanent
4 training location if the director approves the amendment or if the
5 director does not disapprove the amendment within 30 days.

6
7 **R307-842-2. Certification of Individuals and Firms Engaged in**
8 **Lead-Based Paint Activities: Target Housing and Child-Occupied**
9 **Facilities.**

10 (1) Certification of individuals.

11 (a) Individuals seeking certification by the director to
12 engage in lead-based paint activities must either:

13 (i) Submit to the director an application demonstrating that
14 they meet the requirements established in paragraphs (2) or (3) of
15 this section for the particular discipline for which certification
16 is sought; or

17 (ii) Submit to the director an application with a copy of a
18 valid lead-based paint activities certification (or equivalent)
19 from the EPA or a state or tribal program that has been authorized
20 by EPA pursuant to subpart Q of 40 CFR 745; or

21 (iii) For supervisor, inspector, and/or risk assessor
22 certification, submit to the director an application with a copy
23 of a valid lead-based paint training certificate from an EPA-
24 accredited, or EPA-authorized state or tribal-accredited lead-
25 specific training in the appropriate discipline and pass the
26 certification exam in the appropriate discipline offered by the
27 director.

28 (b) Following the submission of an application demonstrating
29 that all the requirements of this section have been met, the
30 director shall certify an applicant as an inspector, risk
31 assessor, supervisor, project designer, or abatement worker, as
32 appropriate.

33 (c) Upon receiving director certification, individuals
34 conducting lead-based paint activities shall comply with the work
35 practice standards for performing the appropriate lead-based paint
36 activities as established in R307-842-3.

37 (d) It shall be a violation of state administrative rules
38 for an individual to conduct any of the lead-based paint
39 activities described in R307-842-3 if that individual has not been
40 certified by the director pursuant to this section to do so.

41 (e) Individuals applying for certification must submit the
42 appropriate fees in accordance with the current Department of
43 Environmental Quality Fee Schedule.

44 (2) Inspector, risk assessor or supervisor.

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1 (a) To become certified by the director as an inspector,
2 risk assessor, or supervisor, pursuant to paragraph (1)(a)(i) of
3 this section, an individual must:

4 (i) Successfully complete an accredited initial training
5 course in the appropriate discipline and receive a course
6 completion certificate from an accredited training program;

7 (ii) Pass the certification exam in the appropriate
8 discipline offered by the director; and

9 (iii) Meet or exceed the following experience and/or
10 education requirements:

11 (A) Inspectors. No additional experience and/or education
12 requirements;

13 (B) Risk assessors.

14 (I) Successful completion of an accredited initial training
15 course for inspectors; and

16 (II) Bachelor's degree and 1 year of experience in a related
17 field (e.g., lead, asbestos, environmental remediation work, or
18 construction), or an Associates degree and 2 years experience in a
19 related field (e.g., lead, asbestos, environmental remediation
20 work, or construction); or

21 (III) Certification as an industrial hygienist, professional
22 engineer, registered architect and/or certification in a related
23 engineering/health/environmental field (e.g., safety professional,
24 environmental scientist); or

25 (IV) A high school diploma (or equivalent), and at least 3
26 years of experience in a related field (e.g., lead, asbestos,
27 environmental remediation work or construction);

28 (C) Supervisor.

29 (I) One year of experience as a certified lead-based paint
30 abatement worker; or

31 (II) At least 2 years of experience in a related field
32 (e.g., lead, asbestos, or environmental remediation work) or in
33 the building trades.

34 (b) The following documents shall be recognized by the
35 director as evidence of meeting the requirements listed in
36 (2)(b)(iii) of this paragraph:

37 (i) Official academic transcripts or diploma, as evidence of
38 meeting the education requirements;

39 (ii) Resumes, letters of reference, or documentation of work
40 experience, as evidence of meeting the work experience
41 requirements; and

42 (iii) Course completion certificates from lead-specific or
43 other related training courses, issued by accredited training
44 programs, as evidence of meeting the training requirements.

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1 (c) In order to take the certification examination for a
2 particular discipline an individual must:

3 (i) Successfully complete an accredited initial training
4 course in the appropriate discipline and receive a course
5 completion certificate from an accredited training program; and

6 (ii) Meet or exceed the education and/or experience
7 requirements in paragraph (2)(a)(iii) of this section.

8 (d) The initial training course completion certificate shall
9 serve as interim certification for an individual until the next
10 available opportunity to take the certification exam. Such interim
11 certification shall expire 6 months after issuance.

12 (e) After passing the appropriate certification exam and
13 submitting an application demonstrating that he/she meets the
14 appropriate training, education, and/or experience prerequisites
15 described in paragraph (2)(a) of this section, an individual shall
16 be issued a certificate by the director. To maintain
17 certification, an individual must be re-certified as described in
18 paragraph (4) of this section.

19 (f) An individual may take the certification exam no more
20 than three times within 6 months of receiving an initial training
21 course completion certificate.

22 (g) If an individual does not pass the certification exam
23 and receive a certificate within 6 months of receiving his/her
24 initial training course completion certificate, the individual
25 must retake the appropriate initial training course from an
26 accredited training program before reapplying for certification
27 from the director.

28 (3) Abatement worker and project designer.

29 (a) To become certified by the director as an abatement
30 worker or project designer, pursuant to paragraph (1)(a)(i) of
31 this section, an individual must:

32 (i) Successfully complete an accredited initial training
33 course in the appropriate discipline and receive a course
34 completion certificate from an accredited training program; and

35 (ii) Meet or exceed the following additional experience
36 and/or education requirements:

37 (A) Abatement workers. No additional experience and/or
38 education requirements; and

39 (B) Project designers.

40 (I) Successful completion of an accredited initial training
41 course for supervisors;

42 (II) Bachelor's degree in engineering, architecture, or a
43 related profession, and 1 year of experience in building
44 construction and design or a related field; or

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1 (III) Four years of experience in building construction and
2 design or a related field.

3 (b) The following documents shall be recognized by the
4 director as evidence of meeting the requirements listed in this
5 paragraph:

6 (i) Official academic transcripts or diploma, as evidence of
7 meeting the education requirements;

8 (ii) Resumes, letters of reference, or documentation of work
9 experience, as evidence of meeting the work experience
10 requirements; and

11 (iii) Course completion certificates from lead-specific or
12 other related training courses, issued by accredited training
13 programs, as evidence of meeting the training requirements.

14 (c) The initial training course completion certificate shall
15 serve as an interim certification until certification from the
16 director is received, but shall be valid for no more than 6 months
17 from the date of completion.

18 (d) After successfully completing the appropriate initial
19 training courses and meeting any other qualifications described in
20 paragraph (3)(a) of this section, an individual shall be issued a
21 certificate from the director. To maintain certification, an
22 individual must be re-certified as described in paragraph (4) of
23 this section.

24 (4) Re-certification.

25 (a) To maintain certification in a particular discipline, a
26 certified individual shall apply to and be re-certified by the
27 director in that discipline by the director either:

28 (i) Every 3 years if the individual completed a training
29 course with a course test and hands-on assessment; or

30 (ii) Every 5 years if the individual completed a training
31 course with a proficiency test.

32 (b) An individual shall be re-certified if the individual
33 successfully completes the appropriate accredited refresher
34 training course and submits a valid copy of the appropriate
35 refresher training course completion certificate. For the
36 supervisor, inspector, or risk assessor disciplines, if more than
37 3 years but less than 4 years have passed since certification or
38 re-certification for an individual that completed an initial or a
39 refresher training course with a course test and hands-on
40 assessment, or if more than 5 years but less than 6 years have
41 passed since certification or re-certification for an individual
42 that completed an initial or a refresher training course with a
43 proficiency test, then the individual must also pass the
44 certification exam in the appropriate discipline offered by the

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1 director. During the time period when the individual is not
2 certified by the director, that individual cannot perform any
3 regulated work activities that requires individual certification.

4 (c) Individuals applying for re-certification must submit
5 the appropriate fees in accordance with the current Department of
6 Environmental Quality Fee Schedule.

7 (5) Certification of firms.

8 (a) All firms which perform or offer to perform any of the
9 lead-based paint activities or renovations described in R307-842-3
10 shall be certified by the director.

11 (b) A firm seeking certification shall submit to the
12 director a letter attesting that the firm shall only employ
13 appropriately certified employees to conduct lead-based paint
14 activities, and that the firm and its employees shall follow the
15 work practice standards in R307-842-3 for conducting lead-based
16 paint activities.

17 (c) From the date of receiving the firm's letter requesting
18 certification, the director shall have 90 days to approve or
19 disapprove the firm's request for certification. Within that
20 time, the director shall respond with either a certificate of
21 approval or a letter describing the reasons for disapproval.

22 (d) The firm shall maintain all records pursuant to the
23 requirements in R307-842-3.

24 (e) Firms may apply to the director for certification to
25 engage in lead-based paint activities pursuant to this section.

26 (f) Firms applying for certification or re-certification
27 must submit the appropriate fees in accordance with the current
28 Department of Environmental Quality Fee Schedule.

29 (6) Suspension, revocation, and modification of
30 certifications of individuals engaged in lead-based paint
31 activities.

32 (a) The director may, after notice and opportunity for
33 hearing, suspend, revoke, or modify an individual's certification
34 if an individual has:

35 (i) Obtained training documentation through fraudulent
36 means;

37 (ii) Gained admission to and completed an accredited
38 training program through misrepresentation of admission
39 requirements;

40 (iii) Obtained certification through misrepresentation of
41 certification requirements or related documents dealing with
42 education, training, professional registration, or experience;

43 (iv) Performed work requiring certification at a job site
44 without having proof of certification;

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1 (v) Permitted the duplication or use of the individual's own
2 certificate by another;

3 (vi) Performed work for which certification is required, but
4 for which appropriate certification has not been received;

5 (vii) Failed to comply with the appropriate work practice
6 standards for lead-based paint activities at R307-842-3; or

7 (viii) Failed to comply with federal, state, or local lead-
8 based paint statutes or regulations.

9 (b) In addition to an administrative or judicial finding of
10 violation, for purposes of this section only, execution of a
11 consent agreement in settlement of an enforcement action
12 constitutes evidence of a failure to comply with relevant statutes
13 or regulations.

14 (7) Suspension, revocation, and modification of
15 certifications of firms engaged in lead-based paint activities.

16 (a) The director may, after notice and opportunity for
17 hearing, suspend, revoke, or modify a firm's certification if a
18 firm has:

19 (i) Performed work requiring certification at a job site
20 with individuals who are not certified;

21 (ii) Failed to comply with the work practice standards
22 established in R307-842-3;

23 (iii) Misrepresented facts in its letter of application for
24 certification to the director;

25 (iv) Failed to maintain required records; or

26 (v) Failed to comply with federal, state, or local lead-
27 based paint statutes or regulations.

28 (b) In addition to an administrative or judicial finding of
29 violation, for purposes of this section only, execution of a
30 consent agreement in settlement of an enforcement action
31 constitutes evidence of a failure to comply with relevant statutes
32 or regulations.

33

34 **R307-842-3. Work Practice Standards for Conducting Lead-Based**
35 **Paint Activities: Target Housing and Child-Occupied Facilities.**

36 (1) Effective date, applicability, and terms.

37 (a) All lead-based paint activities shall be performed
38 pursuant to the work practice standards contained in this section.

39 (b) When performing any lead-based paint activity described
40 by the certified individual as an inspection, lead-hazard screen,
41 risk assessment, or abatement, a certified individual must perform
42 that activity in compliance with the appropriate requirements
43 below.

44 (c) Documented methodologies that are appropriate for this

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1 section are found in the following: the HUD Guidelines for the
2 Evaluation and Control of Lead-Based Paint Hazards in Housing, the
3 EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated
4 Dust, and Lead-Contaminated Soil, the EPA Residential Sampling for
5 Lead: Protocols for Dust and Soil Sampling (EPA report number
6 7474-R-95-001), and other equivalent methods and guidelines.

7 (d) Clearance levels are appropriate for the purposes of
8 this section may be found in the EPA Guidance on Residential Lead-
9 Based Paint, Lead-Contaminated Dust, and Lead Contaminated Soil or
10 other equivalent guidelines.

11 (2) Inspection.

12 (a) An inspection shall be conducted only by a person
13 certified by the director as an inspector or risk assessor and, if
14 conducted, must be conducted according to the procedures in this
15 paragraph.

16 (b) When conducting an inspection, the following locations
17 shall be selected according to documented methodologies and tested
18 for the presence of lead-based paint:

19 (i) In a residential dwelling and child-occupied facility,
20 each component with a distinct painting history and each exterior
21 component with a distinct painting history shall be tested for
22 lead-based paint, except those components that the inspector or
23 risk assessor determines to have been replaced after 1978, or to
24 not contain lead-based paint; and

25 (ii) In a multi-family dwelling or child-occupied facility,
26 each component with a distinct painting history in every common
27 area, except those components that the inspector or risk assessor
28 determines to have been replaced after 1978, or to not contain
29 lead-based paint.

30 (c) Paint shall be sampled in the following manner:

31 (i) The analysis of paint to determine the presence of lead
32 shall be conducted using documented methodologies which
33 incorporate adequate quality control procedures; and/or

34 (ii) All collected paint chip samples shall be analyzed
35 according to paragraph (6) of this section to determine if they
36 contain detectable levels of lead that can be quantified
37 numerically.

38 (d) The certified inspector or risk assessor shall prepare
39 an inspection report which shall include the following
40 information:

41 (i) Date of each inspection;

42 (ii) Address of building;

43 (iii) Date of construction;

44 (iv) Apartment numbers (if applicable);

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1 (v) Name, address, and telephone number of the owner or
2 owners of each residential dwelling or child-occupied facility;

3 (vi) Name, signature, and certification number of each
4 certified inspector and/or risk assessor conducting testing;

5 (vii) Name, address, and telephone number of the certified
6 firm employing each inspector and/or risk assessor, if applicable;

7 (viii) Each testing method and device and/or sampling
8 procedure employed for paint analysis, including quality control
9 data and, if used, the serial number of any x-ray fluorescence
10 (XRF) device;

11 (ix) Specific locations of each painted component tested for
12 the presence of lead-based paint; and

13 (x) The results of the inspection expressed in terms
14 appropriate to the sampling method used.

15 (3) Lead hazard screen.

16 (a) A lead hazard screen shall be conducted only by a person
17 certified by the director as a risk assessor.

18 (b) If conducted, a lead hazard screen shall be conducted as
19 follows:

20 (i) Background information regarding the physical
21 characteristics of the residential dwelling or child-occupied
22 facility and occupant use patterns that may cause lead-based paint
23 exposure to one or more children age 6 years and under shall be
24 collected;

25 (ii) A visual inspection of the residential dwelling or
26 child-occupied facility shall be conducted to:

27 (A) Determine if any deteriorated paint is present; and

28 (B) Locate at least two dust sampling locations;

29 (iii) If deteriorated paint is present, each surface with
30 deteriorated paint, which is determined, using documented
31 methodologies, to be in poor condition and to have a distinct
32 painting history, shall be tested for the presence of lead;

33 (iv) In residential dwellings, two composite dust samples
34 shall be collected, one from the floors and the other from the
35 windows, in rooms, hallways, or stairwells where one or more
36 children, age 6 and under, are most likely to come in contact with
37 dust; and

38 (v) In multi-family dwellings and child-occupied facilities,
39 in addition to the floor and window samples required in paragraph
40 (3)(b)(iv) of this section, the risk assessor shall also collect
41 composite dust samples from common areas where one or more
42 children, age 6 and under, are most likely to come into contact
43 with dust.

44 (c) Dust samples shall be collected and analyzed in the

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1 following manner:

2 (i) All dust samples shall be taken using documented
3 methodologies that incorporate adequate quality control
4 procedures; and

5 (ii) All collected dust samples shall be analyzed according
6 to paragraph (6) of this section to determine if they contain
7 detectable levels of lead that can be quantified numerically.

8 (d) Paint shall be sampled in the following manner:

9 (i) The analysis of paint to determine the presence of lead
10 shall be conducted using documented methodologies which
11 incorporate adequate quality control procedures; and/or

12 (ii) All collected paint chip samples shall be analyzed
13 according to paragraph (6) of this section to determine if they
14 contain detectable levels of lead that can be quantified
15 numerically.

16 (e) The risk assessor shall prepare a lead hazard screen
17 report, which shall include the following information:

18 (i) The information required in a risk assessment report as
19 specified in paragraph (4) of this section, including paragraphs
20 (4)(k)(i) through (4)(k)(xiv), and excluding paragraphs (4)(k)(xv)
21 through (4)(k)(xviii) of this section. Additionally, any
22 background information collected pursuant to paragraph (3)(b)(i)
23 of this section shall be included in the lead hazard screen
24 report; and

25 (ii) Recommendations, if warranted, for a follow-up risk
26 assessment, and as appropriate, any further actions.

27 (4) Risk assessment.

28 (a) A risk assessment shall be conducted only by a person
29 certified by the director as a risk assessor and, if conducted,
30 must be conducted according to the procedures in this paragraph.

31 (b) A visual inspection for risk assessment of the
32 residential dwelling or child-occupied facility shall be
33 undertaken to locate the existence of deteriorated paint, assess
34 the extent and causes of the deterioration, and other potential
35 lead-based paint hazards.

36 (c) Background information regarding the physical
37 characteristics of the residential dwelling or child-occupied
38 facility and occupant use patterns that may cause lead-based paint
39 exposure to one or more children age 6 years and under shall be
40 collected.

41 (d) The following surfaces which are determined, using
42 documented methodologies, to have a distinct painting history,
43 shall be tested for the presence of lead:

44 (i) Each friction surface or impact surface with visibly

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1 deteriorated paint; and

2 (ii) All other surfaces with visibly deteriorated paint.

3 (e) In residential dwellings, dust samples (either composite
4 or single-surface samples) from the interior window sill(s) and
5 floor shall be collected and analyzed for lead concentration in
6 all living areas where one or more children, age 6 and under, are
7 most likely to come into contact with dust.

8 (f) For multi-family dwellings and child-occupied
9 facilities, the samples required in paragraph (4)(d) of this
10 section shall be taken. In addition, interior window sill and
11 floor dust samples (either composite or single-surface samples)
12 shall be collected and analyzed for lead concentration in the
13 following locations:

14 (i) Common areas adjacent to the sampled residential
15 dwelling or child-occupied facility; and

16 (ii) Other common areas in the building where the risk
17 assessor determines that one or more children, age 6 and under,
18 are likely to come into contact with dust.

19 (g) For child-occupied facilities, interior window sill and
20 floor dust samples (either composite or single-surface samples)
21 shall be collected and analyzed for lead concentration in each
22 room, hallway, or stairwell utilized by one or more children, age
23 6 and under, and in other common areas in the child-occupied
24 facility where one or more children, age 6 and under, are likely
25 to come into contact with dust.

26 (h) Soil samples shall be collected and analyzed for lead
27 concentrations in the following locations:

28 (i) Exterior play areas where bare soil is present;

29 (ii) The rest of the yard (i.e., non-play areas) where bare
30 soil is present; and

31 (iii) Dripline/foundation areas where bare soil is present.

32 (i) Any paint, dust, or soil sampling or testing shall be
33 conducted using documented methodologies that incorporate adequate
34 quality control procedures.

35 (j) Any collected paint chip, dust, or soil samples shall be
36 analyzed according to paragraph (6) of this section to determine
37 if they contain detectable levels of lead that can be quantified
38 numerically.

39 (k) The certified risk assessor shall prepare a risk
40 assessment report which shall include the following information:

41 (i) Date of assessment;

42 (ii) Address of each building;

43 (iii) Date of construction of buildings;

44 (iv) Apartment number (if applicable);

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1 (v) Name, address, and telephone number of each owner of
2 each building;

3 (vi) Name, signature, and certification number of the
4 certified risk assessor conducting the assessment;

5 (vii) Name, address, and telephone number of the certified
6 firm employing each certified risk assessor if applicable;

7 (viii) Name, address, and telephone number of each
8 recognized laboratory conducting analysis of collected samples;

9 (ix) Results of the visual inspection;

10 (x) Testing method and sampling procedure for paint analysis
11 employed;

12 (xi) Specific locations of each painted component tested for
13 the presence of lead;

14 (xii) All data collected from on-site testing, including
15 quality control data and, if used, the serial number of any XRF
16 device.

17 (xiii) All results of laboratory analysis on collected
18 paint, soil, and dust samples;

19 (xiv) Any other sampling results;

20 (xv) Any background information collected pursuant to
21 paragraph (4)(c) of this section;

22 (xvi) To the extent that they are used as part of the lead-
23 based paint hazard determination, the results of any previous
24 inspections or analyses for the presence of lead-based paint, or
25 other assessments of lead-based paint-related hazards;

26 (xvii) A description of the location, type, and severity of
27 identified lead-based paint hazards and any other potential lead
28 hazards; and

29 (xviii) A description of interim controls and/or abatement
30 options for each identified lead-based paint hazard and a
31 suggested prioritization for addressing each hazard. If the use
32 of an encapsulant or enclosure is recommended, the report shall
33 recommend a maintenance and monitoring schedule for the
34 encapsulant or enclosure.

35 (5) Abatement.

36 (a) An abatement shall be conducted only by an individual
37 certified by the director, and if conducted, shall be conducted
38 according to the procedures in this paragraph.

39 (b) A certified supervisor is required for each abatement
40 project and shall be onsite during all work site preparation and
41 during the post-abatement cleanup of work areas. At all other
42 times when abatement activities are being conducted, the certified
43 supervisor shall be onsite or available by telephone, pager or
44 answering service, and able to be present at the work site in no

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1 more than 2 hours.

2 (c) The certified supervisor and the certified firm
3 employing that supervisor shall ensure that all abatement
4 activities are conducted according to the requirements of this
5 section and all other federal, state, and local requirements.

6 (d) A certified firm must notify the director of lead-based
7 paint abatement activities as follows:

8 (i) Except as provided in paragraph (5)(d)(ii) of this
9 section, the director must be notified prior to conducting lead-
10 based paint abatement activities. The original notification must
11 be received by the director at least 5 business days before the
12 start date of any lead-based paint abatement activities;

13 (ii) Notification for lead-based paint abatement activities
14 required in response to an elevated blood lead level (EBL)
15 determination, or federal, state, tribal, or local emergency
16 abatement order should be received by the director as early as
17 possible before, but must be received no later than the start date
18 of the lead-based paint abatement activities. Should the start
19 date and/or location provided to the director change, an updated
20 notification must be received by the director on or before the
21 start date provided to the director. Documentation showing
22 evidence of an EBL determination or a copy of the
23 federal/state/tribal/local emergency abatement order must be
24 included in the written notification to take advantage of this
25 abbreviated notification period;

26 (iii) Except as provided in paragraph (5)(d)(ii) of this
27 section, updated notification must be provided to the director for
28 lead-based paint abatement activities that will begin on a date
29 other than the start date specified in the original notification,
30 as follows:

31 (A) For lead-based paint abatement activities beginning
32 prior to the start date provided to the director an updated
33 notification must be received by the director at least 5 business
34 days before the new start date included in the notification; and

35 (B) For lead-based paint abatement activities beginning
36 after the start date provided to the director an updated
37 notification must be received by the director on or before the
38 start date provided to the director;

39 (iv) Except as provided in paragraph (5)(d)(ii) of this
40 section, updated notification must be provided to the director for
41 any change in location of lead-based paint abatement activities at
42 least 5 business days prior to the start date provided to the
43 director;

44 (v) Updated notification must be provided to the director

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1 when lead-based paint abatement activities are canceled, or when
2 there are other significant changes including, but not limited to,
3 when the square footage or acreage to be abated changes by more
4 than 20%. This updated notification must be received by the
5 director on or before the start date provided to the director, or
6 if work has already begun, within 24 hours of the change;

7 (vi) The following must be included in each notification:

8 (A) Notification type (original, updated, or cancellation);

9 (B) Date when lead-based paint abatement activities will
10 start;

11 (C) Date when lead-based paint abatement activities will end
12 (approximation using best professional judgment);

13 (D) Firm's name, Utah lead-based paint firm certification
14 number, address, and telephone number;

15 (E) Type of building (e.g., single family dwelling, multi-
16 family dwelling, and/or child-occupied facilities) on/in which
17 abatement work will be performed;

18 (F) Property name (if applicable);

19 (G) Property address including apartment or unit number(s)
20 (if applicable) for abatement work;

21 (H) Documentation showing evidence of an EBL determination
22 or a copy of the federal/state/tribal/local emergency abatement
23 order, if using the abbreviated time period as described in
24 paragraph (5)(d)(ii) of this section;

25 (I) Name and Utah lead-based paint individual certification
26 number of the project supervisor;

27 (J) Approximate square footage/acreage to be abated;

28 (K) Brief description of abatement activities to be
29 performed; and

30 (L) Name, title, and signature of the representative of the
31 certified firm who prepared the notification;

32 (vii) Notification must be accomplished using any of the
33 following methods: Written notification, or electronically using
34 the Utah Division of Air Quality electronic notification system.
35 Written notification can be accomplished using either the sample
36 form titled "Lead-Based Paint Abatement Project Notification" or
37 similar form containing the information required in paragraph
38 (5)(d)(vi) of this section. All written notifications must be
39 delivered by United States Postal Service, fax, commercial
40 delivery service, hand delivery, or by email on or before the
41 applicable date. Instructions and sample forms can be obtained
42 from the Utah Division of Air Quality Lead-Based Paint Program web
43 site;

44 (viii) Lead-based paint abatement activities shall not begin

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1 on a date, or at a location other than that specified in either an
2 original or updated notification, in the event of changes to the
3 original notification; and

4 (ix) No firm or individual shall engage in lead-based paint
5 abatement activities, as defined in R307-840-2, prior to notifying
6 the director of such activities according to the requirements of
7 this paragraph.

8 (e) A written occupant protection plan shall be developed
9 for all abatement projects and shall be prepared according to the
10 following procedures:

11 (i) The occupant protection plan shall be unique to each
12 residential dwelling or child-occupied facility and be developed
13 prior to the abatement. The occupant protection plan shall
14 describe the measures and management procedures that will be taken
15 during the abatement to protect the building occupants from
16 exposure to any lead-based paint hazards; and

17 (ii) A certified supervisor or project designer shall
18 prepare the occupant protection plan.

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

30 (i) Interior abatement. The firm must:

31 (A) Remove all objects from the work area, including
32 furniture, rugs, and window coverings, or cover them with
33 plastic sheeting or other impermeable material with all seams
34 and edges 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 and
39 sealed with duct tape or equivalent. Doors used as an entrance
40 to the work area must be covered with plastic sheeting or other
41 impermeable material in a manner that allows workers to pass
42 through while confining dust and debris to the work area;

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

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

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

11 (ii) Exterior abatement. The firm must:

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

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

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

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

40 ([f]g) The work practices listed below shall be restricted
41 during an abatement as follows:

42 (i) Open-flame burning or torching of lead-based paint is
43 prohibited;

44 (ii) Machine sanding or grinding or abrasive blasting or

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1 sandblasting of lead-based paint is prohibited unless used with
2 High Efficiency Particulate Air (HEPA) exhaust control which
3 removes particles of 0.3 microns or larger from the air at 99.97%
4 or greater efficiency;

5 (iii) Dry scraping of lead-based paint is permitted only in
6 conjunction with heat guns or around electrical outlets or when
7 treating defective paint spots totaling no more than 2 square feet
8 in any one room, hallway, or stairwell or totaling no more than 20
9 square feet on exterior surfaces; and

10 (iv) Operating a heat gun on lead-based paint is permitted
11 only at temperatures below 1100 degrees Fahrenheit.

12 (h) Waste from abatement.

13 (i) Waste from the abatement activity must be contained to
14 prevent releases of dust and debris before the waste is removed
15 from the work area for storage or disposal. If a chute is used to
16 remove waste from the work area, it must be covered.

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

22 (iii) When the firm transports waste from the abatement, the
23 firm must contain the waste to prevent release of dust and debris.

24 (g)i) If conducted, soil abatement shall be conducted in one
25 of the following ways:

26 (i) If the soil is removed:

27 (A) The soil shall be replaced by soil with a lead
28 concentration as close to local background as practicable, but no
29 greater than 400 ppm; and

30 (B) The soil that is removed shall not be used as top soil
31 at another residential property or child-occupied facility; or

32 (ii) If soil is not removed, the soil shall be permanently
33 covered, as defined in R307-840-2.

34 (h)j) The following post-abatement clearance procedures
35 shall be performed only by a certified inspector or risk assessor:

36 (i) Following an abatement, a visual inspection shall be
37 performed to determine if deteriorated painted surfaces and/or
38 visible amounts of dust, debris, or residue are still present. If
39 deteriorated painted surfaces or visible amounts of dust, debris,
40 or residue are present, these conditions must be eliminated prior
41 to the continuation of the clearance procedures;

42 (ii) Following the visual inspection and any post-abatement
43 cleanup required by paragraph (5)(h)(i) of this section, clearance
44 sampling for lead in dust shall be conducted. Clearance sampling

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1 may be conducted by employing single-surface sampling or composite
2 sampling techniques;

3 (iii) Dust samples for clearance purposes shall be taken
4 using documented methodologies that incorporate adequate quality
5 control procedures;

6 (iv) Dust samples for clearance purposes shall be taken a
7 minimum of 1 hour after completion of final post-abatement cleanup
8 activities;

9 (v) The following post-abatement clearance activities shall
10 be conducted as appropriate based upon the extent or manner of
11 abatement activities conducted in or to the residential dwelling
12 or child-occupied facility:

13 (A) After conducting an abatement with containment between
14 abated and unabated areas, one dust sample shall be taken from one
15 interior window sill and from one window trough (if present) and
16 one dust sample shall be taken from the floors of each of no less
17 than four rooms, hallways, or stairwells within the containment
18 area. In addition, one dust sample shall be taken from the floor
19 outside the containment area. If there are less than four rooms,
20 hallways, or stairwells within the containment area, then all
21 rooms, hallways, or stairwells shall be sampled;

22 (B) After conducting an abatement with no containment, two
23 dust samples shall be taken from each of no less than four rooms,
24 hallways, or stairwells in the residential dwelling or child-
25 occupied facility. One dust sample shall be taken from one
26 interior window sill and window trough (if present) and one dust
27 sample shall be taken from the floor of each room, hallway, or
28 stairwell selected. If there are less than four rooms, hallways,
29 or stairwells within the residential dwelling or child-occupied
30 facility, then all rooms, hallways, or stairwells shall be
31 sampled; and

32 (C) Following an exterior paint abatement, a visible
33 inspection shall be conducted. All horizontal surfaces in the
34 outdoor living area closest to the abated surface shall be found
35 to be cleaned of visible dust and debris. In addition, a visual
36 inspection shall be conducted to determine the presence of paint
37 chips on the dripline or next to the foundation below any exterior
38 surface abated. If paint chips are present, they must be removed
39 from the site and properly disposed of, according to all
40 applicable federal, state, and local requirements;

41 (vi) The rooms, hallways, or stairwells selected for
42 sampling shall be selected according to documented methodologies;

43 (vii) The certified inspector or risk assessor shall compare
44 the residual lead level (as determined by the laboratory analysis)

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1 from each single surface dust sample with clearance levels in
2 paragraph (5)(h)(viii) of this section for lead in dust on floors,
3 interior window sills, and window troughs or from each composite
4 dust sample with the applicable clearance levels for lead in dust
5 on floors, interior window sills, and window troughs divided by
6 half the number of subsamples in the composite sample. If the
7 residual lead level in a single surface dust sample equals or
8 exceeds the applicable clearance level or if the residual lead
9 level in a composite dust sample equals or exceeds the applicable
10 clearance level divided by half the number of subsamples in the
11 composite sample, the components represented by the failed sample
12 shall be recleaned and retested; and

13 (viii) The clearance levels for lead in dust are ~~[40]~~10
14 ug/ft² for floors, ~~[250]~~100 ug/ft² for interior window sills, and
15 400 ug/ft² for window troughs.

16 (ix) Occupants of the home shall not be allowed into the
17 abatement work area until clearance dust sample results are
18 received by the inspector or risk assessor and are found to be
19 acceptable according to dust-lead clearance level standards.

20 ([±]k) In a multi-family dwelling with similarly constructed
21 and maintained residential dwellings, random sampling for the
22 purposes of clearance may be conducted provided:

23 (i) The certified individuals who abate or clean the
24 residential dwellings do not know which residential dwelling will
25 be selected for the random sample;

26 (ii) A sufficient number of residential dwellings are
27 selected for dust sampling to provide a 95% level of confidence
28 that no more than 5% or 50 of the residential dwellings (whichever
29 is smaller) in the randomly sampled population exceed the
30 appropriate clearance levels; and

31 (iii) The randomly selected residential dwellings shall be
32 sampled and evaluated for clearance according to the procedures
33 found in paragraph (5)(h) of this section.

34 ([k]l) An abatement report shall be prepared by a certified
35 supervisor or project designer no later than 30 business days
36 after receiving the results of final clearance testing and all
37 soil analyses (if applicable). The abatement report shall include
38 the following information:

39 (i) Start and completion dates of abatement;

40 (ii) The name and address of each certified firm conducting
41 the abatement and the name of each supervisor assigned to the
42 abatement project;

43 (iii) The occupant protection plan prepared pursuant to
44 paragraph (5)(e) of this section;

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1 (iv) The name, address, and signature of each certified risk
2 assessor or inspector conducting clearance sampling and the date
3 of clearance testing;

4 (v) The results of clearance testing and all soil analyses
5 (if applicable) and the name of each recognized laboratory that
6 conducted the analyses; and

7 (vi) A detailed written description of the abatement,
8 including abatement methods used, locations of rooms and/or
9 components where abatement occurred, reason for selecting
10 particular abatement methods for each component, and any suggested
11 monitoring of encapsulants or enclosures.

12 (6) Collection and laboratory analysis of samples. Any paint
13 chip, dust, or soil samples collected pursuant to the work
14 practice standards contained in this section shall be:

15 (a) Collected by persons certified by the director as an
16 inspector or risk assessor; and

17 (b) Analyzed by a laboratory recognized by EPA pursuant to
18 Section 405(b) of TSCA as being capable of performing analyses for
19 lead compounds in paint chip, dust, and soil samples.

20 (7) Composite dust sampling. Composite dust sampling may
21 only be conducted in the situations specified in paragraphs (3)
22 through (5) of this section. If such sampling is conducted, the
23 following conditions shall apply:

24 (a) Composite dust samples shall consist of at least two
25 subsamples;

26 (b) Every component that is being tested shall be included
27 in the sampling; and

28 (c) Composite dust samples shall not consist of subsamples
29 from more than one type of component.

30 (8) Determinations.

31 (a) Lead-based paint is present:

32 (i) On any surface that is tested and found to contain lead
33 equal to or in excess of 1.0 milligrams per square centimeter or
34 equal to or in excess of 0.5% by weight; and

35 (ii) On any surface like a surface tested in the same room
36 equivalent that has a similar painting history and that is found
37 to be lead-based paint.

38 (b) A paint-lead hazard is present:

39 (i) On any friction surface that is subject to abrasion and
40 where the lead dust levels on the nearest horizontal surface
41 underneath the friction surface (e.g., the window sill or floor)
42 are equal to or greater than the dust hazard levels identified in
43 the definition of "Dust-lead hazard" in R307-840-2;

44 (ii) On any chewable lead-based paint surface on which there

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1 is evidence of teeth marks;

2 (iii) Where there is any damaged or otherwise deteriorated
3 lead-based paint on an impact surface that is caused by impact
4 from a related building component (such as a door knob that knocks
5 into a wall or a door that knocks against its door frame); and

6 (iv) If there is any other deteriorated lead-based paint in
7 any residential building or child-occupied facility or on the
8 exterior of any residential building or child-occupied facility.

9 (c) A dust-lead hazard is present in a residential dwelling
10 or child-occupied facility:

11 (i) In a residential dwelling on floors and interior window
12 sills when the weighted arithmetic mean lead loading for all
13 single surface or composite samples of floors and interior window
14 sills are equal to or greater than ~~[40]~~10 ug/ft² for floors and
15 ~~[250]~~100 ug/ft² for interior window sills, respectively;

16 (ii) On floors or interior window sills in an unsampled
17 residential dwelling in a multi-family dwelling, if a dust-lead
18 hazard is present on floors or interior window sills,
19 respectively, in at least one sampled residential unit on the
20 property; and

21 (iii) On floors or interior window sills in an unsampled
22 common area in a multi-family dwelling, if a dust-lead hazard is
23 present on floors or interior window sills, respectively, in at
24 least one sampled common area in the same common area group on the
25 property.

26 (d) A soil-lead hazard is present:

27 (i) In a play area when the soil-lead concentration from a
28 composite play area sample of bare soil is equal to or greater
29 than 400 parts per million; or

30 (ii) In the rest of the yard when the arithmetic mean lead
31 concentration from a composite sample (or arithmetic mean of
32 composite samples) of bare soil from the rest of the yard (i.e.,
33 non-play areas) for each residential building on a property is
34 equal to or greater than 1,200 parts per million.

35 (9) Recordkeeping. All reports or plans required in this
36 section shall be maintained by the certified firm or individual
37 who prepared the report for no fewer than 3 years. The certified
38 firm or individual also shall provide copies of these reports to
39 the building owner who contracted for its services.

40
41 **R307-842-4. Lead-Based Paint Activities Requirements.**

42 Lead-based paint activities, as defined in R307-840-2, shall
43 only be conducted according to the procedures and work practice
44 standards contained in R307-842-3 of this rule. No individual or

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1 firm may offer to perform or perform any lead-based paint activity
2 as defined in R307-840-2, unless certified to perform that
3 activity according to the procedures in R307-842-2.

4
5 **R307-842-5. Work Practice Requirements for Lead-Based Paint**
6 **Hazards.**

7 Applicable certification, occupant protection, and clearance
8 requirements and work practice standards are found in R307-842 and
9 in regulations issued by HUD at 24 CFR Part 35, Subpart R. The
10 work practice standards in those regulations do not apply when
11 treating paint-lead hazards of less than:

12 (a) Two square feet of deteriorated lead-based paint per
13 room or equivalent,

14 (b) Twenty square feet of deteriorated paint on the exterior
15 building, or

16 (c) Ten percent of the total surface area of deteriorated
17 paint on an interior or exterior type of component with a small
18 surface area.

19
20 **KEY: paint, lead-based paint, lead-based paint abatement**

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

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

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