

NOTICE OF INTENT

Department of Environmental Quality
Office of Air Quality and Radiation Protection
Air Quality Division

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division regulations, LAC 33:III.Chapters 2 and 28 (Log #AQ114).

This rule sets requirements for certification and training of persons who conduct lead-based paint activities. It also requires licensure of lead abatement contractors and sets work practice standards for those individuals who perform inspections, risk assessment, and abatement in target housing (pre-1978 residences) and child-occupied facilities, such as day care centers. Additionally, the rule provides for accreditation of training providers and instructors. It includes a mechanism for notification to the department prior to initiation of abatement. The rule also incorporates into LAC 33:III.Chapter 2 the lead program fees which were statutorily set by the 1997 Regular Legislative Session. This regulation is required by R.S. 30:2351 - 2351.59, Act No. 224 of the 1993 Regular Legislative Session, amended and reenacted as Act No. 1085 of the 1995 Regular Legislative Session.

This proposed rule meets the exceptions listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

A public hearing will be held on September 25, 1997, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate please contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ114. Such comments must be received no later than October 2, 1997, at 4:30 p.m., and should be sent to Patsy Deaville, Investigations and Regulation Development Division, Post Office Box 82282, Baton Rouge, LA 70884 or to fax number (504) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. You may contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ114.

This proposed regulation is available for inspection at the following DEQ office locations from 8:00 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, 4th floor, Baton Rouge, LA 70810; 804 31st Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508. This regulation is also available on the Internet at <http://www.deq.state.la.us/olae/irdd/olaeregs.htm>.

Gus Von Bodungen
Assistant Secretary

**Title 33
ENVIRONMENTAL QUALITY
Part III. Air**

Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs

§223. Fee Schedule Listing

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[See Prior Text in Fee No. 0010-1720]

Additional Permit Fees and ADVF Fees		
Fee Number	Fee Description	Amount
* * * [See Prior Text in Fee No. 2000-2810]		
<u>2900</u> *NOTE 19*	<u>Lead Contractor License Evaluation Fee</u>	<u>500.00</u>
<u>2901</u> *NOTE 19*	<u>Lead Project Supervisor Certification Fee</u>	<u>250.00</u>
<u>2902</u> *NOTE 19*	<u>Lead Project Designer Certification Fee</u>	<u>500.00</u>
<u>2903</u> *NOTE 19*	<u>Risk Assessor Certification Fee</u>	<u>250.00</u>
<u>2904</u> *NOTE 19*	<u>Lead Inspector Certification Fee</u>	<u>150.00</u>
<u>2905</u> *NOTE 19*	<u>Lead Worker Certification Fee</u>	<u>50.00</u>
<u>2906</u> *NOTE 19*	<u>Accreditation Fee for Louisiana Lead Training Organizations, Application Processing Fee</u>	<u>500.00</u>
<u>2907</u> *NOTE 19*	<u>Accreditation Fee for Louisiana Lead Training Organizations, Processing Fee Per Instructor</u>	<u>50.00</u>
<u>2908</u> *NOTE 19*	<u>Accreditation Fee for Out of State Training Organizations, Application Processing Fee</u>	<u>750.00</u>
<u>2909</u> *NOTE 19*	<u>Accreditation Fee for Out of State Training Organizations, Processing Fee Per Instructor</u>	<u>100.00</u>
<u>2910</u> *NOTE 19*	<u>Lead Abatement Project Notification Fee, 2000 Square Feet and Under</u>	<u>200.00</u>
<u>2911</u> *NOTE 19*	<u>Lead Abatement Project Notification Fee For Each Additional Increment of 2000 Square Feet or Portion Thereof</u>	<u>100.00</u>
<u>2912</u> *NOTE 19*	<u>Revisions to Lead Abatement Program Notification Fee</u>	<u>50.00</u>
<u>2913</u> *NOTE 19*	<u>Soil Lead Abatement Project Notification Fee, Half Acre or Less</u>	<u>200.00</u>
<u>2914</u> *NOTE 19*	<u>Soil Lead Abatement Project Notification Fee, Each Additional Half-Acre or Portion Thereof</u>	<u>100.00</u>
<u>2915</u> *NOTE 19*	<u>Soil Lead Abatement Project Notification Fee, Revisions to Notification Fee</u>	<u>50.00</u>

Explanatory Notes for Fee Schedule

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[See Prior Text in Notes 1-18]

NOTE 19 The fee for emergency processing will be 1.5 times the regular fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, 30:2341 and 30:2351 et. seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:613 (September 1988), LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 (November 1992), LR 19:1373 (October 1993), LR 19:1420 (November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 20:1263 (November 1994), LR 21:22 (January 1995), LR 21:782 (August 1995), LR 21:942 (September 1995), repromulgated LR 21:1080 (October 1995), amended LR 21:1236 (November 1995), LR

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 28. Lead-based Paint Activities - Recognition, Accreditation, Licensure, and Standards for Conducting Lead-based Paint Activities

§2801. Scope and Applicability

A. This Chapter contains procedures and requirements for the recognition of lead-based paint activities training providers, procedures and requirements for the accreditation of individuals, and licensure of contractors engaged in lead-based paint activities, project notifications, and work practice standards for performing such activities. Except as discussed below, all lead-based paint activities, as defined in this Chapter, must be performed by accredited individuals and licensed contractors.

B. This Chapter applies to all individuals and contractors who are engaged in lead-based paint activities, as defined in LAC 33:III.2803, except persons who perform these activities within residential dwellings that they own, unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level.

C. Public entities are exempt from the requirements for licensure; however, employees of public entities must be accredited in the appropriate disciplines. Public entities shall not be required to pay accreditation fees or notification fees.

D. The provisions of this Chapter shall not apply to lead-based paint activities or to persons performing such activities when such activities are performed wholly within an industrial facility and are performed by persons who are subject to the training requirements of the Occupational Safety and Health Administration's hazard communication standard.

E. All modifications to facilities or structures and to their component systems that may occur in conjunction with a lead abatement activity shall be designed in accordance with applicable state and municipal building codes.

F. Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the federal government having jurisdiction over any property or facility or engaged in any activity resulting, or which may result, in a lead-based paint hazard, and each officer, agent, or employee thereof shall be subject to, and comply with, all federal, state, interstate, and local requirements, both substantive and procedural, including the requirements of this Chapter regarding lead-based paint, lead-based paint activities, and lead-based paint hazards.

G. While this Chapter establishes specific requirements for performing lead-based paint activities should they be undertaken, nothing in this Chapter requires that the owner or occupant undertake any particular lead-based paint activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR

§2803. Definitions

The terms used in this Chapter are defined in LAC 33:III.111 of these regulations with the exception of those terms specifically defined in this Section as follows:

Abatement—any measure or set of measures designed to permanently eliminate lead-based paint hazards. Abatement includes, but is not limited to:

- a. the removal of lead-based paint and lead-contaminated dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead-contaminated soil; and
- b. all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.

Accreditation Certificate—a document issued by the department affirming that the person has successfully completed the training and other requirements for lead-based paint activities.

Accredited Lead Inspector—an individual who has been trained by a recognized training provider and certified by the department to conduct inspections. An accredited inspector also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing.

Accredited Lead Project Designer—an individual who has been trained by a recognized training provider and certified by the department to prepare abatement project designs, occupant and worker protection plans, and abatement reports. For the purposes of this Chapter, “lead project designer” is equivalent to “lead hazard reduction planner” in R.S. 30:2351.1.

Accredited Lead Project Supervisor—an individual who has been trained by a recognized training provider and certified by the department to supervise and conduct abatements and to prepare occupant and worker protection plans and abatement reports.

Accredited Lead Risk Assessor—an individual who has been trained by a recognized training provider and certified by the department to conduct risk assessments. A risk assessor also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing.

Accredited Lead Worker—an individual who has been trained by a recognized training provider and certified by the department to perform abatements.

Adequate Quality Control—a plan or design to ensure the authenticity, integrity, and accuracy of lead-based paint samples, including dust, soil, and paint chip or paint film samples. Adequate quality control also includes provisions for representative sampling.

Bare Soil— any exposed earth not covered with grass, sod, or other vegetation.

Child-occupied Facility—a building or portion of a building or common area, other than the child's principal residence, constructed prior to 1978, that:

- a. is visited regularly by the same child, six years of age and under, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least three hours, the combined weekly visit lasts at least six hours, and the combined annual visits last at least 60 hours. Examples of child-occupied facilities/common areas include, but are not limited to, schools attended by children, six years of age and under, day care centers, parks, playgrounds, and community centers;
- b. has been determined by the department, in conjunction with the state health officer, to be a significant risk because of its contribution to lead poisoning or lead exposure to children, six years of age and under; or
- c. is a child-occupied unit and common area in a multi-use building.

Clearance Levels—values that indicate the maximum amount of lead permitted in soil or dust on a surface following completion of an abatement activity. Clearance levels that are appropriate for the purposes of this Chapter are listed in LAC 33:III.2811.A.4.

Common Area—a portion of a building generally accessible to all occupants/users including, but not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages, and boundary fences.

Component or Building Component—specific design or structural elements or fixtures of a building, residential dwelling, or child-occupied facility that are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as: ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs, sills or stools, and troughs), built-in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners; and exterior components such as: painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, corner boards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills or stools and troughs, casings, sashes and wells, and air conditioners.

Containment—a barrier to protect workers and the environment by controlling exposures to the lead-contaminated dust and debris created during an abatement.

Course Agenda—an outline of the key topics to be covered during a training course, including the time allotted to teaching each topic.

Course Test—an evaluation of the overall effectiveness of the training that shall test the trainees' knowledge and retention of the topics covered during the course.

Course Test Blue Print—written documentation identifying the proportion of course test questions devoted to each major topic in the course curriculum.

Deteriorated Paint—paint that is cracking, flaking, chipping, or peeling from a building component.

Discipline—one of the specific types or categories of lead-based paint activities identified in this Chapter for which individuals may receive training from recognized providers and become certified by the department. For example, “lead worker” is a discipline.

Distinct Painting History—the application history, as indicated by its visual appearance or a record of application, over time, of paint or other surface coatings to a component or room.

Documented Methodologies—methods or protocols used to sample for the presence of lead in paint, dust, and soil. Documented methodologies that are appropriate to use for target housing and child-occupied facilities may be found in the U.S. Department of Housing and Urban Development (HUD) *Guidelines for the Evaluation and Control of Lead-based Paint Hazards in Housing*; the EPA *Guidance on Residential Lead-based Paint, Lead-contaminated Dust, and Lead-contaminated Soil* (FR47248, Vol. 60, No. 175); the EPA *Residential Sampling for Lead: Protocols for Dust and Soil Sampling* (EPA report number 7474-R-95-001); and other EPA or HUD guidance.

Elevated Blood Lead Level (EBL)—an excessive absorption of lead that is a confirmed concentration of lead in whole blood of $20\mu\text{g}/\text{dl}$ (micrograms of lead per deciliter of whole blood) for a single venous test or of $15\text{-}19\mu\text{g}/\text{dl}$ in two consecutive tests taken three to four months apart.

Encapsulant—a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating (with or without reinforcement materials) or an

adhesively bonded covering material. For the purposes of this Chapter, only coatings or materials determined to be encapsulants by ASTM procedures are acceptable.

Enclosure—the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.

Guest Instructor—an individual with expertise in a specific field who is designated by the training provider manager or principal instructor to provide instruction specific to certain course topics.

Hands-on Skills Assessment—an evaluation that tests the trainees' ability to perform specified work practices and procedures satisfactorily.

Inspection—a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation.

Interim Controls—a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and occupant education programs.

Lead Contractor—any person, including self-employed individuals, who bid and/or perform lead-based paint abatements.

Lead-based Paint—paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

Lead-based Paint Activities—in the case of target housing and child-occupied facilities, inspection, lead hazard screen, risk assessment, and abatement as defined by this Chapter. For the purposes of this Chapter, “lead-based paint activities” is equivalent to “lead hazard reduction activities” as defined in R.S. 30. 2351.1.

Lead-based Paint Hazard—any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as established by this Chapter. For the purposes of this Chapter, “lead-based paint hazard” is equivalent to “lead hazard” as defined in R.S. 30:2351.1.

Lead-contaminated Dust—surface dust in residential dwellings or child-occupied facilities that contains an area or mass concentration of lead at or in excess of clearance levels established by this Chapter.

Lead-contaminated Soil—bare soil on residential real property and on the property of a child-occupied facility that contains lead at or in excess of clearance levels as established by this Chapter.

Lead-contaminated Waste—any discarded material resulting from an abatement activity that fails the toxicity characteristic (LAC 33:V.4903.E) due to the presence of lead or any material that is a mixture of discarded material resulting from an abatement activity and some other material.

Lead Hazard Screen—a limited risk assessment activity conducted by an accredited risk assessor in target housing and child-occupied facilities that involves limited paint and dust sampling to determine the absence of a lead-based paint hazard as described in LAC 33:III.2811.D.

Lead Project Notification (LPN)—the notification document required by the department to report lead abatement projects. For the purposes of this Chapter, a completed

notification, approved by the department and returned to the lead contractor, serves as a permit to proceed with the abatement project.

Living Area—any area of a residential dwelling used by one or more children six years of age and under including, but not limited to, living rooms, kitchen areas, dens, play rooms, and children's bedrooms.

Multi-family Dwelling—a building that has more than one residential dwelling unit.

Owner/Operator—any person who owns, leases, operates, controls, or supervises the building where an abatement occurs, or any person who owns, leases, operates, controls, or supervises an abatement.

Paint In Poor Condition—more than 10 square feet of deteriorated paint on exterior components with large surface areas, more than two square feet of deteriorated paint on interior components with large surface areas (e.g., walls, ceilings, floors, doors), or more than 10 percent of the total surface area of the component is deteriorated on interior or exterior components with small surface areas (window sills, baseboards, soffits, trim).

Permanently Covered Soil—soil that has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, such as asphalt, pavement, or concrete. Grass, mulch, and other landscaping materials that are permeable are not considered permanent covering.

Person—any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, governmental body, including the state and the federal government and its agencies, or any other legal entity or their legal representatives, agents, or assignees.

Personal Protection Equipment (PPE)—specialized clothing and equipment including, but not limited to, respirators, masks, and gloves designed to protect workers against chemical and physical hazards.

Principal Instructor—the individual who has the primary responsibility for organizing and teaching a particular course.

Public Entity—the state, any of its political subdivisions, or any agency or instrumentality of either.

Recognized Laboratory—an environmental laboratory recognized by EPA, in accordance with Toxics Substance Control Act (TSCA) Section 405(b), as being capable of performing an analysis for lead compounds in paint, soil, and dust.

Recognized Training Provider—a person approved by the department, in accordance with this Chapter, to provide training in lead-based paint activities.

Reduction—measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.

Residential Dwelling—a detached single family dwelling unit, including attached structures such as porches and stoops, or a single family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

Risk Assessment—an on-site investigation conducted by an accredited risk assessor to determine the existence, nature, severity, and location of lead-based paint hazards and the provision of a report explaining the results of the investigation and providing options for reducing lead-based paint hazards.

Target Housing—any housing constructed prior to 1978, except housing for the elderly or persons with disabilities, unless any child who is six years of age or under resides or is

expected to reside in such housing for the elderly or persons with disabilities, or any zero-bedroom dwelling.

Training Curriculum—an established set of course topics for instruction in a recognized training program for a particular discipline designed to provide specialized knowledge and skills.

Training Hour—at least 50 minutes of actual teaching including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.

Training Manager—the individual responsible for administering a training program and monitoring the performance of the principal instructors and guest instructors.

Visual Inspection for Clearance Testing—the visual examination of the abatement site following an abatement action by an accredited inspector or accredited risk assessor for evidence that the abatement has been successfully completed, as indicated by the absence of visible residue, dust, and debris.

Visual Inspection for Risk Assessment—the visual examination by an accredited risk assessor to determine the existence of deteriorated lead-based paint or other potential sources of lead-based paint hazards.

Window Sill—the portion of the horizontal window ledge that protrudes into the interior of the room, adjacent to the window sash when the window is closed.

Window Trough—the portion of the horizontal window sill that receives the window sash when the window is closed, often located between the storm window and the interior window sash (sometimes called the window well). If there is no storm window, the window trough is the portion of horizontal window trim that receives both the upper and lower window sash when the sashes are closed.

XRF Analyzer—an instrument that determines the amount of lead in a given area using the principle of x-ray fluorescence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR

§2805. Recognition and Standards for Training Providers

A. Application Process. After March 20, 1998, a training provider shall not provide, offer, or claim to provide lead training courses for accreditation purposes without applying for and receiving recognition from the department. For a training provider to receive recognition for itself and its courses from the department, the following procedures shall be followed:

1. a training provider may seek recognition to offer initial and refresher training courses in the following disciplines: lead inspector, risk assessor, lead project supervisor, lead project designer, and lead worker;
2. a training provider seeking recognition shall submit to the department the appropriate fees, as required in LAC 33:III.223, and a written application containing the following information:

- a. the training provider's name, address, and telephone number;
- b. a list of initial and refresher training courses for which recognition is sought;

- c. a statement signed by the training manager that certifies that the training provider meets the minimum requirements established in Subsection B of this Section;
- d. a signed statement by the training manager certifying that each instructor meets the qualifications described in Subsection B.2 of this Section;
- e. a statement signed by the training manager that certifies that the provider will use, if available, EPA-developed and -authorized model training materials. Alternatively, if a training provider does not use EPA-developed and -authorized training materials, its application for accreditation shall include a copy of the student and instructor manuals to be used for each course and a copy of the course agenda, which includes the time allocation for each course topic;
- f. a copy of the test blueprint, which describes the proportion of course test questions devoted to each major course topic;
- g. a description of the facilities and equipment available for lecture and hands-on training;
- h. a description of the procedures for conducting the assessment of hands-on skills;
- i. a copy of the quality control plan as described in Subsection B.10 of this Section; and
- j. an example of numbered certificates, as described in Subsection B.8 of this Section, to be issued to students who successfully complete the training course;

3. the department shall approve or disapprove a request for recognition within 30 days of receiving the application from a training provider. Approved applicants will be notified in writing. Recognition will expire one year from the date on the approval letter. If the application is not approved, a letter describing the reasons for disapproval shall be sent to the applicant. The department may require submission of additional information, as needed. If a training provider's application is disapproved, the provider may reapply for recognition at any time.

4. a training provider may seek recognition for additional initial or refresher training courses at any time as long as the provider can demonstrate that it meets the minimum requirements of Subsection B of this Section.

B. Requirements for the Recognition of Training Providers. For a training provider to obtain recognition from the department to offer lead-based paint activities courses, the provider shall demonstrate, through its application materials, that it meets the following requirements for each course for which the provider is seeking recognition:

1. the training provider shall employ a training manager who has the primary responsibility for ensuring that the provider complies with the requirements of this Chapter. The training manager shall have:

- a. at least two years of experience, education, or training in teaching adults; or
- b. a bachelor's or graduate degree in building construction technology, science, engineering, industrial hygiene, safety, public health, education, business administration, or program management; or
- c. two years of experience in managing a program specializing in environmental hazards; and
- d. at least one year of experience, education, or training in the construction industry, including lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene;

2. all lead courses shall be organized and taught by qualified principal instructors. The training provider shall employ qualified principal instructors for each course who have:
 - a. at least one year of experience, education, or training in teaching adults;
 - b. training in the lead courses they are teaching; and
 - c. at least one year of experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene;
3. the training manager may employ qualified guest instructors to provide instruction in specific areas of expertise, such as legal issues, health effects, insurance and technology, or equipment demonstrations;
4. the following documents shall be recognized by the department as evidence that training managers and principal instructors have the relevant education, work experience, training requirements, and demonstrated experience:
 - a. official academic transcripts or diploma, as evidence of meeting the educational requirements;
 - b. resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements; and
 - c. certificates from train-the-trainer courses and lead-specific training courses, as evidence of meeting the training requirements;
5. the training provider shall provide adequate facilities for lecture, course tests, hands-on training, and assessment. This includes providing training equipment that reflects current work practices and maintaining or updating the equipment and facilities as needed;
6. the training provider shall provide training courses that meet the following training hour requirements:
 - a. the lead inspector course shall consist of a minimum of 24 training hours, with a minimum of eight hours devoted to hands-on training. The minimum curriculum required for this course is established in Subsection C.1 of this Section;
 - b. the risk assessor course shall consist of a minimum of 16 training hours with a minimum of four hours devoted to hands-on training, which includes site visits. The minimum curriculum required for this course is established in Subsection C.2 of this Section;
 - c. the lead project supervisor course shall consist of a minimum of 32 training hours, with a minimum of eight hours devoted to hands-on training. The minimum curriculum required for this course is established in Subsection C.3 of this Section;
 - d. the lead project designer course shall consist of a minimum of eight training hours. The minimum curriculum required for this course is established in Subsection C.4 of this Section; and
 - e. the lead worker course shall consist of a minimum of 24 training hours, with a minimum of eight hours devoted to hands-on training. The minimum curriculum required for this course is established in Subsection C.5 of this Section;
7. for each course offered, the training provider shall conduct a course test at the completion of the course. In addition, at the completion of the hands-on skills training the principal instructor(s) shall conduct assessment of each student's hands-on skills. The student must demonstrate proficiency at hands-on skills to the satisfaction of the instructor and score 70 percent or greater on the course test to pass any course:

- a. the training manager is responsible for maintaining the validity and integrity of the hands-on skills assessment to ensure that it accurately evaluates the students' performance of the work practices and procedures associated with the course topics;
 - b. the training manager is responsible for maintaining the validity and integrity of the course test to ensure that it accurately evaluates the students' knowledge and retention of the course topics; and
 - c. the course tests shall be developed in accordance with the test blueprint submitted with the application;
8. training providers shall issue unique initial and refresher training course completion certificates to each individual who successfully completes the course requirements. The course completion certificate shall include:
- a. a unique certificate number;
 - b. the name, social security number or unique equivalent identification number, and address of the individual;
 - c. the name of the particular course that the individual completed;
 - d. the dates of course completion/test passage;
 - e. the name/address/telephone number of the training provider; and
 - f. a certified statement signed by the training manager that certifies that the training received complies with the requirements of this Chapter. The statement must read as follows, "Under civil and criminal penalties of law for the making or submission of false or fraudulent statements or representations (18 U.S.C. 1001, 15 U.S.C. 2615, and R.S. 30:2025), I certify that this training complies with all applicable requirements of Title IV of TSCA, 40 CFR part 745, and LAC 33:III.2805";
9. the training provider shall submit rosters, including photographs of participants, to the department within 10 working days of course completion. For each course, the training provider shall provide three photographs of each student:
- a. one 1" x 1 1/4" photograph for the trainee to submit to the department with the application for certification;
 - b. one 1" x 1 1/4" photograph for the class roster submitted to the department by the training provider; and
 - c. one 1" x 1 1/4" photograph for the training provider to keep on file;
10. the training manager shall develop and implement a quality control plan. The plan shall be used to maintain or improve the quality of the training program over time. This plan shall contain at least the following elements:
- a. procedures for periodic revision of training materials and course tests to reflect innovations in the field; and
 - b. procedures for the training manager's annual review of instructor competency;
11. training providers shall offer courses that teach the appropriate standards for conducting lead-based paint activities contained in LAC 33:III.2811, and other such standards adopted by the department;
12. the training manager shall be responsible for ensuring that the training provider complies at all times with all of the requirements of this Section;
13. the training manager shall allow the department to audit the training provider at any time during normal working hours;

14. training providers must be recognized to offer the initial training courses in order to offer the corresponding refresher training course(s):

- a. a recognized refresher training course shall address the following topics:
 - i. an overview of current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline;
 - ii. current laws and regulations relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline; and
 - iii. current technologies relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline;
- b. the annual refresher courses shall last a minimum of eight training hours;
- c. for each course offered the training provider shall conduct a hands-on assessment, as applicable, and at the completion of the course, a course test that the student must pass with a score of 70 percent or better; and

15. unannounced audits may be performed by the department to verify the certified statements, other contents of the application, and compliance with this Chapter.

C. Minimum Training Curricula Requirements. To maintain recognition training providers must ensure that their courses of study for the various lead-based paint activities disciplines cover the following subject areas. Passing students shall be provided with a course completion certificate:

NOTE: Listed requirements ending in an asterisk (*), for this Subsection only, indicate areas that require hands-on experience as an integral component of the course.

- 1. Lead Inspector:
 - a. role and responsibilities of lead inspector;
 - b. background information on lead and its adverse health effects;
 - c. background information on federal, state, and local regulations and guidance that pertains to lead-based paint and lead-based paint activities;
 - d. lead-based paint inspection methods, including selection of rooms and components for sampling or testing;*
 - e. paint, dust, and soil sampling methodologies;*
 - f. clearance standards and testing, including random sampling;*
 - g. formulation and implementation of the final inspection report;* and
 - h. recordkeeping;
- 2. Risk Assessor (inspector course completion certificate required as prerequisite):
 - a. role and responsibilities of risk assessor;
 - b. collection of background information to perform a risk assessment;
 - c. sources of environmental lead contamination such as paint, surface dust and soil, water, air, packaging, and food;
 - d. visual inspection for the purposes of identifying lead-based paint, lead-contaminated dust, and lead-contaminated soil;*
 - e. lead hazard screen protocol;
 - f. sampling for other sources of lead exposure;*
 - g. interpretation of lead-based paint and other lead sampling results;*
 - h. development of hazard control options, the role of interim controls, and operations and maintenance to reduce lead hazards; and

- i. preparation of a final risk assessment report;
- 3. Lead Project Supervisor:
 - a. role and responsibilities of lead project supervisor;
 - b. background information on lead and its adverse health effects;
 - c. background information on federal, state, and local regulations and guidance that pertain to lead-based paint abatement;
 - d. liability and insurance issues relating to lead-based paint abatement;
 - e. contract specifications, including conformance with building codes and cost estimation;
 - f. community relations;
 - g. project management and supervisory techniques;
 - h. risk assessment and inspection report interpretation;*
 - i. development and implementation of an occupant and worker protection plan and abatement report;
 - j. hazard recognition and control;*
 - k. lead-based paint abatement and lead hazard reduction methods, including restricted practices;*
 - l. interior dust abatement/cleanup or lead hazard control and reduction methods;*
 - m. soil and exterior dust abatement or lead hazard control and reduction methods;*
 - n. clearance standards and testing;
 - o. cleanup and waste disposal; and
 - p. recordkeeping;
- 4. Project Designer (lead project supervisor course completion certificate required as a prerequisite):
 - a. role and responsibilities of project designer;
 - b. development and implementation of an occupant and worker protection plan for large-scale abatement projects;
 - c. lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices for large-scale abatement projects;
 - d. interior dust abatement/cleanup or lead hazard control and reduction methods for large-scale abatement projects;
 - e. clearance standards and testing for large-scale abatement projects; and
 - f. integration of lead-based paint abatement methods with modernization and rehabilitation projects for large-scale abatement projects; and
- 5. Lead Worker:
 - a. role and responsibilities of lead worker;
 - b. background information on lead and its adverse health effects;
 - c. background information on federal regulations that must include 29 CFR 1926.62(l), state, and local regulations and federal and state guidance that pertain to lead-based paint abatement;
 - d. lead-based paint hazard recognition and control;*
 - e. personal protection equipment and personal hygiene;*
 - f. lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices;*

g. interior dust abatement methods/cleanup/waste disposal or lead-based paint hazard reduction;* and

h. soil and exterior dust abatement methods/cleanup/waste disposal or lead-based paint hazard reduction.*

D. Renewal of Training Provider's Recognition

1. A training provider seeking renewal of its recognition shall submit, along with the appropriate fees as required in LAC 33:III.223 and an application to the department, 60 days prior to its expiration date. If a training provider does not submit its renewal application by that date, the department cannot guarantee the application will be reviewed and acted upon before the end of the one-year period.

2. The training provider's application for renewal of recognition shall contain:

- a. the training provider's name, address, and telephone number;
- b. a list of courses for which it is applying for renewal of recognition;
- c. a description of any changes or updates to the training facility, equipment, or course materials; and

d. a statement signed by the training manager that certifies that:

i. the course materials for each course meet the requirements in Subsection C.1-5 of this Section, as appropriate;

ii. the principal instructors and guest instructors meet the qualifications in Subsection B.2-3 of this Section;

iii. the training manager complies at all times with all requirements in Subsection B of this Section;

iv. the quality control program meets the requirements in Subsection B.10 of this Section; and

v. the recordkeeping and reporting requirements of Subsection H of this Section shall be followed.

3. A signed statement disclosing any violations of regulations governing training providers for which the applicant has been cited by any state or federal regulatory agency in the past year shall be submitted to the department. If no citation has been received during the previous year, that fact shall be stated. This disclosure shall include evidence that all penalties and fees assessed to the applicant are paid in full.

E. Notification Requirements. A training provider scheduling lead-based paint activities courses shall notify the department in writing as follows:

1. the written notification shall be received by the department at least 10 days before the start of initial training courses;

2. the written notification shall be received by the department at least five days before the start of refresher training courses;

3. the written notification shall be received by the department at least three days before the start of two-hour Louisiana regulations courses;

4. the department shall be notified in writing of course location and time changes or cancellations within 24 hours of the initial class day;

5. in the notification, the training provider shall submit to the department the following information:

a. the name of the training course to be taught;

b. the dates and length of the training course;

c. the principal/guest instructors that will be teaching the course;

- d. the name and telephone number of the training manager; and
- e. the location where the course will be taught; and

6. the training course shall not start before the start date noted on the notification.

F. Suspension and Revocation of Recognized Training Providers

1. The department may suspend or revoke training provider recognition if a training provider has:

- a. misrepresented the contents of a training course to the department and/or the student population;
- b. failed to submit required information or notifications in a timely manner;
- c. failed to maintain required records;
- d. falsified records required by this Chapter, instructor qualifications, or other recognition information;
- e. failed to comply with the training standards and other requirements of this Chapter;
- f. failed to comply with federal, state, or local lead-based paint statutes or regulations; or
- g. made false or misleading statements to the department, EPA, or another state in its application for recognition.

2. Suspension of training provider recognition shall be for no less than one year.

Revocation of recognition shall be for no less than three years.

G. Training Provider Recordkeeping Requirements

1. Recognized training providers shall maintain, and make available to the department if requested, the following records:

- a. all documents specified in Subsection B.4 of this Section that demonstrate the qualifications listed in Subsection B.1-3 of this Section of the training manager, principal instructors, and guest instructors;
- b. current curriculum/course materials and documents reflecting any changes made to these materials;
- c. the course test blueprint;
- d. information on how the hands-on assessment is conducted including, but not limited to, who conducts the assessment, how the skills are graded, what facilities are used, and the pass/fail rate;
- e. the quality control plan as described in Subsection B.10 of this Section; and
- f. results of the student's hands-on skills assessments and course tests, and a copy of each student's course completion certificate and photograph.

2. Training providers may maintain records electronically.

3. The training provider shall retain these records at the location (i.e., address) specified on the training provider recognition application for five years.

4. The training provider shall notify the department 30 days prior to relocating its business or transferring its records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, and 30:2351 et. seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR

§2807. Accreditation of Individuals**A. Accreditation Requirements**

1. Following the submission of an application and appropriate fees that meet the requirements of this Section and a determination by the department that an individual has met the applicable requirements to perform lead-based paint activities, the department shall certify the applicant in one or more of the following disciplines:

- a. lead inspector;
- b. risk assessor;
- c. lead project supervisor;
- d. lead project designer; or
- e. lead worker.

2. After March 20, 1998, individuals must be accredited by the department to engage in lead-based paint activities.

3. An individual seeking accreditation must have successfully completed the appropriate lead training course offered by a recognized training provider.

4. After September 30, 1998, individuals seeking accreditation in the lead inspector, risk assessor, lead project supervisor, or lead project designer disciplines must pass the applicable state lead certification examination given by the department or its proxy. Individuals must pass the state lead certification examination, with a score of 70 or above, within 30 days of receiving a course completion certificate. Individuals who fail the state exam will be allowed to take the exam a second time within the 30 day period. If they do not pass the applicable state lead certification examination, they must take the appropriate course again from a recognized training provider and resubmit an application, along with the application fee, for testing in the applicable discipline. Anyone who fails the test four times within a six-month period may not apply for testing in that category for 90 days.

5. In order to take the state lead certification examination for a particular discipline, an individual shall present the following:

- a. a valid course completion certificate for that discipline from a recognized training provider;
- b. photographic proof of identity; and
- c. documentation that the applicant meets the education and experience qualifications described in Subsection B of this Section.

6. An application for initial accreditation with the department shall include the following:

- a. a completed and signed application form;
- b. a copy of the initial course completion certificate and any subsequent refresher course completion certificates from recognized training providers in the discipline for which accreditation is sought, or a valid course completion certificate from another EPA-authorized state-recognized training provider. Workers who have received less than 24 hours of initial training must also submit proof of eight hours of training in 29 CFR 1926.62 (l);
- c. a 1" x 1 1/4" photograph of the applicant issued by the recognized training provider;
- d. proof of meeting the education and experience requirements listed in Subsection B of this Section;

e. a copy of the graded state lead certification examination (if applicable);
and

f. the appropriate fees as required in LAC 33:III.223.

7. The following documents shall be recognized by the department as proof of meeting the requirements listed in this Section:

- a. official academic transcripts or diplomas;
- b. resumes, letters of reference, or documentation of work experience; and
- c. valid course completion certificates from recognized training providers.

8. Applications for accreditation or reaccreditation may be denied for:

- a. failure to submit the required documentation and fees;
- b. submission of inaccurate or falsified information; and
- c. failure to comply with this Chapter.

9. Upon meeting the provisions of this Section, the applicant will be issued an accreditation certificate by the department. The anniversary of the original issue date of the certificate shall become the annual expiration/renewal date of accreditation. The accreditation certificate shall be valid for one year. The accreditation and training expiration dates shall be concurrent.

B. Education and Experience Requirements for the Lead Disciplines

1. To qualify for accreditation as a lead inspector, risk assessor, lead project supervisor, or lead project designer, an individual must:

- a. successfully complete an initial course in the appropriate discipline and receive a course completion certificate from a recognized training provider;
- b. pass the state lead certification examination in the appropriate discipline offered by the department or its proxy; and

- c. meet or exceed the following experience and/or education requirements:
 - i. Lead Inspectors: a high school diploma (or equivalent);
 - ii. Risk Assessors:

(a). successful completion of a recognized training course for inspectors and bachelor's degree and one year of experience in lead, asbestos, or environmental remediation work, or an associates degree and two years experience in lead, asbestos, or environmental remediation work;

(b). certification as an industrial hygienist, professional engineer, or registered architect;

(c). certification in an engineering, health, or environmental field (specifically, safety professional or environmental scientist); or

(d). a high school diploma (or equivalent), and at least four years of experience in lead, asbestos, or environmental remediation work;

iii. Lead Project Supervisor: a high school diploma (or equivalent) and at least two years of experience in lead, asbestos, or environmental remediation work or in the building trades;

iv. Project Designers:

(a). bachelor's degree in engineering or architecture and one year of experience in building construction and design or a related field; or

(b). five years of experience in building construction and design.

2. To qualify for accreditation as a lead worker an individual must successfully complete an initial lead worker training course and receive a course completion certificate from a recognized training provider. There are no additional experience and/or education requirements.

C. Accreditation Based on Prior Training

1. Individuals in all disciplines who received lead-based paint activities training between January 1, 1995, and March 20, 1998, shall be eligible for accreditation by completing the following procedures:

- a. submit a completed and signed application form;
- b. submit the appropriate certificate from an EPA-model-curriculum course;
- c. submit a 1" x 1 1/4" photograph of the applicant;
- d. meet the requirements listed in Subsection B of this Section; and
- e. submit the appropriate fees as required under LAC 33:III.223.

2. Individuals have until September 30, 1998, to apply for accreditation under the procedures in Subsection C.1 of this Section. After that date all individuals wishing to obtain accreditation must do so through the procedures described in Subsection A of this Section.

D. Reaccreditation

1. To maintain accreditation individuals must be annually recertified by the department.

2. To maintain continuous accreditation an individual shall:
- a. successfully complete the appropriate refresher course given by a recognized training provider within 60 days of the accreditation expiration date;
 - b. submit a copy of the refresher course completion certificate to the department;
 - c. submit a 1" x 1 1/4" photograph of the applicant issued by the recognized training provider;
 - d. submit a signed and completed application form; and
 - e. submit the appropriate fees as required in LAC 33:III.223.

3. If the individual seeking reaccreditation receives refresher training earlier than 60 days prior to expiration or any time after the expiration date on the accreditation certificate, then the individual will receive a new expiration date.

4. If the individual fails to receive refresher training within one year after the accreditation expiration date, the individual must retake the initial training course for the appropriate discipline to become recertified.

5. Any applicant who was certified initially in accordance with Subsection C of this Section must pass the appropriate state lead certification examination prior to being recertified by the department.

6. The department may require applicants to pass the state lead certification examination in the appropriate discipline every three years.

E. Suspension and Revocation of Accreditations of Individuals Engaged in Lead-based Paint Activities

1. The department may suspend or revoke an individual's accreditation if an individual has:

- a. obtained training documentation through fraudulent means;
- b. gained admission to and completed a recognized training course through misrepresentation of admission requirements;

- c. obtained accreditation through misrepresentation of accreditation requirements or related documents dealing with education, training, professional registration, or experience;
- d. performed work requiring accreditation at a job site without having proof of accreditation;
- e. permitted the duplication or use of the individual's own certificate or photo identification by another;
- f. performed work for which accreditation is required, but for which appropriate accreditation has not been received;
- g. failed to comply with state lead-based paint statutes or regulations; or
- h. failed to comply with the appropriate work practice standards for lead-based paint activities.

2. When suspension of accreditation credentials occurs, it shall be for no less than one year. When revocation occurs, it shall be for no less than three years. Penalties may also be assessed according to R.S. 30:2351.25.D.

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HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR

§2809. Licensure of Lead Contractors

A. Licensure Requirements

1. In order to bid and/or perform abatement activities, lead contractors must obtain a lead-based paint abatement and removal license from the State of Louisiana Licensing Board for Contractors. As of November 1, 1998, prior to obtaining an initial or renewal license, the lead contractor must submit an application for approval, along with the appropriate fees as required in LAC 33:III.223, to the department and certify to the department that the following criteria have been met:

- a. each person who conducts lead-based paint activities for the lead contractor is annually accredited in accordance with the provisions of LAC 33:III.2807;
- b. the lead contractor has access to at least one disposal site to receive lead-contaminated waste that may be generated by the lead contractor during the term of the license;
- c. the lead contractor will incorporate the work practice standards in LAC 33:III.2811 so as to prevent the contamination or recontamination of the environment and protect the public health from the hazards of exposure to lead;
- d. the lead contractor possesses a worker protection and medical surveillance program consistent with the requirements of the Occupational Safety and Health Administration (OSHA) and/or the state health officer;
- e. an accredited lead project supervisor shall be present at all times during all of the lead contractor's abatements; and
- f. the lead contractor shall maintain all records as required by this Chapter.

2. Once the person receives a letter of approval, he can apply to the State of Louisiana Licensing Board for Contractors to request a license, subject to its approval. The qualifying party must be accredited as a lead project supervisor.

3. Applications for approval may be denied for:

- a. failure to submit the required documentation and fees;
- b. submission of inaccurate or falsified information; or
- c. failure to comply with any of the provisions of this Chapter.

4. Letters of approval shall be valid for one year from date of issuance. In order for lead contractors to be granted renewal, they must follow the procedures of this Subsection.

5. Lead contractors shall also submit to the department a signed statement disclosing any violations of state lead-based paint statutes or regulations for which the lead contractor may have been cited by the department or other state or federal agencies. If no citations were received since issuance of the previous letter of approval, that fact shall be stated. The disclosure shall include evidence that all penalties and fees assessed to the lead contractor have been paid in full. The department must receive the statement within 30 days of the renewal date, and the statement must be signed by the owner or an officer of the lead contractor's business. The department will approve or disapprove the application within 30 days of receipt of the application.

B. Suspension and Revocation of Letters of Approval for Lead Contractors

1. The department may suspend and/or revoke a lead contractor's letter of approval if the lead contractor performed work requiring licensure at a job site under one or more of the following situations:

- a. with individuals who are not accredited and/or who have not successfully completed discipline-specific training in accordance with LAC 33:III.2807;
- b. failed to use disposal sites approved by the department to receive lead-contaminated waste that may be generated by the lead contractor during the term of the license;
- c. failed to follow work practice standards that adequately protect the environment and public health from the hazards of exposure to lead;
- d. failed to utilize a worker protection and medical surveillance program consistent with the requirements of the OSHA and/or the state health officer;
- e. failed to have an accredited lead project supervisor present during the abatement project; or
- f. failed to maintain required records.

2. In addition to the situations listed in Subsection B.1 of this Section, the department may suspend or revoke the letter of approval of lead contractors that have failed to comply with any of the provisions of this Chapter.

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§2811. Work Practice Standards for Conducting Lead-based Paint Activities for Target Housing and Child-occupied Buildings

A. Applicability and Terms

1. All lead-based paint activities shall be performed in accordance with the work practice standards contained in this Section.

2. When performing an inspection, lead-hazard screen, risk assessment, or abatement, an accredited individual must perform that activity in compliance with the appropriate requirements contained in this Section.

3. Documented methodologies that are appropriate for this Section are found in the following: The U.S. Department of Housing and Urban Development (HUD) *Guidelines for the Evaluation and Control of Lead-based Paint Hazards in Housing*; the EPA *Guidance on Residential Lead-based Paint, Lead-contaminated Dust, and Lead-contaminated Soil*; the EPA *Residential Sampling for Lead: Protocols for Dust and Soil Sampling* (EPA report number 7474-R-95-001); and other equivalent methods and guidelines approved by EPA and/or HUD.

4. Clearance levels that are appropriate for the purposes of this Section are listed as follows:

- a. dust wipes from floors/carpets: 100 µg/ft²;
- b. dust wipes on window sills: 500 µg/ft²;
- c. dust wipes on window troughs: 800 µg/ft²;
- d. dust wipes from exterior surfaces: 800 µg/ft²;
- e. lead-contaminated bare soil and lead-contaminated covered soil in areas expected to be used by children: 400 µg/g; and
- f. lead-contaminated covered soil in areas where contact by children is less likely or infrequent: 2000 µg/g.

5. If using x-ray fluorescence spectroscopy (XRF) to test for the presence of lead-based paint, XRF shall be used according to the manufacturer's procedures. The XRF must be licensed in accordance with regulations of the Louisiana Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division.

B. Inspection

1. An inspection shall be conducted only by an accredited inspector or an accredited risk assessor according to the procedures in this Subsection.

2. When conducting an inspection, the following locations shall be selected according to documented methodologies and tested for the presence of lead-based paint:

- a. in a residential dwelling and child-occupied facility, each component with a distinct painting history and each exterior component with a distinct painting history, except those components that the inspector or risk assessor determines to have been replaced after 1978 or to not contain lead-based paint; and
- b. in a multi-family dwelling or child-occupied facility, each component with a distinct painting history in every common area, except those components that the inspector or risk assessor determines to have been replaced after 1978 or to not contain lead-based paint.

3. Paint shall be sampled in the following manner:

- a. paint shall be analyzed to determine the presence of lead using documented methodologies that incorporate adequate quality control procedures; and/or
- b. all collected paint chip samples shall be analyzed by a recognized laboratory to determine the concentration of lead.

4. The accredited inspector or the accredited risk assessor shall prepare an inspection report that shall include the following information:

- a. date of each inspection;
- b. address of building;
- c. date of construction;
- d. apartment numbers (if applicable);

- e. name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility;
- f. name, signature, and accreditation number of each inspector and/or risk assessor conducting testing;
- g. name, address, and telephone number of the licensed firm employing each inspector and/or risk assessor, if applicable;
- h. name, address, and telephone number of each recognized laboratory conducting an analysis of collected samples;
- i. each testing method and device and/or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any XRF device;
- j. specific locations of each painted component tested for the presence of lead-based paint;
- k. all data collected using on-site testing devices; and
- l. results of the inspection expressed in terms appropriate to the sampling method used.

C. Lead Hazard Screen

1. A lead hazard screen shall be conducted only by an accredited risk assessor to determine the absence of a lead-based paint hazard in target housing and child-occupied facilities constructed after 1960. Lead hazard screens or similar lead hazard surveys shall not be used to determine the extent of lead-based paint hazards in target housing and child-occupied facilities.

2. The following criteria determine the presence or absence of lead-based paint hazards:

- a. any dust sample collected during the screen that contains a lead level greater than half of the applicable clearance level for the tested component; or
- b. any sampled paint that is found to be lead-based paint.

3. A lead hazard screen shall be conducted as follows:

- a. background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children, age six years and under, shall be collected;
- b. a visual inspection of the residential dwelling or child-occupied facility shall be conducted to:

- i. determine if any deteriorated paint is present; and
- ii. locate at least two dust sampling locations;
- c. if deteriorated paint is present, each surface with deteriorated paint that is determined, using documented methodologies, to be in poor condition and to have a distinct painting history shall be tested for the presence of lead;

d. in residential dwellings two composite dust samples shall be collected, one from the floors and the other from the windows, in rooms, hallways, or stairwells where one or more children, age six years and under, are most likely to come in contact with dust; and

e. in multi-family dwellings or child-occupied facilities, in addition to the floor and window samples, the risk assessor shall also collect composite dust samples from common areas where one or more children, age six years and under, are most likely to come into contact with dust.

4. Dust samples shall be collected and analyzed in the following manner:

- a. all dust samples shall be taken using documented methodologies that incorporate adequate quality control procedures; and
- b. all collected dust samples shall be analyzed by a recognized laboratory to determine the concentration of lead.

5. Paint shall be sampled in the following manner:

- a. paint shall be analyzed to determine the presence of lead using documented methodologies that incorporate adequate quality control procedures; and/or
- b. all collected paint chip samples shall be analyzed by a recognized laboratory to determine the concentration of lead.

6. The risk assessor shall prepare a lead hazard screen report, which shall include the following information:

- a. the information required in a risk assessment report as specified in Subsection D.11 of this Section. Additionally, any background information collected in accordance with Subsection D.3 of this Section shall be included in the risk assessment report; and
- b. recommendations, if warranted, for a follow-up risk assessment and, as appropriate, any further actions.

D. Risk Assessment

1. A risk assessment shall be conducted only by an accredited risk assessor and, if conducted, must be conducted according to the procedures in this Subsection.

2. A visual inspection for risk assessment of the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and determine other potential lead-based paint hazards.

3. Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children, age six years and under, shall be collected.

4. Each surface with deteriorated paint that is determined, using documented methodologies, to be in poor condition and to have a distinct painting history shall be tested for the presence of lead. Each other surface determined, using documented methodologies, to be a potential lead-based paint hazard and having a distinct painting history shall also be tested for the presence of lead.

5. In residential dwellings dust samples (either composite or single-surface samples) from the window and floor shall be collected in all living areas where one or more children, age six years and under, are most likely to come into contact with lead-contaminated dust.

6. For multi-family dwellings and child-occupied facilities, the samples required in Subsection D.4 of this Section shall be taken. In addition, window and floor dust samples (either composite or single-surface samples) shall be collected in the following locations:

- a. common areas adjacent to the sampled residential dwelling or child-occupied facility; and
- b. other common areas in the building where the risk assessor determines that one or more children, age six years and under, are likely to come into contact with lead-contaminated dust.

7. For child-occupied facilities window and floor dust samples (either composite or single-surface samples) shall be collected in each room, hallway, or stairwell utilized by one or more children, age six years and under, and in other common areas in the child-occupied facility

where the risk assessor determines one or more children, age six years and under, are likely to come into contact with lead-contaminated dust.

8. Soil samples shall be collected and analyzed for lead concentrations in the following locations:

- a. exterior play areas where bare soil is present; and
- b. dripline/foundation areas where bare soil is present.

9. Any paint, dust, or soil sampling or testing shall be conducted using documented methodologies that incorporate adequate quality control procedures.

10. Any collected paint chip, dust, or soil samples shall be analyzed by a recognized laboratory to determine the concentration of lead.

11. The accredited risk assessor shall prepare a risk assessment report that shall include the following information:

- a. date of assessment;
- b. address of each building;
- c. date of construction of buildings;
- d. apartment number (if applicable);
- e. name, address, and telephone number of each owner of each building;
- f. name, signature, and accreditation of the accredited risk assessor conducting the assessment;
- g. name, address, and telephone number of the licensed firm employing each accredited risk assessor, if applicable;
- h. name, address, and telephone number of each recognized laboratory conducting analysis of collected samples;
- i. results of the visual inspection;
- j. testing method and sampling procedure employed for paint analysis;
- k. specific locations of each painted component tested for the presence of lead;
- l. all data collected from on-site testing, including quality control data and, if used, the serial number of any XRF device;
- m. all results of laboratory analysis on collected paint, soil, and dust samples;
- n. any other sampling results;
- o. any background information collected in accordance with Subsection D.3. of this Section;
- p. to the extent that they are used as part of the lead-based paint hazard determination, results of any previous inspections or analyses for presence of lead-based paint or other assessments of lead-based paint-related hazards;
- q. description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazards; and
- r. description of interim controls and/or abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

E. Abatement

1. An abatement shall be conducted only by persons accredited by the department according to the procedures in this Section.

2. An accredited lead project supervisor must be present at all times for each abatement project, as described in the lead project notification.
3. The accredited lead project supervisor and the lead contractor employing that supervisor shall ensure that all abatement activities are conducted according to the requirements of this Section.
4. The lead contractor shall notify the department in writing of abatement activities.
 - a. The written notification shall be submitted, along with the appropriate fees, and received by the department on a department-approved form, the Lead Project Notification (LPN) form, at least 10 working days before beginning any on-site work at the lead abatement project. The department shall be notified of changes 24 hours before start-up.
 - b. The project shall not start before the start date noted on the LPN. The department shall be notified if the operation will stop for a day or more during the project time noted on the LPN or if the project has been canceled or postponed. The firm shall also give notice 24 hours before the completion of a project. Notice should be submitted to the department with written follow-up and fax notification to the appropriate regional office.
 - c. Notifications of less than 10 working days constitutes an emergency notification and must be accompanied by the appropriate processing fees (LAC 33:III.223).
5. A written occupant and worker protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures:
 - a. the occupant protection plan shall be unique to each residential dwelling or child-occupied facility and be developed prior to the abatement. The occupant protection plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards;
 - b. the worker protection plan shall describe the measures taken to ensure worker protection that are consistent with OSHA (29 CFR 1926.62) and/or the state health officer requirements; and
 - c. an accredited lead project supervisor or project designer shall prepare the occupant and worker protection plans.
6. The work practices shall be restricted during an abatement as follows:
 - a. open-flame burning or torching of lead-based paint is prohibited;
 - b. machine sanding or grinding or dry abrasive blasting or sandblasting of lead-based paint is prohibited unless used with attached High Efficiency Particulate Air (HEPA) vacuum-shrouded exhaust control, which removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency;
 - c. operating a heat gun on lead-based paint is permitted only at temperatures below 1100 degrees Fahrenheit; and
 - d. dry scraping of lead-based paint is permitted only in conjunction with heat guns or adjacent to electrical outlets or when treating defective paint spots totaling no more than two square feet in any one room, hallway, or stairwell or totaling no more than 20 square feet on exterior surfaces.
7. For any exterior abatement of lead-based paint, pre-abatement composite soil samples following documented methodologies that incorporate adequate quality control procedures shall be taken by an accredited inspector or an accredited risk assessor next to the foundation or from the dripline below any exterior surface to be abated, unless this information is available from a current risk assessment. The samples shall be sent for analysis to a recognized

laboratory capable of performing these analyses. When analysis results exceed 400 ug/g and bare soil is present, the contractor will furnish a written copy of the analysis results to the owner/operator of the residential dwelling or child-occupied facility prior to abatement.

8. If conducted, soil abatement shall be conducted in one of the following ways:
 - a. if soil is removed the lead-contaminated soil shall be replaced with soil that is not lead-contaminated; or
 - b. if soil is not removed the lead-contaminated soil shall be permanently covered, as defined in LAC 33:III.2803.
9. The following post-abatement clearance procedures shall be performed only by an accredited inspector or an accredited risk assessor:
 - a. following an abatement a visual inspection shall be performed to determine if deteriorated painted surfaces and/or visible amounts of dust, debris, or residue are still present. If deteriorated painted surfaces or visible amounts of dust, debris, or residue are present, these conditions must be eliminated prior to the continuation of the clearance procedures;
 - b. following the visual inspection and any required post-abatement cleanup, clearance sampling for lead-contaminated dust shall be conducted. Clearance sampling may be conducted by employing single-surface sampling or composite sampling techniques;
 - c. dust samples for clearance purposes shall be taken using documented methodologies that incorporate adequate quality control procedures;
 - d. dust samples for clearance purposes shall be taken a minimum of one hour after completion of final post-abatement cleanup activities;
 - e. the following post-abatement clearance activities shall be conducted based upon the extent of abatement activities conducted in or to the residential dwelling or child-occupied facility:
 - i. after conducting an abatement with containment between abated and unabated areas, one dust sample shall be taken from one window (if available) and one dust sample shall be taken from the floor of at least four rooms, hallways, or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are fewer than four rooms, hallways, or stairwells within the containment area, then all rooms, hallways, or stairwells shall be sampled;
 - ii. after conducting an abatement with no containment, two dust samples shall be taken from at least four rooms, hallways, or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one window (if available) and one dust sample shall be taken from the floor of each room, hallway, or stairwell selected. If there are fewer than four rooms, hallways, or stairwells within the residential dwelling or child-occupied facility then all rooms, hallways, or stairwells shall be sampled;
 - iii. following an exterior paint abatement, a visible inspection and sampling shall be conducted as follows. All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be cleaned of visible dust and debris:
 - (a). a visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated. If paint chips are present they must be removed from the site and properly disposed of, according to all applicable federal and state requirements; and
 - (b). in addition, sampling shall consist of at least one sample taken from an adjacent exterior horizontal surface including, but not limited to, a patio, deck, porch, stoop, or common area and composite soil samples taken next to the foundation or

from the dripline and any bare soil areas adjacent to the exterior abatement that children, age six years and under, frequent. When analysis results indicate that the post-abatement soil lead content exceeds the pre-abatement level, then the abatement contractor shall abate the soil to a concentration that is less than or equal to its pre-abatement lead concentration;

iv. following soil abatement at least two composite soil samples shall be taken from the abated area according to documented methodologies. When analysis results indicate that the post-abatement soil lead content exceeds the pre-abatement level, then the abatement contractor shall abate the soil to a concentration that is less than or equal to clearance levels for abated soil;

f. the rooms, hallways, or stairwells selected for sampling shall be selected according to documented methodologies; and

g. the accredited inspector or the accredited risk assessor shall compare the residual lead level (as determined by the laboratory analysis) from each dust sample with applicable clearance levels for lead in dust on floors, carpets, and windows. If the residual lead levels in a dust sample exceed the clearance levels, all the components represented by the failed sample shall be recleaned and retested until clearance levels are met. Until all applicable clearance levels for lead in dust are met, the area shall not be cleared for reoccupancy.

10. In a multi-family dwelling with similarly constructed and maintained residential dwellings, random sampling for the purposes of clearance may be conducted provided:

a. the accredited individuals who abate or clean the residential dwellings do not know which residential dwelling will be selected for the random sample;

b. a sufficient number of residential dwellings are selected for dust sampling to provide a 95 percent level of confidence that no more than five percent or 50 of the residential dwellings (whichever is smaller) in the randomly sampled population exceed the appropriate clearance levels; and

c. the randomly selected residential dwellings shall be sampled and evaluated for clearance according to the procedures found in Subsection E.9 of this Section.

11. An abatement report shall be prepared by an accredited lead project supervisor or an accredited project designer. The abatement report shall include the following information:

a. start and completion dates of the abatement;

b. the name and address of each licensed firm conducting the abatement and the name of each supervisor assigned to the abatement project;

c. the occupant and worker protection plan;

d. the name, address, and signature of each accredited risk assessor or accredited inspector conducting clearance sampling and the date of clearance testing;

e. the results of clearance testing and all soil analyses (if applicable) and the name of each recognized laboratory that conducted the analyses;

f. a detailed written description of the abatement, including abatement methods used, locations of rooms and/or components where abatement occurred, reason for selecting particular abatement methods for each component, and any suggested monitoring of encapsulants or enclosures; and

g. information on the storage, transport, and disposal of any waste generated during the abatement.

12. All lead-contaminated waste and construction debris from abatement projects shall be disposed of in accordance with federal, state, and local requirements.

13. All modifications to residences or child-occupied facilities and to their component systems that may occur during the abatement shall be designed and performed in accordance with applicable state and municipal building codes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR

§2813. Recordkeeping Requirements for Lead-based Paint Activities

All records and reports required by this Chapter for inspections, hazard screens, risk assessments, and abatements shall be maintained by the owner of the residence (target housing), owner or operator of a residential dwelling or child-occupied building, and the contractor or accredited individual who conducted the activities for not less than five years. The contractor or accredited individual shall provide copies of these reports to the owner/operator who contracted for its services. Any person who is required by this Chapter to maintain records may utilize the services of competent organizations such as industry trade associations and employee associations to maintain such records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR

§2815. Enforcement

For failure to comply with the regulations of this Chapter, knowingly submitting false or inaccurate information, or directing others in such actions, civil and criminal penalties may be assessed under R.S. 30:2025 and R.S. 30:2351.25.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025, 2054, and 2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR

Section 2817. Reciprocity

The department will develop reciprocity agreements with other states when those states have established recognition and accreditation requirements that are at least as stringent as those set forth in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR

§2819. Fees

Fees are defined in R.S. 30:2351.59 and listed in LAC 33:III.223.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, and 30:2351 et seq.

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