

4. 'Content of notification.' Original or emergency notification to the department shall include all of the following information:

a. Project details, including the start and stop dates, work shifts or hours, whether the project is abatement or interim controls, project activities, quantity of lead-based paint materials in the project, and whether the project was ordered or HUD LBP grant-funded.

b. Lead identification details, including how and when it was identified and the name and certification number of the inspector or risk assessor.

c. Abatement lead (Pb) company details, including name, certification number, address, contact person and telephone number.

d. Facility details, including type, occupancy, location, contact person and telephone number and owner and telephone number.

(e) Written notification. 1. 'Form for written notification.' Written notification shall be on the department's notification form or on a form approved by the department. All elements of the form shall be completed, including type of notification, project type, project activities, project information, lead identification information, abatement contractor identification, facility information and the quantity of lead-based paint materials in the project.

2. 'Acceptable methods for submitting written notification.' Written notification may be sent by U.S. mail, commercial carrier, fax or another method approved by the department.

3. 'Official date of written notification.' a. The official date of a written notification shall be the date of postmark for notification sent by the U.S. mail or the date of acceptance by the carrier for notification sent by a commercial carrier.

b. The official date of a written notification submitted by fax or any other department-approved method shall be the department's date of receipt stamp. For any notification submitted by fax or other department-approved method, a notification received after 4:00 p.m. shall be dated as received the next work day.

4. 'Rejection of notification.' The department may reject a notification that is illegible or not complete.

5. 'Retention of original notification.' Any person submitting a fax or other form of notification to the department that does not carry the supervisor's actual original signature shall retain the original notification carrying the supervisor's actual original signature and shall give the original notification to the department upon request of the department's representative.

Note: To request a copy of the Department's notification form, to request approval of a form or method of submission or to submit written notification, contact the Asbestos and Lead Unit, Bureau of Public Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3043 or fax (608) 266-9711.

(f) Verbal notification. 1. 'Acceptable methods for submitting verbal notification.' Verbal notification may be made by telephone or in person.

2. 'Official date of written notification.' The official date of a verbal notification shall be the date verbal notification is accepted by a representative of the department.

3. 'Written follow-up to verbal notification.' When verbal notification is given, the supervisor or worker-homeowner shall also submit a written notification within 2 work days after the notification by telephone.

Note: To submit verbal notification, phone (608) 261-6876 and send the follow-up written notice to the Asbestos and Lead Unit, Bureau of Public Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3043.

(g) Requirement for written occupant protection plan. A certified lead (Pb) supervisor or project designer shall prepare a written occupant protection plan prior to an abatement. The occupant protection plan shall be unique to each residential dwelling or child-occupied facility and 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.

(h) Restricted work practices. All of the following work practice restrictions apply:

1. Open-flame burning or torching of lead-based paint is prohibited.

2. Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint is prohibited unless used with a High Efficiency Particulate Air (HEPA) exhaust control which removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency.

3. Dry scraping of lead-based paint is permitted only in the following situations:

a. Dry scraping in conjunction with a heat gun which produces heat at a temperature below 1100°F.

b. Dry scraping around electrical outlets.

c. Dry scraping when treating defective paint spots totaling no more than 2 square feet in any one room, hallway or stairwell or totaling no more than 20 square feet on exterior surfaces.

4. Operating a heat gun which produces heat at a temperature at or above 1100°F is prohibited on lead-based paint.

(i) Conduct of soil abatement. Soil abatement shall be conducted by a certified lead (Pb) worker and supervisor in one of the following ways:

1. If soil is removed, the lead-contaminated soil shall be replaced with soil that is not lead-contaminated.

2. If soil is not removed, the lead-contaminated soil shall be permanently covered, with a barrier consisting of solid, relatively impermeable materials, such as pavement or concrete. Grass, mulch and other landscaping materials are not considered permanent covering.

(j) Requirement for clearance. Following cleanup of the abatement site, clearance shall be conducted according to provisions under sub. (6). The abatement is not complete until a certified lead (Pb) inspector or risk assessor declares in writing that all clearance levels are met.

(k) Requirement for a written abatement report. Following an abatement project, a certified supervisor or project designer shall prepare a written abatement report for submission to the property owner who contracted for the abatement. The report shall include all of the following information:

1. Start and completion dates of the abatement project.

2. A copy of the written abatement notice under par. (e) or (f) 3.

3. Name, address, telephone number and certification number of each certified lead (Pb) company conducting the abatement project and the name and certification number of each supervisor assigned to the abatement project.

4. The occupant protection plan which was prepared prior to the abatement project.

5. A copy of the clearance report under sub. (6) (j).

6. A detailed written description of the abatement project, including abatement methods used, locations of rooms and components where abatement occurred, reason for selecting the particular abatement method used for each component and any suggested monitoring of encapsulants or enclosures.

(6) CLEARANCE. Only a certified lead (Pb) inspector or risk assessor may perform clearance. In performing clearance, the certified lead (Pb) inspector or risk assessor shall comply with all of the following:

(a) Perform a visual inspection to determine if deteriorated painted surfaces 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, the abatement company shall eliminate these conditions prior to the continuation of the clearance procedures.

(b) Following the visual inspection and any post-abatement cleanup, conduct clearance sampling for lead-contaminated dust by collecting single-surface dust samples or by using the standards under sub. (8) to collect composite dust samples.

(c) Collect dust samples for clearance purposes by using documented methodologies that incorporate adequate quality control procedures.

Note: Refer to the note under s. HFS 163.03 (13m) for examples of documented methodologies.

(d) Collect dust samples for clearance purposes a minimum of one hour after completion of final post-abatement cleanup activities.

(e) Conduct all of the following post-abatement clearance activities as appropriate based upon the extent or manner of the abatement:

1. Following an abatement with containment between abated and unabated areas, collect one dust sample from one window, if available, and one dust sample from the floors of not less than 4 rooms, hallways or stairwells within the containment area. In addition, collect one dust sample from the floor outside the containment area. If there are fewer than 4 rooms, hallways or stairwells within the containment area, collect samples from all rooms, hallways or stairwells.

2. Following an abatement with no containment, collect 2 dust samples from not less than 4 rooms, hallways or stairwells in the residential dwelling or child-occupied facility. Collect one dust sample from one window, if available, and one dust sample from the floor of each room, hallway or stairwell selected. If there are fewer than 4 rooms, hallways or stairwells within the residential dwelling or child-occupied facility, collect samples from all rooms, hallways or stairwells.

3. Following an exterior paint abatement, conduct a visual inspection. If visible dust and debris is present on horizontal surfaces in the outdoor living area closest to the abated surface, the abatement company shall eliminate these conditions before clearance may continue. In addition, conduct a visual inspection 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, the abatement company shall remove the paint chips from the site and properly dispose of them according to applicable federal, state and local government requirements.

(f) Select the rooms, hallways or stairwells for sampling by using documented methodologies.

(g) Have collected samples analyzed by a recognized laboratory under sub. (7) to determine if they contain detectable levels of lead that can be quantified numerically.

(h) Compare the residual lead level from each dust sample, as determined by laboratory analysis, with the applicable clearance level for lead in dust on floors and windows. If the residual lead level in a dust sample exceeds the applicable clearance level, all the components represented by the failed sample shall be recleaned by the abatement company and retested by the person conducting clearance until clearance levels are met. Clearance levels include all of the following:

1. For an uncarpeted floor, $100 \mu\text{g}/\text{ft}^2$
2. For an interior window sill, or window stool, $500 \mu\text{g}/\text{ft}^2$
3. For a window well, or window trough, $800 \mu\text{g}/\text{ft}^2$

Note: Clearance levels established above match clearance levels in a EPA's Agency Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-Contaminated Soil.

(i) In a multi-family dwelling with similarly constructed and maintained dwelling units, conduct random sampling for purposes of clearance provided that:

1. The persons who abate or clean the dwelling units do not know which dwelling units will be selected for the random sample.
2. A sufficient number of dwelling units are selected for dust sampling to provide a 95% level of confidence that at least 95% of all dwelling units would pass clearance if all dwelling units were sampled. In a housing complex with more than 1,000 dwelling units, no sampled dwelling unit may fail clearance and a sufficient number of dwelling units shall be selected for dust sampling to provide a 95% level of confidence that no more than 5% of all dwelling units or 50 dwelling units, whichever is smaller, would fail clearance if all dwelling units were sampled.
3. The randomly selected dwelling units are sampled and evaluated for clearance according to the procedures found in pars. (a) to (g).

(j) Following clearance, prepare a written clearance report for submission to the abatement contractor and the property owner which contracted for the clearance. The report shall include all of the following information:

1. Date of the clearance.

2. Address of abatement site.

3. Name, address, telephone number, certification number and signature of each certified lead (Pb) inspector or risk assessor conducting the clearance.

4. Name, address, telephone number and certification number of the certified lead (Pb) company employing each certified risk assessor conducting the risk assessment, if applicable.

5. The results of clearance testing and, if applicable, all soil analyses and the name, address and telephone number of each recognized laboratory that conducted the analyses.

(7) **COLLECTION AND LABORATORY ANALYSIS OF SAMPLES.** Any paint chip, dust or soil sample collected by a certified lead (Pb) inspector or risk assessor as part of a lead-based paint activity shall be analyzed by a recognized laboratory.

Note: To obtain a list of recognized laboratories, write or phone the Asbestos and Lead Unit, Bureau of Public Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3043; (608) 261-6876 or fax (608) 266-9711. The National Lead Information Center (NLIC) Clearinghouse updates the NLLAP list on a monthly basis. An updated list may be obtained by calling NLIC at 1-800-424-5323.

(8) **COMPOSITE DUST SAMPLING.** Composite dust sampling may only be conducted in the situations specified in subs. (3), (4) and (6). If composite dust sampling is conducted, all of the following conditions shall apply:

(a) A composite dust sample shall consist of at least 2 subsamples.

(b) Every component that is being tested shall be included in the sampling.

(c) A composite dust sample may not consist of subsamples from more than one type of component.

(9) **RECORDKEEPING.** All reports or plans required under this section shall be retained by the certified lead (Pb) company that prepared the reports or plans for a minimum of 3 years.

SECTION 13. HFS 163.20 (6) to (10) are repealed and recreated to read:

HFS 163.20 (6) APPROVED TRAINING MANAGER. (a) Requirement for a training manager. The training provider or an owner of a training provider business, shall be an approved training manager. If the training provider or owner is not eligible for approval as a training manager, the training provider shall employ a training manager who is approved under s. HFS 163.24 (2). The actions of the training manager shall be deemed actions of the owner.

(b) Duties of the training manager. The duties of the training manager include all of the following:

1. Designating a minimum of one principal instructor under sub. (7) (a) for each accredited course.
2. Designating any guest instructors under sub. (7) (b).
3. Developing and implementing a quality control plan under sub. (8) (e).
4. Maintaining the validity and integrity of the course test under sub. (8) (f).
5. Maintaining the validity and integrity of the hands-on skills assessment under sub. (8) (g) to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with the course topics under sub. (8) (a).
6. Ensuring that the training course and course personnel comply with all provisions of this chapter.

(7) **APPROVED INSTRUCTORS.** (a) Principal instructor. Each training course offered shall have a designated principal instructor who is approved under s. HFS 163.24 (3). The principal instructor has the primary responsibility for the organization and teaching of the course and for direct supervision of all guest instructors for the course. An individual may not act as a principal instructor for 2 or more concurrently conducted training courses.

(b) Guest instructor. A guest instructor approved under s. HFS 163.24 (4) may be designated to teach under the direct supervision of a principal instructor or to assist a principal instructor with hands-on instructional activities, hands-on skills assessment or work practice components of a course. A guest instructor may teach or assist with only the specific topics for which the guest instructor has been approved.

(c) Instructors for hands-on instructional activities and skills assessment. An accredited training course shall meet or exceed all of the following instructor requirements for hands-on activities:

1. 'Principal instructor.' At least one principal instructor shall provide direct supervision of each hands-on instructional activity and skills assessment.
2. 'Student-to-instructor ratio.' A student-to-instructor ratio of not greater than 8:1 shall be maintained during hands-on instructional activities and a student-to-instructor ratio of not greater than 5:1 shall be maintained during hands-on skills assessment to ensure adequate instruction and observation of student performance.
3. 'Guest instructors.' One or more guest instructors may assist the principal instructor with hands-on instructional activities and skills assessment.

(8) TRAINING COURSE. (a) Curriculum. An accredited training course shall teach work practice standards that are consistent with s. HFS 163.14 in order to provide students with the knowledge needed to perform the lead-based paint activities they are responsible for conducting. A training course shall meet or exceed the applicable minimum curriculum requirements, including both the minimum number of course training hours and the minimum number of hands-on training hours, as follows:

1. 'Lead (Pb) inspector courses.' A lead inspector training course shall provide a minimum of 24 training hours to persons who have successfully completed worker-safety training. The lead inspector training course shall include lectures, demonstrations, a minimum of 8 training hours of hands-on practice, hands-on skills assessment, a course review and a written course test. The training course shall adequately cover the course learning goals and objectives submitted by the training manager and all of the following topics, which are further described in sub. (1) of Appendix A:

- a. Role and responsibilities of a lead (Pb) 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. This topic shall include hands-on instructional activities and hands-on skills assessment.
- e. Paint, dust and soil sampling methodologies. This topic shall include hands-on instructional activities and hands-on skills assessment.
- f. Clearance standards and testing, including random sampling. This topic shall include hands-on instructional activities and hands-on skills assessment.
- g. Preparation of the final inspection report. This topic shall include hands-on instructional activities and hands-on skills assessment.
- h. Recordkeeping.

2. 'Lead (Pb) project designer courses.' A lead project designer training course shall provide a minimum of 8 training hours to persons who have successfully completed the lead supervisor course. The lead project designer training course shall include lectures, demonstrations, a course review and a written course test. The training course shall adequately cover the course learning goals and objectives submitted by the training manager and all of the following topics, which are further described in sub. (2) of Appendix A:

- a. Role and responsibilities of a lead (Pb) project designer.
- b. Development and implementation of an occupant 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 and cleanup or lead hazard reduction methods for large-scale abatement projects.
- e. Clearance standards and testing for large scale abatement projects.
- f. Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large scale abatement projects.

3. 'Lead (Pb) risk assessor courses.' A lead risk assessor training course shall provide a minimum of 16 training hours to persons who have successfully completed the lead inspector course. The lead risk assessor training course shall include lectures, demonstrations, a minimum of 4 hours of hands-on practice, hands-on skills assessment, a course review and a written course test. The training course shall adequately cover the course learning goals and objectives submitted by the training manager and all of the following topics, which are further described in sub. (3) of Appendix A:

- a. Role and responsibilities of a lead (Pb) 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 potential sources of lead-based paint hazards. This topic shall include hands-on instructional activities and hands-on skills assessment.
- e. Lead hazard screen protocol.
- f. Sampling for other sources of lead exposure. This topic shall include hands-on instructional activities and hands-on skills assessment.
- g. Interpretation of lead-based paint and other lead sampling results, including all applicable state and federal regulations and guidance pertaining to lead-based paint hazards. This topic shall include hands-on instructional activities and hands-on skills assessment.

h. Development of hazard control options, the role of interim controls and operations and maintenance activities to reduce lead-based paint hazards.

i. Preparation of a final risk assessment report.

4. 'Lead (Pb) supervisor courses.' A lead supervisor training course shall provide a minimum of 16 training hours to persons who have successfully completed the lead worker course. The lead supervisor training course shall include lectures, demonstrations, a minimum of one hour of hands-on practice, hands-on skills assessment, a course review and a written course test. The training course shall adequately cover the course learning goals and objectives submitted by the training manager and all of the following topics, which are further described in sub. (4) of Appendix A:

a. Role and responsibilities of a lead (Pb) 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. Risk assessment and inspection report interpretation. This topic shall include hands-on instructional activities and hands-on skills assessment.

f. Development and implementation of an occupant protection plan and abatement report.

g. Lead-based paint hazard recognition and control. The hands-on instructional activities and hands-on skills assessment for this topic are covered in the prerequisite worker course.

h. Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices. The hands-on instructional activities and hands-on skills assessment for this topic are covered in the prerequisite worker course.

i. Interior dust abatement, cleanup, lead-based paint hazard control and reduction methods. The hands-on instructional activities and hands-on skills assessment for this topic are covered in the prerequisite worker course.

j. Soil and exterior dust abatement, lead-based paint hazard control and reduction methods. The hands-on instructional activities and hands-on skills assessment for this topic are covered in the prerequisite worker course.

- k. Clearance standards and testing.
- l. Cleanup and waste disposal.
- m. Recordkeeping.

5. 'Lead (Pb) worker courses.' A lead worker training course shall provide a minimum of 16 training hours to persons who have successfully completed worker-safety training. The lead worker training course shall include lectures, demonstrations, a minimum of 8 hours of hands-on practice, hands-on skills assessment, a course review and a written course test. The training course shall adequately cover the course learning goals and objectives submitted by the training manager and all of the following topics, which are further described in sub. (5) of Appendix A:

- a. Role and responsibilities of a lead (Pb) worker.
- 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 abatement.
- d. Lead-based paint hazard recognition and control. This topic shall include hands-on instructional activities and hands-on skills assessment.
- e. Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices. This topic shall include hands-on instructional activities and hands-on skills assessment.
- f. Interior dust abatement methods, cleanup and lead-based paint hazard reduction. This topic shall include hands-on instructional activities and hands-on skills assessment.
- g. Soil and exterior dust abatement methods and lead-based paint hazard reduction. This topic shall include hands-on instructional activities and hands-on skills assessment.

6. 'Lead (Pb) worker-homeowner courses.' A lead worker-homeowner training course for homeowners performing work in their own non-rental dwelling shall provide a minimum of 16 training hours. The lead worker-homeowner training course shall include lectures, demonstrations, a minimum of 8 hours of hands-on practice, hands-on skills assessment, a course review and a written course test. The training course shall adequately cover the course learning goals and objectives submitted by the training manager and all of the following topics, which are further described in sub. (6) of Appendix A:

- a. Role and responsibilities of a lead (Pb) worker-homeowner.

- 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 abatement.
- d. Lead-based paint hazard recognition and control. This topic shall include hands-on instructional activities and hands-on skills assessment.
- e. Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices. This topic shall include hands-on instructional activities and hands-on skills assessment.
- f. Interior dust abatement methods, cleanup and lead-based paint hazard reduction. This topic shall include hands-on instructional activities and hands-on skills assessment.
- g. Soil and exterior dust abatement methods and lead-based paint hazard reduction. This topic shall include hands-on instructional activities and hands-on skills assessment.

7. 'Lead refresher courses.' Each refresher training course shall be a minimum of 8 training hours, except that a lead (Pb) project designer refresher training course shall be a minimum of 4 training hours. Each refresher training course shall include lectures, participatory activities and a written course test and shall include hands-on instructional activities and hands-on skills assessment as appropriate. Each refresher course shall adequately cover the course learning goals and objectives submitted by the training manager and all of the following topics, which are further described in sub. (7) of Appendix A:

- a. Review of the curriculum topics for the full-length course, as appropriate.
- b. An overview of current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.
- c. Current federal, state and local statutes, ordinances, rules and regulations relating to lead-based paint activities in general, as well as specific information pertaining to the discipline.
- d. Current technologies relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

Note: Since risk assessors are required to complete both lead inspector and risk assessor refresher training courses, training providers are urged to offer lead (Pb) inspector and risk assessor refresher courses on consecutive days to assist them in complying with training requirements.

(b) Length of training. All required training for any conducted course shall be completed within a continuous 30-day period. In no case may actual training exceed 8 training hours during any single calendar day.

(c) Learning goals and objectives. An accredited training course shall have written learning goals and objectives.

Note: To obtain model learning goals and objectives for preparing students to take a lead certification examination, write or phone the Asbestos and Lead Unit, Bureau of Public Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3043; (608) 261-6876 or fax (608) 266-9711.

(d) Teaching methods. An accredited training course shall be taught using a mixture of teaching methods designed to meet the course learning goals and objectives, including methods which require active participation by the students.

Note: Examples of participatory teaching methods include: hands-on exercise, questionnaire, problem solving, quiz, worksheet exercise, focus questions, case study, brainstorming, on-site visit, learning games, group discussion, role play, writing assignment and personal action plan.

(e) Quality control plan. The training manager shall develop and implement a quality control plan for an accredited training course. The quality control plan shall include procedures for annual review and revision of training materials and the course test to reflect innovations and changes in the field and procedures for annually reviewing instructor competency.

(f) Course test. 1. A written, closed-book course test, monitored by the principal instructor, shall be administered for each initial training course and refresher training course.

2. Course tests shall be submitted to the department for review as part of the application for accreditation and shall be resubmitted whenever their content changes. Only course tests which have been approved by the department may be administered.

3. A course test shall be developed in accordance with the course test blueprint, shall reflect the learning goals and objectives of the training course in weighted content and shall consist of a minimum of 25 multiple choice questions for every 8 training hours.

4. The minimum passing score on a course test shall be correct answers to 70% of the total number of questions.

5. The training manager shall maintain the validity and integrity of the course test to ensure that it accurately evaluates each student's knowledge and skills.

(g) Hands-on skills assessment. The principal instructor shall conduct and document a hands-on skills assessment of each student for each topic under par. (a) for which hands-on instructional activities are required and for each refresher course

topic where hands-on instructional activities are performed. Guest instructors who are approved for a topic requiring hands-on instruction may assist the principal instructor in performing hands-on skills assessment for the topic. A student-to-instructor ratio of not greater than 5:1 shall be maintained during hands-on skills assessment.

(9) TRAINING CERTIFICATE. (a) Requirement for training certificate. After verifying a student's identify, the training manager shall issue a training certificate to a student when the student completes a course and passes the course test and any required skills assessment.

(b) Content of training certificate. A training certificate shall include all of the following information:

1. A unique certificate number.
2. The date the certificate is issued.
3. The name of the course, which shall be related to a specific discipline under s. HFS 163.10 (2).
4. The student's full legal name and address.
5. The date or dates of the course, including starting and ending dates for consecutive day courses and each date of training for courses conducted on days that are not consecutive.
6. A statement that the student passed the course test.
7. The date of the course test.
8. The name, address and telephone number of the provider of the training course, as the information appears on the application for accreditation or is later changed by notice to the department under s. HFS 163.25 (5) (a) or (b).
9. The name and signature of the course training manager.
10. The following statement: "This training course complies with the requirements of and is accredited by the State of Wisconsin, Department of Health and Family Services under ch. HFS 163, Wis. Adm. Code."

Note: For liability and security reasons, an individual's social security number should not be included on the training certificate.

(10) COMPLIANCE. The training provider, the training manager and all instructors shall remain in compliance with applicable federal, state and local regulations related to lead-based paint activities and the conduct of training.

SECTION 14. HFS 163.21 (1), (2) (c) and (d), (5) and (6) (f) are amended to read:

HFS 163.21 (1) COMPLETED APPLICATION FORM. A fully and accurately completed application on a form obtained from the department. The application shall include a statement signed by the training manager which certifies that the training course meets the requirements of this subchapter.

(2) (c) Hands-on training segments, when hands-on training is used, including the number of training hours for each segment, a description of the hands-on skills assessment conducted by the principal instructor and a copy of the skills assessment check-off form.

(d) Student-to-instructor ratio during any hands-on training and hands-on skills assessment.

(5) COURSE REGISTRATION PLAN. A written course registration plan consisting of a plan for advising potential students of education and experience qualifications under s. HFS 163.10 ~~(4) (b) or (c)~~ (3) (b) and a written plan for admitting only students who meet lead training prerequisites under s. HFS 163.12 (2), (3) and (5).

(6) (f) ~~A description of~~ The course test blueprint which shows how the course test was developed to reflect the course content and learning objectives.

SECTION 15. HFS 163.21 (10) is created to read:

HFS 163.21 (10) QUALITY CONTROL PLAN. The written quality control plan under s. HFS 163.20 (8) (e).

SECTION 16. HFS 163.23 is repealed and recreated to read:

HFS 163.23 ACCREDITATION PROCEDURES. (1) DETERMINATION OF ELIGIBILITY FOR CONTINGENT ACCREDITATION. The department shall review all information and materials submitted under s. HFS 163.21 for compliance with this subchapter. Within 60 days after the department receives all required application information and materials, the department shall either grant contingent accreditation or deny the application. If contingent accreditation is granted, the department shall send the training manager a contingent accreditation certificate under sub. (5). If the application for accreditation is denied, the department shall notify the training manager in writing. The notification shall include the reason for the denial and shall inform the training manager of the right to appeal that determination under s. HFS 163.05.

(2) CONDUCTING A COURSE WITH CONTINGENT ACCREDITATION. The training course may be conducted once the training manager has received the contingent accreditation certificate for the course and confirmation that the principal

instructor and guest instructors are approved under s. HFS 163.24, and has notified the department under s. HFS 163.25 (3) that the course is to begin.

(3) **LENGTH OF CONTINGENT ACCREDITATION.** Contingent accreditation is a temporary approval to conduct training. When the department grants contingent accreditation, the expiration date on the contingent accreditation certificate under sub. (5) shall be 2 years after the date the certificate is issued. Contingent accreditation may be renewed for a maximum of an additional 2 years at the discretion of the department.

(4) **DETERMINATION OF ELIGIBILITY FOR FULL ACCREDITATION.** The department shall conduct an accreditation audit under sub. (6) of a training course with contingent accreditation to determine eligibility for full accreditation. After notifying the training manager of the audit results, and based on those results, the department shall take one of the following actions:

(a) The department may grant full accreditation. If full accreditation is granted, the department shall send the training manager an accreditation certificate under sub. (5). Full accreditation may be granted for a maximum of 4 years from the date of issuance, depending on compliance with this chapter. A training course may renew accreditation under the provisions of s. HFS 163.235.

(b) The department may renew contingent accreditation for an additional 2 years, may require changes to the course in order to obtain full accreditation and may conduct another on-site audit. If the department continues contingent accreditation, the department shall notify the training manager in writing. The notice shall include the reason for continuing contingent accreditation, recommendations for achieving full accreditation and the right to appeal the action under s. HFS 163.05.

(c) The department may suspend or revoke contingent accreditation or take another enforcement action under s. HFS 163.32. If the department suspends or revokes contingent accreditation, the department shall notify the training manager in writing. The notice shall include the reason for the suspension or revocation and shall inform the training manager of the right to appeal that action under s. HFS 163.05.

(5) **CERTIFICATE OF ACCREDITATION.** The department shall send a certificate of accreditation to the training manager when a training course has been granted contingent or full accreditation. The training manager shall maintain the certificate of accreditation at the address listed on the application or later changed with notice to the department under s. HFS 163.25 (5) (a) and shall make the certificate available for review upon request by the public.

(6) **ACCREDITATION AUDITS.** (a) On-site audits. On-site accreditation audits of a training course may be conducted by department staff to review for compliance with this subchapter. A training manager, instructor or other staff for an accredited training course may not deny department staff entry to conduct an audit. An audit may include,

but is not limited to, a review of records, facilities, instructional curriculum, course test administration and security procedures, classroom instruction, audio-visual materials, course content and learning objectives, including whether classroom instruction is based on the learning goals and objectives submitted to the department under s. HFS 163.21 (6) (c), as demonstrated by using learning objectives to introduce topics, focusing topics on the learning objectives, reviewing learning objectives in topic reviews and testing for student comprehension of the learning objectives in class discussions, class activities and in the course test.

(b) Records audits. The department may conduct audits of training course records, including records required under s. HFS 163.25 (7), and may require a training provider to submit records to the department for purposes of determining compliance.

(c) Notification of audit results. Within 60 days after completing an accreditation audit, the department shall notify the training manager in writing of the preliminary audit results.

SECTION 17. HFS 163.235 is created to read:

HFS 163.235 RENEWAL OF COURSE ACCREDITATION. (1) **REQUIREMENT FOR RENEWAL OF ACCREDITATION.** A training course may not be conducted after its accreditation expires until the training manager applies for and receives renewal of accreditation for the training course. When full accreditation of a training course has been expired for less than one year, full accreditation may be reinstated by applying to the department for renewal of accreditation under this section. When full accreditation of a training course has been expired for more than one year, the training manager shall submit a new application under s. HFS 163.21 for contingent accreditation.

(2) **CONDITIONS FOR RENEWAL OF ACCREDITATION.** The department may renew accreditation of a training course that complies with the provisions of this chapter.

(3) **APPLICATION FOR RENEWAL OF ACCREDITATION.** To apply for renewal of accreditation, the training manager for a training course shall submit an application which includes all of the following:

(a) A fully and accurately completed application form. The application shall include a statement signed by the training manager which certifies that the training course complies at all times with the requirements of this chapter.

(b) A description of any changes to the training course since the last application was approved that were not previously reported to the department, including changes to resources or course materials.

(c) When directed by the department, other documents that verify compliance of the training course with this chapter.

Note: To obtain a copy of the application for renewal of accreditation, write or phone the Asbestos and Lead Unit, Bureau of Public Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3043; (608) 261-6876 or fax (608) 266-9711. Return the completed application to the same office.

(4) **AUDIT.** To determine compliance with the requirements of this chapter and eligibility for renewal of accreditation, the department may conduct one or more audits under s. HFS 163.23 (6) of the training course.

(5) **RENEWAL OF ACCREDITATION.** After reviewing a training course for compliance with the conditions for renewal of accreditation, the department shall take one of the following actions:

(a) The department may grant renewal of accreditation. If accreditation is renewed, the department shall send the training manager a certificate of accreditation under s. HFS 163.23 (5) to extend accreditation for a maximum of 4 years.

(b) The department may deny renewal of accreditation. If the department denies renewal of accreditation, the department shall notify the training manager in writing. The notice shall include the reason for the denial and shall inform the training manager of the right to appeal that action under s. HFS 163.05.

SECTION 18. HFS 163.24 (5) is amended to read:

HFS 163.24 (5) EQUIVALENT TRAINING AND EXPERIENCE. The department may approve training, education and experience qualifications other than those in this section if the department, following consideration and evaluation of them on a case-by-case basis, finds that the qualifications are substantially equivalent to and as protective of human health and the environment as the requirements of this section.

SECTION 19. HFS 163.25 (7) (b) 2. is amended to read:

HFS 163.25 (7) (b) 2. A copy of each instructor and student manual, course test, course test blueprint, form, other training material and any document reflecting changes made to any material.

SECTION 20. HFS 163.25 (7) (b) 7. is renumbered HFS 163.25 (7) (b) 10.

SECTION 21. HFS 163.25 (7) (b) 7. to 9. are created to read:

HFS 163.25 (7) (b) 7. The quality control plan, including documentation of activities performed in compliance with the quality control plan.

8. Information regarding how the hands-on assessment is conducted, including, but not limited to, all of the following:

- a. Who conducts the assessment.
 - b. How the skills are graded.
 - c. What facilities are used.
 - d. The pass and fail rate.
9. Results of the students' hands-on skills assessments.

SECTION 22. HFS 163.26 is repealed.

SECTION 23. Subchapter IV of chapter HFS 163 is created to read:

SUBCHAPTER IV - ENFORCEMENT

HFS 163.30 GENERAL PROVISIONS. (1) **DEPARTMENTAL ACTION.** The department may initiate an action in the name of this state against any person to require compliance with this chapter.

(2) **OTHER AGENCY ACTION.** Any other state agency in the course of the performance of its duties may determine that an individual, company or training provider has violated or is violating one or more requirements of this chapter. If that agency determines that there is a potential violation of this chapter, the agency shall notify the department of that potential violation. The department may delegate all or part of its enforcement authority to any other state or federal agency through a memorandum of understanding.

(3) **AUTHORITY TO INVESTIGATE.** (a) Whenever the department is advised or has reason to believe that any person is violating or has violated any provision of this chapter, the department may make an investigation to determine the facts. For purposes of this investigation, the department shall have authority to inspect the premises where the violation is alleged to be occurring or to have occurred.

(b) An authorized representative of the department may enter a dwelling, child-occupied facility or real property where an activity regulated under this chapter is being conducted or where a person regulated under this chapter conducts business. The representative may conduct tests, take samples, review work practices, review and copy records and perform other activities necessary to determine compliance with this chapter. No person may refuse to establish or maintain records under s. HFS 163.14 (9), refuse to provide or copy records, or refuse to permit entry or access to an authorized representative of the department if that representative presents a valid identification issued to the representative by the department and if that representative is complying with par. (a). No person may obstruct, hamper or interfere with the actions of that representative under this paragraph.

(c) An authorized representative of the department may conduct an audit under s. HFS 163.23 (6) for the purpose of ascertaining whether or not an accredited training course continues to meet requirements for accreditation.

(d) An authorized representative of the department entering a premises under this subsection shall present identification and any authorization issued by the department and shall comply with applicable health and safety procedures established by law.

(4) REFERRAL TO DISTRICT ATTORNEY. The department may report any violation of this chapter or orders issued under this chapter to the district attorney of the county in which the dwelling is located. Pursuant to s. 254.30, Stats., the district attorney shall enforce this chapter or orders issued under this chapter upon receiving a report from the department or from the department's designee under s. 254.152, Stats.

HFS 163.31 REASONS FOR ENFORCEMENT ACTIONS. (1) EXECUTION OF A CONSENT AGREEMENT. In addition to an administrative or judicial finding of violation, execution of a consent agreement in settlement of an enforcement action constitutes, for purposes of this section, evidence of a failure to comply with relevant statutes or rules.

(2) REASONS FOR ACCREDITATION ENFORCEMENT ACTIONS. The department may take an action under s. HFS 163.32 against a person offering or conducting a training course that is required to be accredited under this chapter if the person has violated any provision of this chapter. Reasons for accreditation enforcement actions may include, but are not limited to, one or more of the following violations:

(a) Submitted a check to the state that was not paid by the bank on which it was drawn.

(b) Deceptively issued or used training certificates.

(c) Misrepresented a training course or the contents of a training course to the department, EPA, another EPA-authorized state, an EPA-authorized tribe or the student population.

(d) Made false or misleading statements to the department in its application for accreditation or reaccreditation which the department relied upon in approving the application.

(e) Falsified accreditation records, instructor qualifications or other accreditation-related information or documentation.

(f) Offered or conducted a course that failed to meet one or more requirements of this chapter.

(g) Failed to comply with the accreditation standards and requirements in

subchapter III.

(h) Failed or refused to establish, maintain, provide, copy or permit access by an authorized representative of the department to records or reports.

(i) Failed to submit required information or notifications to the department in a timely manner.

(j) Failed to comply with any other federal, state or local lead-based paint statute, ordinance, rule or regulation.

(k) Failed or refused to permit a department representative entry to a training course without charge or hindrance to attend, evaluate or monitor the course.

(3) REASONS FOR APPROVAL ENFORCEMENT ACTIONS The department may take an action under s. HFS 163.32 against a person required to be approved as a training manager, principal instructor or guest instructor under this chapter if the person has violated any provision of this chapter. The reason for an approval enforcement action may include, but is not limited to, one or more of the following violations:

(a) The training manager, principal instructor or guest instructor has violated a provision of this chapter or any related state, federal or local statute, ordinance, rule or regulation.

(b) The training manager, principal instructor or guest instructor has misrepresented his or her credentials or documentation of qualifications submitted to the department as the basis for approval.

(4) REASONS FOR CERTIFICATION ENFORCEMENT ACTIONS. The department may take an action under s. HFS 163.32 against a person required to be certified under this chapter, whether an individual or a company, if the person has violated any provision of this chapter. Reasons for certification enforcement actions may include, but are not limited to, one or more of the following violations:

(a) Submitted a check to the state that was not paid by the bank on which it was drawn.

(b) Was issued a training certificate by a training manager without attending an appropriate course or an entire course or without passing an approved course test.

(c) Obtained training documentation through fraudulent means.

(d) Gained admission to and completed an accredited training program through misrepresentation of admission requirements.

(e) Was a certified lead inspector, risk assessor or supervisor and failed to pass the certification examination under s. HFS 163.10 (3) (c) prior to August 31, 1999, as

required under s. HFS 163.13 (3).

(f) Misrepresented facts or made false or misleading statements in applying for certification.

(g) Obtained certification through misrepresentation of certification requirements or related documents dealing with education, training, professional registration or experience.

(h) Permitted the duplication or use of one person's training certificate, certification card or other certification document by another.

(i) Withheld or confiscated an employe's training certificate or certification card in violation of s. HFS 163.13 (4).

(j) Performed work requiring certification at a job site without having proof of certification onsite.

(k) Performed work for which certification is required, but for which appropriate certification had not been received.

(l) Performed work using individuals who were not certified when certification was required.

(m) Failed or refused to establish, maintain, provide, copy or permit access to records or reports.

(n) Failed or refused to permit entry or inspection.

(o) Failed or refused to comply with or to ensure that employed or contracted staff comply with the work practice standards established in s. HFS 163.14.

(p) Displayed conduct relating to a lead-based paint activity which in the department's judgment constitutes unreasonable risk to the health of any person.

(q) Displayed a pattern of conduct which in the department's judgment constitutes unreasonable risk to the health and safety of persons or the environment.

(r) Failed to comply with any federal, state or local government lead-based paint statute, ordinance, rule or regulation.

(5) REASONS FOR DENIAL. In addition to reasons for enforcement actions under sub. (1) to (4), the department may deny an application for certification, recertification, accreditation, renewal of accreditation or approval under this chapter to any of the following persons:

(a) A person who has had a certification, recertification, accreditation, renewal of accreditation or approval under this chapter revoked within the previous 5 years.

(b) A person who the department has determined is not fit and qualified. In determining whether a person is fit and qualified, the department shall consider the person's qualifications and any history of civil or criminal violation of statutes, regulations or ordinances of the United States, this state, any other state or any local government substantially related to lead-based paint activities or other environmental remediation.

(6) **REASONS FOR SUMMARY SUSPENSION.** A finding of a requirement for summary suspension may be based on but is not limited to any the following:

1. A person has committed a substantial violation of this chapter or an order under this section, as determined by the department. A substantial violation may include but is not limited to one or more of the following:

a. Performance of work for which certification is required but for which appropriate certification was not received.

b. Performance of work using individuals who were not certified when certification was required.

c. Failure or refusal to comply with the work practice standards under s. HFS 163.14, or to ensure that employed or contracted staff comply with those work practice standards.

2. A person has committed an action or has created a condition relating to a lead-based paint activity that directly threatens the health, safety or welfare of any person.

HFS 163.32 ENFORCEMENT ACTIONS. The department may take one or more of the following actions against a certified individual or company, an approved training manager or instructor, a person offering an accredited training course or a person required to comply with a provision of this chapter for any reason stated under s. HFS 163.31:

(1) **LETTER OF INQUIRY.** If the department provides written notice of the grounds for an inquiry and an explanation of the consequences for failing to respond to an inquiry, the department may order a person to respond to a letter of inquiry regarding a complaint or potential violation.

(2) **NOTICE OF NONCOMPLIANCE.** If the department provides written notice of the grounds for a notice of noncompliance, the department may issue a notice of noncompliance against a person who fails to comply with a provision under this chapter or who fails to respond to a letter of inquiry under sub. (1) by the time specified in the letter of inquiry.

(3) **ORDER.** If the department provides written notice of the grounds for an order and an explanation of the process for appealing an order imposed under this subsection,

the department may order any of the following when a person violates a provision under this chapter or continues to violate or resumes violation of a provision for which notice under sub. (2) was previously issued:

(a) That the person stop performing, supervising or offering activities for which certification is required under this chapter when the person is not certified under this chapter.

(b) That the person advertising or conducting a training course that is represented as qualifying persons for certification under this chapter stop advertising or conducting the course when the course or training provider is not accredited or approved under this chapter.

(c) That the person not function as a principal instructor, guest instructor or training manager of a lead training course when the person is not approved under this chapter.

(d) That the person stop violating any other provision of this chapter.

(e) That the person submit a plan of correction for violation of any provision under this chapter.

(f) That the person implement and comply with a plan of correction provided by the department or previously submitted by the person and approved by the department.

(g) That the person stop performing or supervising activities for which certification is required under this chapter until all violations are corrected. The order may require all activities on the premises that are regulated under this chapter to cease until the violation is corrected.

(h) That the person stop advertising or conducting a training course accredited or approved under this chapter until all violations are corrected.

(4) DENIAL. If the department provides an applicant with a written notice of its decision to deny the application, including the reason for the denial and an explanation of the process under s. HFS 163.05 for appealing the denial, the department may deny an application for certification, recertification, accreditation, renewal of accreditation or approval for a reason under s. HFS 163.31 (5).

(5) CIVIL FORFEITURE. If the department provides written notice of the grounds for a forfeiture and an explanation of the process under s. HFS 163.05 for appealing a forfeiture, the department may impose a daily forfeiture of not less than \$100 nor more than \$1,000 for each violation against any person who violates a provision under this chapter, fails to respond to a notice of inquiry under sub. (1) by the time specified in the order, continues to violate or resumes violation of a provision for which notice under sub. (2) was previously issued or fails to comply with an order issued under sub. (3) by the time specified in the order. All of the following apply to a civil forfeiture:

(a) The department may directly assess a forfeiture by specifying the amount of the forfeiture in the notice provided under this subsection.

(b) A person against whom the department has assessed a forfeiture shall pay that forfeiture to the department within 10 days after receipt of notice of the assessment or, if that person contests that assessment under s. HFS 163.05, within 10 days after receipt of the final decision after exhaustion of administrative review or, if that person petitions for judicial review under ch. 227, Stats., within 10 days after receipt of the final decision after exhaustion of judicial review. The department shall remit all forfeitures paid under this subsection to the state treasurer for deposit in the school fund.

(c) The attorney general may bring an action in the name of the state to collect any forfeiture imposed under this subsection that has not been paid as provided in par. (b). The only contestable issue in an action under this subsection is whether or not the forfeiture has been paid.

(6) **SUSPENSION.** If the department provides written notice of suspension, the grounds for suspension and an explanation of the process under s. HFS 163.05 for appealing a suspension not less than 30 days before the date of the suspension, and the violation on which the suspension is based remains substantially uncorrected at the end of the 30-day notice period, the department may suspend a certification, an accreditation or an approval issued under this chapter. Any suspension of a certification, accreditation or approval shall remain in effect until the department determines the interests of the residents of the State are served.

(7) **SUMMARY SUSPENSION.** (a) Under the authority of s. 227.51(3), Stats., the department may summarily suspend a certification when the department finds that this action is required to protect the health, safety or welfare of any person. A finding of a requirement for summary suspension may be based on but is not limited to one or more reasons under s. HFS 163.31(6).

(b) An order by a representative of the department to summarily suspend certification of a person and therefore stop a lead-based paint activity may be a verbal or written order. Within 7 work days after the order takes effect, the department shall either permit the continuation of the lead-based paint activity or initiate proceedings to revoke the certification. Unless waived by the certified person, an informal hearing on the sole issue of whether certification shall remain suspended during revocation proceedings shall be conducted by a department designee within 15 work days after the date of suspension if the department has initiated revocation proceedings.

(8) **REVOCAION.** If the department provides written notice of revocation, the grounds for revocation and an explanation of the process under s. HFS 163.05 for appealing a revocation not less than 30 days before the date of the revocation, and the violation on which the revocation is based remains substantially uncorrected at the end of

the 30-day notice period, the department may revoke a certification, an accreditation or an approval issued under this chapter.

(9) **CRIMINAL PENALTY.** Any person who knowingly violates any provision of this chapter or an order issued under sub. (3) shall be fined not less than \$100 nor more than \$5,000 per day for each violation. Pursuant to s. 254.30, Stats., the court may place the person on probation under s. 973.09 for a period not to exceed 2 years.

SECTION 24. Subsections (4) and (5) of HFS 163 APPENDIX A are repealed and recreated to read:

(4) **LEAD (Pb) SUPERVISOR COURSE TOPICS.** (a) Role and responsibilities of a lead (Pb) supervisor. Management of lead hazard reduction projects, supervision of lead (Pb) workers, community relations and contract specifications.

(b) Background information on lead and its adverse health effects. Emphasize the need to prevent additional exposure to lead hazards.

(c) Background information on federal, state and local regulations and guidance that pertain to lead-based paint abatement. Supplement material from lead (Pb) worker course with an in-depth review of federal, state and local government regulations and guidance that pertain to lead hazard reduction activities and requirements for training employees. Current regulations and guidelines, which are continuously evolving, include the following:

1. Federal regulations: 40 CFR Part 745, Subparts L and Q (Lead: Requirements for Lead-based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule); 24 CFR Part 35 and 40 CFR Part 745 (Lead: Requirements for Disclosure of Known Lead-based Paint and/or Lead-based Paint Hazards in Housing); 29 CFR 1926.62 with Appendices A, B and C (Lead Exposure in Construction, Interim Final Rule); Consumer Product Safety Commission Act of 1977; and Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992).

2. State regulations: applicable sections of Wisconsin Statutes ch. 254 (Environmental Health), s. 704.07 (landlord and tenant, repairs; untenability) and ch. 709 (Disclosures by Owners of Residential Real Estate); applicable parts of Wisconsin Administrative Code ch. HFS 163 (Certification for the Identification, removal and Reduction of Lead-Based Paint Hazards), ss. ILHR 32.15 and 32.50 (Safety and Health Standards for Public Employees), ch. ATCP 110 (Home Improvement Trade Practices), ch. NR 500 (General Solid Waste Management), ch. NR 502 (Solid Waste Storage, Transportation, etc.), ch. NR 506 (Landfill Operational Criteria), s. NR 600.03 (107) (household waste defined), s. NR 605.08(5) (toxicity testing defined), s. NR 610.07 (very small quantity generators), ch. NR 615 (Large Quantity Generator Standards) and ch. NR 620 (Transporter Standards and Licensing Requirements).

3. Federal guidelines: Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (HUD); A Statement by the Centers for Disease Control and Prevention, "Preventing Lead Poisoning in Young Children", (U.S. Department of Health and Human Services); EPA, "Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-Contaminated Soil" (FR 47248, Vol. 60, No. 175); EPA, "Residential Sampling for Lead: Protocols for Dust and Soil Sampling" (EPA report number 7474-R-95-001); other EPA guidelines for lead abatement and lead hazard reduction activities.

4. Local ordinances: s. 66-20, Subch. 2, Milwaukee Ordinance (Toxic and Hazardous Substances, Lead Poisoning Prevention and Control); Madison Ordinance 749 (Standards for Exterior Painting and Remodeling); ordinances relating to lead-based paint for Brown County, Eau Claire and Racine and other applicable local ordinances.

(d) Liability and insurance issues relating to lead-based paint abatement. An overview of contract liability, standard of reasonable care, property damage and personal injury, tort liability, vicarious liability, types of lead abatement insurance and worker's compensation insurance.

(e) Risk assessment and inspection report interpretation, including hands-on activities. Using a risk assessment or inspection report in planning an abatement project.

(f) Development and implementation of an occupant protection plan and abatement report. Work practice standards for occupant protection plans and reports, including their purpose and development.

(g) Lead-based paint hazard recognition and control. Supplement material from lead (Pb) worker course on limiting exposure to lead-based paint hazards by reviewing engineering practices, developing the safety and health care plan, medical surveillance, site characterization and measuring exposure during abatement. The hands-on instructional activities and hands-on skills assessment for this topic are covered in the prerequisite worker course.

(h) Lead-based paint abatement, lead-based paint hazard reduction methods and restricted practices. With an emphasis on ensuring compliance with work practice standards, supplement material from lead (Pb) worker course by reviewing abatement procedures. The hands-on instructional activities and hands-on skills assessment for this topic are covered in the prerequisite worker course.

(i) Interior dust abatement, cleanup and lead-based paint hazard control and reduction methods. With an emphasis on ensuring compliance with work practice standards, supplement material from lead (Pb) worker course by reviewing interior cleanup procedures. The hands-on instructional activities and hands-on skills assessment for this topic are covered in the prerequisite worker course.

(j) Soil and exterior dust abatement, lead-based paint hazard control and reduction methods. With an emphasis on ensuring compliance with work practice standards, supplement material from lead (Pb) worker course by reviewing soil and exterior dust cleanup procedures. The hands-on instructional activities and hands-on skills assessment for this topic are covered in the prerequisite worker course.

(k) Clearance standards and testing. Preparing for clearance, working with the inspector or risk assessor conducting clearance and ensuring compliance with work practice standards for clearance.

(l) Cleanup and waste disposal. Washing techniques, HEPA vacuuming and preparing waste for disposal. Ensuring compliance with work practice standards.

(m) Recordkeeping. Work practice standards for reports and records.

(5) LEAD (Pb) WORKER COURSE TOPICS. (a) Role and responsibilities of a lead (Pb) worker performing abatement or other lead hazard reduction.

(b) Background information on lead and its adverse health effects. Identification of lead-based paint and coatings; exposure measurements; examples and discussion of the uses of lead in buildings, such as in pipes, petroleum products and solder; locations of lead-based paint in buildings; sources of environmental lead contamination, such as paint, surface dust and soil, water, air, packaging and food; the association of deteriorated lead-based paint and lead poisoning and the need for objective testing; and the nature of lead-related diseases, including the definition of lead poisoning in terms of symptoms and diagnosis.

(c) Background information on federal, state and local government regulations and guidance that pertain to lead-based paint and lead-based paint activities. This is to be an overview of federal, state and local government regulations and guidelines pertaining to lead-based paint activities, with emphasis on training, certification and notification requirements under ch. HFS 163, Wis. Adm. Code.

(d) Lead-based paint hazard recognition and control, including hands-on activities. Overview of construction terminology, site characterization, exposure measurements, material identification, safety issues and engineering, program implementation and work practices.

(e) Abatement, lead-based paint hazard reduction methods and restricted practices, including hands-on activities. Work practice standards for abatement, abatement methods, engineering, cleanup after abatement, waste disposal, hands-on practice in lead reduction and the advantages and disadvantages of each lead hazard reduction activity.

(f) Interior dust abatement methods, cleanup and lead-based paint hazard

reduction, including hands-on activities. Work practice standards for interior dust reduction, lead hazard reduction methods for interior dust, including cleaning methods, cleanup after abatement or lead hazard reduction, engineering and work practices, waste disposal and hands-on practice with interior dust abatement methods.

(g) Soil and exterior dust abatement methods and lead-based paint hazard reduction, including hands-on activities. Work practice standards for soil and exterior dust reduction, lead hazard reduction methods for soil and exterior dust, cleanup after abatement or lead hazard reduction, engineering and work practices, waste disposal and hands-on practice with soil and exterior dust abatement methods.

SECTION 25. Subsection (6) of HFS 163 Appendix A is renumbered sub. (7).

SECTION 26. Subsection (6) of HFS 163. Appendix A is created to read:

(6) LEAD (Pb) WORKER-HOMEOWNER COURSE TOPICS. (a) Role and responsibilities of a worker-homeowner performing abatement in the homeowner's own nonrental dwelling or real property. Include the need to use special procedures, such as cleaning for clearance, or special equipment, such as a HEPA vacuum, to reduce exposure to lead hazards during the lead hazard reduction project.

(b) Background information on lead and its adverse health effects. Identification of lead-based paint and coatings; exposure measurements; examples and discussion of the uses of lead in buildings, such as in pipes, petroleum products and solder; locations of lead-based paint in buildings; sources of environmental lead contamination, such as paint, surface dust and soil, water, air, packaging and food; the association of deteriorated lead-based paint and lead poisoning and the need for objective testing; and the nature of lead-related diseases, including the definition of lead poisoning in terms of symptoms and diagnosis.

(c) Background information on federal, state and local government regulations and guidance that pertain to a homeowner performing lead-based paint abatement in the homeowner's own nonrental dwelling. Current regulations and guidelines, which are continuously evolving, include the following:

1. Federal regulations: 24 CFR Part 35 and 40 CFR Part 745 (Lead: Requirements for Disclosure of Known Lead-based Paint and/or Lead-based Paint Hazards in Housing).

2. State regulations: ch. 709, Stats., (Disclosures by Owners of Residential Real Estate) and Wisconsin Administrative Code ch. HFS 163 (Certification for Lead Hazard Reduction Work and Accreditation of Lead Training Courses).

3. Federal guidelines: Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (HUD) and Lead in Your Home: A Parent's Reference Guide (EPA).

4. Local ordinances: s. 66-20, Subch. 2, Milwaukee Ordinance (Toxic and Hazardous Substances, Lead Poisoning Prevention and Control); Madison Ordinance 749 (Standards for Exterior Painting and Remodeling); ordinances relating to lead-based paint for Brown County, Eau Claire and Racine and other applicable local ordinances.

(d) Lead-based paint hazard recognition and control, including hands-on activities. Overview of construction terminology, site characterization, exposure measurements, material identification, safety issues and engineering, program implementation and work practices.

(e) Abatement, lead-based paint hazard reduction methods and restricted practices, including hands-on activities. Work practice standards for abatement, abatement methods, engineering, cleanup after abatement, waste disposal, hands-on practice in lead reduction and the advantages and disadvantages of each lead hazard reduction activity.

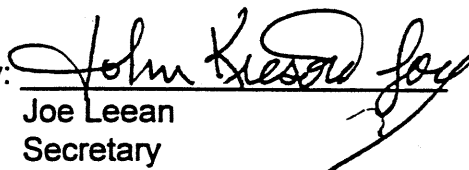
(f) Interior dust abatement methods, cleanup and lead-based paint hazard reduction, including hands-on activities. Work practice standards for interior dust reduction, lead hazard reduction methods for interior dust, including cleaning methods, cleanup after abatement or lead hazard reduction, engineering and work practices, waste disposal and hands-on practice with interior dust abatement methods.

(g) Soil and exterior dust abatement methods and lead-based paint hazard reduction, including hands-on activities. Work practice standards for soil and exterior dust reduction, lead hazard reduction methods for soil and exterior dust, cleanup after abatement or lead hazard reduction, engineering and work practices, waste disposal and hands-on practice with soil and exterior dust abatement methods.

The rules contained in this order shall take effect as emergency rules on August 29, 1998.

Wisconsin Department of
Health and Family Services

Date: August 24, 1998

By: 
Joe Leean
Secretary

Seal:

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

FISCAL ESTIMATE
DOA-2048 N(R10/96)

Subject **CERTIFICATION FOR THE IDENTIFICATION AND REMOVAL OF LEAD-BASED PAINT**

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected
 GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The emergency order revising HFS 163 is necessary to allow the State to apply to the U.S. Environmental Protection Agency (EPA) for approval of the State lead certification program under ss. 254.167, 254.172, 254.176 and 254.178, Stats.

The emergency order does not include fee changes, so it will not affect program revenues. Fee changes are planned for the permanent replacement rule in order to receive public comment before implementing fee changes.

The emergency order will not increase state expenditures or revenues. Although certification of lead companies is a new activity under the emergency order, information about most companies is currently in the certification data base. The certification work and costs of formally certifying lead companies will be approximately \$500, which can be covered by current grant funding from EPA.

To assist with the development and implementation of the mandatory enforcement portion of the program, the Department may add two project environmental health positions with grant funding from EPA.

Without EPA approval of the State lead certification program, the State will lose nearly \$500,000 in EPA grants.

Local government employes are exempt from paying certification fees. Although the rules require local government agencies to be certified, there is no fee at this time.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)

DHFS/Gail Boushon, 267-2289

Authorized Signature/Telephone No.

Richard W. Lorang, 266-9622

John Kresow [Signature]

Date

8-20-98



State of Wisconsin
Department of Health and Family Services

Tommy G. Thompson, Governor
Joe Leean, Secretary

January 4, 1999

The Honorable Judy Robson, Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 15 South, State Capitol
Madison, Wisconsin

Dear Senator Robson:

The Department of Health and Family Services has two emergency rulemaking orders in effect that will expire before permanent rules replace the emergency rules unless the effective periods of the emergency rules are extended. Pursuant to s. 227.24(2), Stats., I ask the Joint Committee to extend the effective periods of these emergency rules by the number of days indicated below. The emergency rules are as follows:

(1) **Operation of the Health Insurance Risk-Sharing Plan (HIRSP).** These emergency rules, HFS 119, will expire on January 27, 1999, before they are replaced by permanent rules unless the effective period of the emergency rules is extended. Responsibility for administration of HIRSP was transferred from the Office of Commissioner of Insurance to the Department in January 1998 by 1997 Wisconsin Act 27. Section 9123(4) of Act 27 permitted the Department to promulgate any rules that the HIRSP program statutes, as renumbered and amended by Act 27, authorized it or required it to promulgate, by using emergency rulemaking procedures but without having to make a finding of emergency. The Department repealed and recreated the rules for HIRSP in July 1998 to make necessary changes in the rules. The Joint Committee on November 11, 1998, extended the effective period of the emergency rules by 60 days. The replacement permanent rules were filed on December 10, 1998, and will take effect on February 1, 1999. I therefore ask that the effective period of the emergency rules be further extended by 5 days, through January 31, 1999.

(2) **Certification of Persons to Remove Lead-Based Paint or Otherwise Reduce Lead-Based Paint Hazards.** These emergency rules, amendments to HFS 163, were published on August 29, 1998, and will expire on January 27, 1999, unless extended. The rulemaking order made the Department's rules consistent with federal regulations published in August 1996, which was a condition for U.S. Environmental Protection Agency (EPA) approval of the Department's lead (Pb) training and certification program. EPA approval of the Department's program had to be obtained by August 30, 1998, or else EPA would have taken over the certification and training course accreditation activities with consequent uncertain enforcement and likely loss of related federal funding. Replacement permanent rules were sent to the Legislative Council for review on October 19, 1998, and were taken to public hearings in late November and early December 1998. They will be sent to the Legislature in January 1999 for review by standing committees which means that they will not likely be take effect until May 1, 1999. Therefore, I request an extension of the effective period of the emergency rules by 60 days, through March 27, 1999. If the emergency rules are not extended, the Department in the interim will be out of compliance with federal requirements for a state-operated lead (Pb) certification and training course accreditation program which could jeopardize continuation of the Department's program and mean less protection for residents of buildings in which lead-based paint activities are performed, an inadequate number of qualified lead (Pb) professionals to make inspections or

Senator Robson

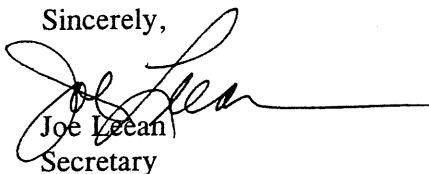
January 4, 1999

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risk assessments under real estate disclosure regulations and loss of federal funding to local public health agencies for lead hazard reduction and lead poisoning prevention activities.

Copies of the emergency rule orders are attached to this letter. If you have any questions about the rules relating to operation of HIRSP, you may contact Kathy Rogers of the Department's Division of Health Care Financing at 264-7733, and if you have any questions about the rules relating to certification for removal of lead-based paint or other reduction of lead-based paint hazards, you may contact Gail Boushon of the Department's Division of Public Health at 267-2289.

Sincerely,



Joe Lekan
Secretary

Attachments

cc Representative Grothman

ORDER OF THE DEPARTMENT OF HEALTH AND
FAMILY SERVICES REPEALING, AMENDING,
REPEALING AND RECREATING, AND CREATING RULES

FINDING OF EMERGENCY

The Department of Health and Family Services finds that an emergency exists and that the rules included in this order are necessary for the immediate preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

Summary

September 2000 regulations issued by the U.S. Department of Housing and Urban Development (HUD) assume states' commencing lead abatement activities compliant with the federal regulations beginning March 15, 2001. The Department estimates that about 5,000 structures in the state require lead abatement activities. About 300 persons need to be trained to conduct lead abatement activities on these 5,000 structures. Without DHFS issuance of revised training program requirements, Wisconsin's lead training programs will not alter their courses to HUD standards or receive state accreditation in time for sufficient personnel to be trained by the time high demands for lead abatement commences. To sanction ill-trained lead abatement personnel by March 15, 2001, the Department would needlessly endanger the health of both untrained lead abatement personnel and the public whose residences are affected.

Lead Abatement Activities

Residences built before 1978 have a high likelihood of containing lead-based paint. When lead-based paint is in poor condition or when it is disturbed through activities such as sanding or scraping, the paint can break down into chips and dust that become a potential source of lead poisoning for occupants. Wisconsin has nearly 500,000 rental units and 1 million owner-occupied units built before 1978 and presumed to contain lead-based paint.

Exposure to lead in paint, dust or soil has both short-term and long-term adverse health effects on children, causing learning disabilities, decreased growth, hyperactivity, impaired hearing, brain damage and even death. When not fatal, these effects on the body last a lifetime. Of 63,400 Wisconsin children under the age of 6 screened for lead poisoning in 1999, 3,744 were identified as having lead poisoning. However, the number of children affected by lead poisoning is probably much greater, since the 63,400 screened represented only 16% of the state's children under the age of 6. Many of these children would not become lead poisoned if pre-1978 dwellings did not have deteriorated paint or lead-based paint on friction or impact surfaces and if lead-safe techniques were used when disturbing lead-based paint.

Lead poisoning can also affect older children and adults. In 1999, a 40-year old man employed to remove paint from windows of a rental dwelling was severely lead poisoned. He was hospitalized with complaints of headaches and joint pain. He underwent multiple sessions of chelation therapy to remove some of the lead from his blood, but still suffered serious neurological damage, which effected his speech and balance. This man's lead poisoning could have been avoided if he had been trained to use lead-safe techniques and personal protection equipment.

Existing Wisconsin Law

Chapter 254, Stats., provides for a comprehensive lead hazard reduction program, including lead exposure screening, medical case management and reporting requirements, and the development of lead training accreditation and certification programs. Under the authority of Chapter 254, Stats., the Department promulgated Chapter HFS 163, Wis. Adm. Code, in 1988 to provide rules for the certification of individuals performing lead hazard reduction and for the accreditation of the courses that prepare individuals for certification. These rules have been revised over time to meet requirements of the U.S. Environmental Protection Agency (EPA).

Wisconsin met federal standards for a state-administered lead training accreditation and certification program and received EPA authorization effective January 27, 1999. The Department's Asbestos and Lead Section of the Bureau of Occupational Health administers and enforces lead-based paint training, certification and work practice provisions of Chapter HFS 163, Wis. Adm. Code. The Section operates on a combination of program revenue and lead program development grants from the EPA.

Under Chapter HFS 163, Wis. Adm. Code, a person offering, providing or supervising lead-based paint activities for which certification is required must be certified as a lead company and may only employ or contract with appropriately certified individuals to perform these activities. An individual may apply for certification in the following disciplines: lead (Pb) worker, supervisor, inspector, risk assessor and project designer. For initial certification, the individual must be 18 years of age or older, must meet applicable education and experience qualifications, must successfully complete certification training requirements and, to be certified as a lead (Pb) inspector, risk assessor or supervisor, must pass a certification examination. All individuals must have completed worker safety training required by the U.S. Occupational Health and Safety Administration for lead in construction. In addition, a lead (Pb) worker, supervisor, or project designer must complete a 16-hour lead (Pb) worker course, a lead (Pb) supervisor or project designer also must complete a 16-hour lead (Pb) supervisor course, and a lead (Pb) project designer must complete an 8-hour lead (Pb) project designer course. A lead (Pb) inspector or risk assessor must complete a 24-hour lead (Pb) inspector course and a lead (Pb) risk assessor must also complete a 16-hour lead (Pb) risk assessor course.

New Federal Regulations

The U.S. Department of Housing and Urban Development (HUD) revised 24 CFR Part 35 effective September 15, 2000. The regulations require most properties owned by the federal government or receiving federal assistance to conduct specified activities to make the property lead-safe. Specifically, these regulations affect property owners receiving federal rehabilitation funds and landlords whose tenants receive federal rental assistance. To meet HUD's lead-safe standards, most affected properties must have a risk assessment completed and must use certified persons to reduce or eliminate the lead-based paint hazards identified in the risk assessment report. Property owners must also use trained people to perform maintenance or renovation activities and must have clearance conducted after completing activities that disturb lead-based paint. Clearance is a visual inspection and dust-lead sampling to verify that lead-based paint hazards are not left behind. The HUD regulations also establish a new, research-based standard for clearance that is more protective than HUD's previously recommended standard.

The EPA has issued a memorandum urging States to implement a lead sampling technician discipline for which a 1-day training course would be required. Addition of this discipline

would help to meet the increased demand for clearance under both the HUD regulations and renovation and remodeling regulations being considered by EPA.

The EPA is preparing to promulgate lead renovation and remodeling regulations under 40 CFR Part 745. Under these training and certification regulations for renovators, any person who disturbs paint in a pre-1978 dwelling, other than a homeowner performing activities in an owner-occupied dwelling, will have to complete lead-safe training. EPA is also considering requiring clearance after any activity that disturbs paint in a pre-1978 dwelling, except when work on owner-occupied property was done by the property owner.

New Wisconsin Law

1999 Wisconsin Act 113 requires the Department to establish a process for issuing certificates of lead-free or lead-safe status and registering the properties for which certificates are issued. If a dwelling unit has a valid certificate of lead-free or lead-safe status when a person who resides in or visits the unit is lead poisoned, the property owner, and his or her agents and employees are generally immune from civil and criminal liability for their acts or omissions related to the lead poisoning or lead exposure. Act 113 also requires the Department to establish the requirements for a training course of up to 16 hours that property owners, their agents and employees may complete in order to receive certification. The Department must also specify the scope of the lead investigation and lead hazard reduction activities that may be performed following certification. Act 113 specifies that administrative rules to implement Act 113 must be submitted to the Legislative Council Rules Clearinghouse by December 1, 2000. The rules providing the standards for lead-free and lead-safe property, and the procedures for issuing certificates of lead-free status and lead-safe status, are being promulgated separately and are not expected to be published for several months.

Result of Changing Federal and State Requirements

New HUD regulations create an urgent need for appropriately trained and certified workers to conduct activities that reduce or identify lead-based paint hazards. Due to a lack of trained and certified individuals to perform the activities required by the HUD regulations, housing agencies in Wisconsin have been forced to ask HUD for a 6-month extension before beginning enforcement of the regulations. To be granted the extension, the agencies must provide a plan for increasing the number of certified persons to meet the demand by March 15, 2001. If HUD does not grant an extension, millions of dollars in federal funding for rehabilitation and lead hazard reduction may be lost.

In addition to the demand for certified persons generated by the HUD regulations, Act 113 is generating its own demand for certified persons. Many property owners want to begin reducing lead-based paint hazards on their properties in order to meet the standards for lead-free or lead-safe property when the standards take effect. Although property owners and their employees may be certified now under Chapter HFS 163, Wis. Adm. Code, some property owners feel 5 days of training is too extensive for the work they will be performing. Act 113 requires the Department to establish the requirements for a training course of up to 16 hours that property owners, their agents and employees may complete in order to receive certification. This emergency rule meets the requirement of Act 113 by providing for certification as a lead (Pb) low-risk supervisor to independently perform limited lead hazard reduction activities after only 2 days of training.

Department Response

The Department is gravely concerned that a lack of properly trained and certified individuals to meet the increased demand may lead to an increase in lead poisoning due to work being performed by untrained individuals. The new disciplines in this emergency order will help meet the demand for certified individuals because the rules reduce the training hours required for certification by targeting training to specific activities. With more individuals becoming certified, housing authorities and property owners will be able to comply with HUD regulations and property owners will be able to reduce lead-based paint hazards in preparation for the implementation of Act 113 lead-free and lead-safe property standards.

In promulgating these revisions to the certification and training accreditation requirements under chapter HFS 163, the Department seeks to meet the needs of all the parties affected by training or certification requirements under State, federal or local lead regulations. For each revision made by these rules, the Department considered the impact of the cost, the ease with which persons could comply, the ability to easily move to a higher level of certification, and the consistency with other regulations. In developing the low-risk worker and low-risk supervisor disciplines, the Department also considered potential requirements of EPA's renovation and remodeling regulations.

The Department divided required training into smaller independent modules to allow individuals to complete the least amount of training necessary to safely and accurately perform the lead-based paint activities for which the individual becomes certified. In addition, the Department:

- Divided lead hazard reduction activities into those that are low-risk and high-risk.
- Divided site management activities into project design and supervision of low-risk versus high-risk activities.
- Divided lead investigation activities conducted by lead risk assessors into sampling, inspection, and hazard investigation.
- Revised the definitions, training and certification requirements and accreditation standards to reflect these categories of activities.

ORDER

Pursuant to the authority vested in the Department of Health and Family Services by ss. 227.24 (1), 250.04 (7), 254.167, 254.172, 254.176 (1) and (3), 254.178 (2) and 254.179, Stats., the Department hereby repeals, amends, repeals and recreates, and creates rules interpreting ss. 254.167, 254.172, 254.176, 254.178 and 254.179, Stats.

SECTION 1. HFS 163.01 is amended to read:

HFS 163.01 Authority and purpose. This chapter is promulgated under the authority of ss. 250.04 (7), 254.167, 254.172, 254.176 (1) and (3) ~~and~~, 254.178 (2) ~~and~~ 254.179, Stats., to ensure that persons who perform lead-based paint activities do so safely to prevent exposure of building occupants to hazardous levels of lead. This is accomplished by requiring that before a person performs, supervises or offers to perform or supervise a lead-based paint activity involving target housing or a child-occupied facility or the real property on which the target housing or child-occupied facility stands, the person shall successfully meet the requirements of this chapter and have documentation of certification issued by the department. A homeowner is not required to be certified except as specified under s. HFS 163.10 (1) (a) 3. or 4., (b) or (c). This chapter also requires that a training course that is represented as qualifying any person for certification in this state as a lead (Pb) inspector, project designer, risk assessor, contractor supervisor, low-risk supervisor, high-risk worker, low-risk worker, hazard investigator or ~~worker-homeowner~~sampling technician, be accredited by the department before the training course is offered, advertised or conducted and that training managers and principal instructors be separately approved by the department.

SECTION 2. HFS 163.02 (1) (b) is amended to read:

(b) This subchapter, subch. III, subch. IV and Appendix A apply to any person or organization that offers, advertises, conducts or teaches a lead (Pb) inspector, project designer, risk assessor, supervisor, worker, hazard investigation, high-risk work, inspection, low-risk work, sampling or ~~worker-homeowner~~low-risk supervision training course leading to certification by the department.

SECTION 3. HFS 163.03 (9) and (10) are repealed and recreated to read:

HFS 163.03 (9) "Clearance" means the visual examination or sampling conducted after an activity that disturbed known or presumed lead-based paint to make a final determination that dust-lead levels are below the clearance level.

(10) "Clearance level" means the value that indicates the maximum amount of lead permitted in dust on a surface following completion of an activity that disturbed known or presumed lead-based paint.

SECTION 4. HFS 163.03 (24m), (33g), (33m) and Note, (40m), (45m), (46m), (49g), (49m), (49r), (49s), and (54m) are created to read:

HFS 163.03 (24m) "Elevated blood lead investigation" means the environmental investigation activities that are conducted in response to a report of a lead poisoning and intended to identify lead hazards that may contribute to the lead poisoning.

(33g) "HEPA filter" means a high efficiency particulate air filter that removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency.

(33m) "High-risk lead-based paint activity" means a lead hazard reduction or lead-based paint construction activity that disturbs known or presumed lead-based paint, dust-lead or soil-lead and is likely to create an imminent lead-based paint hazard if lead-safe work practice standards are not carefully followed. High-risk lead-based paint activities include the following:

(a) Removal of lead-based paint from components, such as by chemical stripping, using a heat gun, hand scraping to bare wood, or using power tools with or without a dust collection system with a HEPA filter or full enclosure of the work area.

(b) Removal of components containing lead-based paint, such as removal of complete window systems, siding, walls, cabinet or trim, but not including removal of doors or components involved in window sash replacement.

(c) Using power tools that disturb lead-based paint and create dust-lead, with or without a HEPA-filtered dust collection system or full enclosure of the work area. Power tools that might create dust-lead include a sander, grinder, planer or saw, but do not include a power drill used for drilling.

(d) All activities specified under 29 CFR 1926.62 (d) (2), other than manual scraping and sanding.

(e) Any other activity that disturbs lead-based paint and is not a low-risk lead-based paint activity or as determined by the department.

Note: Refer to Appendix C for a list of high-risk activities under 29 CFR 1926.62 (d) (2).

(40m) "Lead-based paint construction activity" means an activity other than lead hazard reduction that disturbs known or presumed lead-based paint, including demolition, maintenance, rehabilitation, remodeling, renovation and restoration activities.

(45m) "Lead (Pb) hazard investigator" means an individual who conducts lead hazard screen, lead risk assessment or clearance activities, but does not use an XRF or conduct lead inspections.

(46m) "Lead hazard reduction discipline" means a job category for which individuals are trained and become certified by the department to conduct specific lead hazard reduction activities. Lead hazard reduction disciplines are lead contractor supervisor, high-risk worker, low-risk supervisor, low-risk worker and project designer.

(49g) "Lead investigation activity" means any activity that determines whether lead-based paint or lead hazards are present. Lead investigation activities include an elevated blood lead investigation, inspection, lead hazard screen, risk assessment or clearance activities.

(49m) "Lead investigation discipline" means a job category for which individuals are trained and become certified by the department to conduct specific lead investigation activities. Lead investigation disciplines are lead hazard investigator, inspector, risk assessor and sampling technician.

(49r) "Lead (Pb) low-risk supervisor" means an individual who supervises or performs low-risk lead hazard reduction or lead-based paint construction activities that do not involve high-risk lead-based paint activities.

(49s) "Lead (Pb) low-risk worker" means an individual who performs low-risk lead hazard reduction or lead-based paint construction activities that do not involve high-risk lead-based paint activities.

(54m) "Lead (Pb) sampling technician" means an individual who performs clearance activities or assists a lead (Pb) hazard investigator, inspector or risk assessor in conducting other lead investigation activities.

SECTION 5. HFS 163.03 (55) and (56) are repealed and recreated to read:

HFS 163.03 (55) "Lead (Pb) supervisor or lead (Pb) contractor supervisor" means an individual who supervises or performs high-risk lead hazard reduction or high-risk lead-based paint construction activities.

(56) "Lead (Pb) worker or lead (Pb) high-risk worker" means an individual who performs high-risk lead hazard reduction or high-risk lead-based paint construction activities.

SECTION 6. HFS 163.03 (57m) is created to read:

HFS 163.03 (57m) "Low-risk lead-based paint activity" means a lead hazard reduction or lead-based paint construction activity that disturbs known or presumed lead-based paint, dust-lead or soil-lead, but is not likely to create an imminent lead-based paint hazard even if lead-safe work practice standards are not carefully followed. Low-risk lead-based paint activities include the following:

- (a) Surface preparation and repainting, including manual scraping or sanding of paint.
- (b) Restoring proper functioning of windows and doors.
- (c) Enclosure or encapsulation of lead-based painted components without removing components.
- (d) Removal of lead-based painted window sashes and replacement with new window sashes without removing the window framing or trim.
- (e) Removal of lead-based painted doors and replacement with new doors without removing the door framing or trim.

SECTION 7. HFS 163.10 (2) is repealed and recreated to read:

HFS 163.10 (2) DISCIPLINES. Certification of individuals shall be specific to one of the following lead hazard reduction or lead investigation disciplines:

(a) *Lead hazard reduction disciplines.* 1. Lead (Pb) low-risk worker. With supervision under s. HFS 163.14 (5), a certified lead (Pb) low-risk worker may perform low-risk lead-based paint activities. A lead (Pb) low-risk worker may not perform any high-risk lead-based paint activity, prepare an occupant protection plan or abatement report, conduct sampling or supervise lead-based paint activities.

2. Lead (Pb) high-risk worker. With supervision under s. HFS 163.14 (5), a certified lead (Pb) high-risk worker may perform high-risk and low-risk lead-based paint activities. A lead (Pb) high-risk worker may not prepare an occupant protection plan or abatement report, conduct sampling or supervise lead-based paint activities.

3. Lead (Pb) low-risk supervisor. A certified lead (Pb) low-risk supervisor may develop occupant protection plans, write lead hazard reduction reports, and supervise or perform low-risk lead-based paint activities. A lead (Pb) low-risk supervisor may take dust-wipes before clearance is conducted to determine if clean-up is complete, but may not conduct clearance or sampling under s. 901.055, Stats. A low-risk supervisor may not perform or supervise high-risk lead-based paint activities.

4. Lead (Pb) contractor supervisor. A certified lead (Pb) contractor supervisor may develop occupant protection plans, write lead hazard reduction reports, and supervise or perform any high-risk and low-risk lead-based paint activities. A certified lead (Pb) contractor supervisor may take dust-wipes before clearance is conducted to determine if clean-up is complete, but may not conduct clearance or sampling under s. 901.055, Stats.

5. Lead (Pb) project designer. A certified lead (Pb) project designer may design lead hazard reduction projects, develop occupant protection plans and write lead hazard reduction reports. A certified lead (Pb) project designer may not perform or supervise lead-based paint activities without certification in another lead hazard reduction discipline.

(b) *Lead investigation disciplines.* 1. Lead (Pb) sampling technician. A certified lead (Pb) sampling technician may conduct clearance following a lead-based paint construction or interim control activity involving a single-family dwelling, multifamily housing with no more than 4 units or an individual dwelling unit in multifamily housing. A certified lead (Pb) sampling technician may assist a certified lead (Pb) hazard investigator, inspector or risk assessor to conduct other lead investigation activities. A certified lead (Pb) sampling technician may not use an XRF, conduct clearance after abatement, or provide recommendations for reducing a lead hazard.

2. Lead (Pb) inspector. A certified lead (Pb) inspector may conduct any clearance or inspection activity, and may use an XRF. A certified lead (Pb) inspector may assist a certified lead (Pb) hazard investigator or risk assessor to conduct other lead investigation activities, but may not identify hazards or provide recommendations for reducing a lead hazard.

3. Lead (Pb) hazard investigator. A certified lead (Pb) hazard investigator may conduct any clearance, elevated blood-lead investigation, lead hazard screen or risk assessment activity. A certified lead (Pb) hazard investigator may assist a certified lead (Pb) inspector or risk assessor to conduct a lead inspection, but may not use an XRF.

4. Lead (Pb) risk assessor. A certified lead (Pb) risk assessor may conduct any lead investigation activity, including clearance, inspection, elevated blood-lead investigation, lead hazard screen and risk assessment activities, and may use an XRF.

SECTION 8. HFS 163.10 (3) (a), (b) 1., 3. (intro.) and 4. (intro.) and a., and (c) 1. (intro.) are amended to read:

HFS 163.10 (3) CONDITIONS FOR INITIAL CERTIFICATION. (a) *Summary.* An individual applying for initial certification in any discipline identified under sub. (2) shall be 18 years of age or

older, shall meet applicable education and experience qualifications under par. (b), shall successfully complete certification training requirements under s. HFS 163.11 and, to be certified as a lead (Pb) hazard investigator, inspector, risk assessor, low-risk supervisor or contractor supervisor, shall pass a certification examination under par. (c). To apply for certification, the applicant shall submit to the department an application under sub. (4) and include the applicable fee under sub. (5).

(b) *Education and experience*. 1. Requirement. An applicant for initial certification as a lead (Pb) hazard investigator, project designer, risk assessor, contractor supervisor or low-risk supervisor shall meet the applicable education and experience qualifications in this paragraph in addition to the certification training requirements under s. HFS 163.11.

3. Risk assessor or hazard investigator. An applicant for lead (Pb) risk assessor or lead (Pb) hazard investigator certification shall meet or exceed one of the following:

4. ~~Supervisor~~Contractor supervisor or low-risk supervisor. An applicant for lead (Pb) contractor supervisor or lead (Pb) low-risk supervisor certification shall meet or exceed one of the following:

a. Have one year of experience as a certified lead (Pb) worker, including lead (Pb) low-risk or high-risk worker, lead (Pb) low-risk supervisor or lead (Pb) contractor supervisor.

(c) *Certification examination for lead (Pb) hazard investigators, inspectors, risk assessors, low-risk supervisors and contractor supervisors*. 1. Requirement. To be certified, an applicant for initial certification as a lead (Pb) hazard investigator, inspector, risk assessor, low-risk supervisor or contractor supervisor shall do one of the following:

SECTION 9. HFS 163.10 (4) (e) (intro.) and (g) (2) are amended to read:

HFS 163.10 (4) (e) *Documentation of education and experience*. For certification as a lead (Pb) project designer, risk assessor, hazard investigator, contractor supervisor or low-risk supervisor, an affidavit of education and experience required under sub. (3) (b) on a form obtained from the department. The applicant shall also be prepared to submit one or more of the following forms of documentation if requested by the department:

(g) 2. For lead (Pb) hazard investigator, inspector, risk assessor, low-risk supervisor or contractor supervisor initial certification, a nonrefundable certification examination registration fee under sub. (5) (c).

SECTION 10. HFS 163.10 (5) (a) is repealed and recreated to read:

HFS 163.10 (5) FEES. (a) *Initial certification fee*. Except when a government certification fee exemption is requested under sub. (4) (g), an applicant for initial certification shall pay a fee as follows:

1. For certification as a lead (Pb) contractor supervisor, a fee of \$125.
2. For certification as a lead (Pb) hazard investigator, a fee of \$150.
3. For certification as a lead (Pb) high-risk worker, a fee of \$75.

4. For certification as a lead (Pb) inspector, a fee of \$150.
5. For certification as a lead (Pb) low-risk supervisor, a fee of \$75.
6. For certification as a lead (Pb) low-risk worker, a fee of \$50.
7. For certification as a lead (Pb) project designer, a fee of \$175.
8. For certification as a lead (Pb) risk assessor, a fee of \$175.
9. For certification as a lead (Pb) sampling technician, a fee of \$50.

SECTION 11. HFS 163.10 (6) (b) is amended to read:

HFS 163.10 (6) (b) *Grant interim certification.* If an individual applies for lead (Pb) hazard investigator, inspector, risk assessor, low-risk supervisor or contractor supervisor certification, meets all of the certification examination prerequisites under sub. (3) (c) 3. and is registered for, but has not passed, the certification examination for the discipline, the department may grant interim certification. When interim certification is granted, the department shall issue or arrange for the issuance of an interim certification card for the appropriate specific discipline under sub. (2). An individual may be granted interim certification only once per discipline per lifetime.

SECTION 12. HFS 163.10 (7) (b), (8) (c) 4. and (8) (e) are repealed and recreated to read:

HFS 163.10 (7) (b) *Initial certification.* 1. For a lead (Pb) contractor supervisor, hazard investigator, inspector, project designer or risk assessor, initial certification shall be valid for 1 year after the completion date of the most recent training required under s. HFS 163.11.

2. For lead (Pb) high-risk worker, low-risk supervisor, low-risk worker or sampling technician:

a. An initial certification obtained during an odd-numbered year shall expire at midnight on August 1 of the subsequent odd-numbered year.

b. An initial certification obtained during an even-numbered year shall expire at midnight on August 1 of the subsequent even-numbered year.

c. An initial certification issued between November 30, 2000, and January 1, 2001, shall expire at midnight on August 1, 2003.

(8) (c) 4. Recertification fee. A written request for a government certification fee exemption under subd. par. j. or a recertification fee as follows:

a. For recertification as a lead contractor supervisor, a 1-year fee of \$125 or a 2-year fee of \$225.

b. For recertification as a lead hazard investigator, a 1-year fee of \$150 or a 2-year fee of \$275.

- c. For recertification as a lead high-risk worker, a 2-year fee of \$75.
- d. For recertification as a lead inspector, a 1-year fee of \$150 or a 2-year fee of \$275.
- e. For recertification as a lead low-risk supervisor, a 2-year fee of \$75.
- f. For recertification as a lead low-risk worker, a 2-year fee of \$50.
- g. For recertification as a lead project designer, a 1-year fee of \$175 or a 2-year fee of \$325.
- h. For recertification as a lead risk assessor, a 1-year fee of \$175 or a 2-year fee of \$325.
- i. For recertification as a lead sampling technician, a 2-year fee of \$50.
- j. To request a government certification fee exemption, the applicant shall submit a letter from the employing governmental agency describing the job duties that qualify the employee for a government certification fee exemption.

(8) (e) *Length of recertification.* 1. When the department recertifies a lead (Pb) contractor supervisor, hazard investigator, inspector, project designer or risk assessor, the department shall extend the individual's certification for 1 or 2 years depending on whether a 1-year or 2-year fee is paid.

2. When the department recertifies a lead (Pb) high-risk worker, low-risk supervisor, low-risk worker or sampling technician, the department shall extend the individual's certification for 2 years.

SECTION 13. HFS 163.11 is repealed and recreated to read:

HFS 163.11 Certification training requirements. To be certified under this chapter as a lead (Pb) contractor supervisor, hazard investigator, high-risk worker, inspector, low-risk supervisor, low-risk worker, project designer, risk assessor or sampling technician, an individual shall meet all of the following training requirements:

(1) APPROVED TRAINING. (a) *Approved training courses.* Each training course the individual completes for purposes of certification or recertification shall be one of the following:

- 1. Accredited by the department under subch. III.
- 2. Accredited by EPA or an EPA-authorized state or tribal lead certification program if the course was completed in another state where the accrediting program has authority.
- 3. Given by a training center authorized by EPA and completed in another state before March 1, 1999.
- 4. Accredited by another state if the training course is comparable to the accreditation requirements under subch. III and was completed in that state before March 1, 1999.

(2) REQUIREMENT FOR INITIAL TRAINING. (a) *Lead hazard reduction training.* For certification to perform lead hazard reduction activities, an individual shall have successfully completed one or more department-approved initial training courses as follows:

1. Lead low-risk worker. For certification as a lead (Pb) low-risk worker, one of the following:

- a. An initial 1-day lead low-risk work course.
- b. An initial 2-day lead worker course.

2. Lead high-risk worker. For certification as a lead (Pb) high-risk worker, one of the following:

- a. An initial 1-day lead low-risk work course followed by an initial 1-day lead high-risk work course.
- b. An initial 2-day lead worker course.

3. Lead low-risk supervisor. For certification as a lead (Pb) low-risk supervisor, one of the following:

- a. An initial 1-day lead low-risk work course followed by an initial 1-day lead low-risk supervision course.
- b. An initial 2-day lead worker course followed by an initial 2-day lead supervisor course or a 1-day lead low-risk supervision course.

4. Lead contractor supervisor. For certification as a lead (Pb) contractor supervisor, one of the following:

- a. An initial 1-day lead low-risk work course followed by an initial 1-day lead high-risk work course and an initial 2-day lead supervisor course.
- b. An initial 2-day lead worker course followed by an initial 2-day lead supervisor course.

5. Lead project designer. For certification as a lead (Pb) project designer, lead (Pb) contractor supervisor training under subd. 4. followed by an initial 1-day lead project designer course.

(b) *Lead investigation training.* For certification to perform lead investigation activities, an individual shall have successfully completed one or more department-approved initial training courses as follows:

1. Lead sampling technician. For certification as a lead (Pb) sampling technician, an initial 1-day lead sampling course.

2. Lead inspector. For certification as a lead (Pb) inspector, one of the following:

- a. An initial 1-day lead sampling course followed by an initial 2-day lead inspection course.

b. An initial 3-day lead inspector course.

3. Lead hazard investigator. For certification as a lead (Pb) hazard investigator, one of the following:

a. An initial 1-day lead sampling course followed by an initial 2-day lead hazard investigation course.

b. An initial 3-day lead inspector course followed by an initial 2-day lead risk assessor or lead hazard investigation course.

4. Lead risk assessor. For certification as a lead (Pb) risk assessor, one of the following:

a. An initial 1-day lead sampling course followed by an initial 2-day lead inspection course and an initial 2-day lead hazard investigation course.

b. An initial 3-day lead inspector course followed by an initial 2-day lead risk assessor or an initial 2-day lead hazard investigation course.

(3) REFRESHER TRAINING. (a) *Requirement for refresher training.* 1. As a condition for recertification, an individual who is certified shall complete refresher training as follows:

a. An individual issued initial certification as a lead (Pb) contractor supervisor, hazard investigator, inspector, project designer or risk assessor or recertification based on payment of a 1-year fee shall complete a refresher training course under par. (b) every 2 years, as indicated by the training due date on the certification card.

b. An individual issued initial certification as a lead (Pb) high-risk worker, low-risk supervisor, low-risk worker or sampling technician or recertification based on payment of a 2-year fee shall complete a refresher training course under par. (b) during that certification period, as indicated by the training due date on the certification card.

2. As a condition for certification, an individual who is not certified and has not completed initial or refresher lead training within the previous 24 months, shall meet one of the following refresher training requirements:

a. An individual whose certification has been expired for less than 12 months shall complete a refresher training course under par. (b).

b. An individual whose certification has been expired for 12 months shall complete initial training under sub. (2) (a) or (b) or a refresher training course under par. (b) and shall retake and pass the certification examination under s. HFS 163.10 (3) (c).

(b) *Required refresher training.* 1. Refresher training for lead hazard reduction disciplines. For lead hazard reduction disciplines, an individual shall successfully complete refresher courses approved by the department for lead hazard reduction disciplines. The minimum number of department-approved hours required for lead hazard reduction disciplines are as follows:

a. For certification as a lead (Pb) low-risk worker, a 2-hour lead low-risk worker refresher training course.

b. For certification as a lead (Pb) high-risk worker, a 4-hour lead high-risk worker refresher training course.

c. For certification as a lead (Pb) low-risk supervisor, a 4-hour lead low-risk supervisor refresher training course.

d. For certification as a lead (Pb) contractor supervisor, an 8-hour lead contractor supervisor refresher training course.

e. For certification as a lead (Pb) project designer, a 4-hour lead project designer refresher training course.

2. Refresher training for lead investigation disciplines. For lead investigation disciplines, an individual shall successfully complete refresher courses approved by the department for lead investigation disciplines. The minimum number of department-approved hours required for lead investigation disciplines are as follows:

a. For certification as a lead (Pb) sampling technician, a 2-hour lead sampling technician refresher training course.

b. For certification as a lead (Pb) inspector, an 8-hour lead inspector refresher training course.

c. For certification as a lead (Pb) hazard investigator, an 8-hour lead hazard investigator refresher training course.

d. For certification as a lead (Pb) risk assessor, an 8-hour lead risk assessor refresher training course.

(4) PROOF OF TRAINING. The individual shall retain an original training certificate, issued by the training provider, for each required training course completed.

SECTION 14. HFS 163.12 (1) is amended to read:

(1) REQUIREMENT. ~~Only a~~A company, partnership, corporation, sole proprietorship, association, governmental agency or other entity shall be certified by the department as a lead (Pb) company under this chapter and shall have appropriately certified staff before it may perform, supervise, advertise, claim to provide or offer to perform or supervise a lead-based paint activity on and after August 30, 1999.

SECTION 15. HFS 163.12 (2) (d) is repealed and recreated to read:

HFS 163.12 (2) (d) *Demonstrate knowledge of applicable regulations.* An owner, officer or employe of the lead (Pb) company who is authorized by the lead (Pb) company to act on the lead (Pb) company's behalf shall demonstrate knowledge of applicable lead-based paint regulations and protocols by doing one of the following:

1. Being certified as a lead (Pb) contractor supervisor, hazard investigator, inspector, project designer, risk assessor or low-risk supervisor.

2. When certification is impracticable, correctly completing and submitting to the department a lead company regulatory work sheet.

SECTION 16. HFS 163.12 (2) (e) and (note) are repealed.

SECTION 17. HFS 163.12 (3) (a) 1.e is repealed and recreated to read:

HFS 163.12 (3) (a) 1. e. The name of an individual who meets one of the certification requirements under sub. (2) (d) 1. or the completed regulatory worksheet under sub. (2) (d).

Note: To request a copy of the Department's lead company regulatory work sheet, contact the Asbestos and Lead Section, Bureau of Occupational Health, P.O. Box 2659, Madison, WI, 53701-2659 or send a fax to 608-266-9711.

SECTION 18. HFS 163.12 (3) (a) 2. is amended to read:

HFS 163.12 (3) (a) 2. Fee. a. A nonrefundable initial certification fee of ~~\$50~~\$75.

SECTION 19. HFS 163.12 (5) is repealed and recreated to read:

HFS 163.12 (5) EXPIRATION OF LEAD (Pb) COMPANY CERTIFICATION. A lead (Pb) company's lead certification shall expire as follows:

(a) An initial certification obtained during an odd-numbered year shall expire at midnight on August 1 of the subsequent odd-numbered year.

(b) An initial certification obtained during an even-numbered year shall expire at midnight on August 1 of the subsequent even-numbered year.

(c) An initial certification issued between November 30, 2000, and January 1, 2001, shall expire at midnight on August 1, 2003.

SECTION 20. HFS 163.12 (6) (a) (intro), 2., 2. Note and (c) are amended to read:

HFS 163.12 (6) RENEWAL OF CERTIFICATION. (a) *Requirement*. To continue to perform, supervise, advertise, claim to provide or offer to perform or supervise a lead-based paint activity ~~after certification expires on November 1~~, a lead (Pb) company shall submit the following to the department before ~~November 1~~certification expires:

2. A nonrefundable fee of ~~\$50~~\$75, except that a state or local government agency is exempt from paying the fee.

Note: Submit the application and fee to the Asbestos and Lead Section, Bureau of Occupational Health, ~~Room 117, 1414 E. Washington Ave., P.O. Box 2659, Madison, WI 53703-~~304353701-2659.

~~(c) Length of lead (Pb) company renewal of certification. When renewal of certification is granted the department recertifies a lead (Pb) company, the department shall extend a lead (Pb) company's certification 2 years shall be extended a maximum of and shall expire annually at 12:01 a.m. on November 1 following renewal of certification, except that lead company certifications with an expiration date of November 1, 2001, shall be renewed to expire at midnight on August 1, 2003.~~

SECTION 21. HFS 163.13 (8) is created to read:

(8) REQUIREMENT FOR SUPERVISION OF A WORKER. A lead (Pb) low-risk worker or high-risk worker shall be supervised according to s. 163.14 (5) (a) or (b). According to the recordkeeping requirements under s. HFS 163.14 (9), the lead (Pb) company shall maintain documentation of all jobs where the lead low-risk worker was directly supervised and shall maintain documentation that the lead low-risk worker successfully demonstrated understanding and compliance with pertinent regulations and protocols when performing lead-based paint activities. Documentation of competence shall be on a form obtained from or approved by the department.

Note: Obtain a copy of the form from the Asbestos and Lead Section, Bureau of Occupational Health, P.O. Box 2659, Madison, WI 53701-2659; 608-261-6876.

SECTION 22. HFS 163.14 (2) (intro.), (3) (intro.), (c) and (i) 6., (4) (intro.), (e) 2., (f) and (j) 6. are hereby amended to read:

HFS 163.14 (2) INSPECTION. Only a certified lead (Pb) inspector or risk assessor may perform an inspection. Under direct on-site supervision of a certified lead (Pb) inspector or risk assessor, a certified lead (Pb) hazard investigator or sampling technician may assist with an inspection, but may not use an XRF. In performing an inspection, the certified lead (Pb) inspector or risk assessor shall comply with all of the following:

(3) LEAD HAZARD SCREEN. Only a certified lead (Pb) hazard investigator or risk assessor may perform a lead hazard screen. Under direct on-site supervision of a certified lead (Pb) hazard investigator or risk assessor, a certified lead (Pb) inspector or sampling technician may assist with a lead hazard screen. In performing a lead hazard screen, the certified lead (Pb) hazard investigator or risk assessor shall comply with all of the following:

(c) If deteriorated paint is present, use documented methodologies to test each surface with deteriorated paint which the hazard investigator or risk assessor determines is in poor condition and has a distinct paint history.

(i) 6. Name, address, telephone number, certification number and signature of the certified lead (Pb) hazard investigator or risk assessor conducting the lead hazard screen.

(4) RISK ASSESSMENT. Only a certified lead (Pb) hazard investigator or risk assessor may perform a risk assessment. Under direct on-site supervision of a certified lead (Pb) hazard investigator or risk assessor, a certified lead (Pb) inspector or sampling technician may assist with a risk assessment. In performing a risk assessment, the certified lead (Pb) hazard investigator or risk assessor shall comply with all of the following: