

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 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 sources of lead exposure other than lead-based paint. 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 certified 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 Section, Bureau of Occupational 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 variety 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 or training manager, 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. A student who fails the course test must retake the entire course test, but may not take the course test more than once in a given day.

6. 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. The training manager shall ensure that only the full course test is administered and not a portion of the course test.

(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 identity, 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), and which shall clearly indicate whether the course is an initial course or a refresher course.
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.

HFS 163.21 APPLICATION FOR ACCREDITATION. To request accreditation of a lead training course, the approved training manager, on behalf of the training provider, shall submit all of the following to the department:

(1) **COMPLETED APPLICATION FORM.** A fully and accurately completed application on a form obtained from the department. The application shall include the federal employer identification number or social security number for the training provider, social security numbers for all owners of the course and a statement signed by the training manager which certifies that the training course meets the requirements of this subchapter.

Note: For a copy of the application form and instructions for submitting an application, write or phone the Bureau of Occupational Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3043; (608)261-6876 or fax (608)266-9711. Return the completed application and fee to the same office.

(2) **TRAINING COURSE DESCRIPTION.** A written description of the training course, including all of the following:

(a) Topics. Major topics covered.

(b) Course length. Length of training in days and training hours per day, excluding lunches and breaks.

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

(3) **TRAINING RESOURCES DESCRIPTION.** A written description of training resources, including all of the following:

(a) Facilities. Facilities used for training, including classroom and any field sites.

(b) Training and work-practice equipment. Training equipment and work-practice equipment, including location and method of storage.

(c) Audiovisual and work-practice materials. Training audiovisual materials such as videos, slides, overheads, photographs and displays, and work-practice materials such as personal protective clothing, respirators and cartridges, duct tape, polyethylene sheeting, high efficiency particulate air vacuums, glove bags and hand tools, including the location where they are stored.

(4) **RECORDKEEPING DESCRIPTION.** A written description of how the recordkeeping requirements under s. HFS 163.25(7) will be met, including all of the following:

(a) Records retained. Types of records kept and for what length of time.

(b) Records location. The complete street address of the location where the records will be kept.

(c) Business hours. Normal business days and hours at the location under par. (b).

(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 (3) (b) and a written plan for admitting only students who meet lead training prerequisites under s. HFS 163.11 (2), (3) and (5).

(6) **COURSE MATERIALS.** All course materials, including copies of all of the following:

(a) Agenda. An agenda with scheduled times for each day of training, major topics with times allocated, hands-on training segments with times allocated and all break and lunch periods.

(b) Student materials. The student course manual, course materials and handouts used in the course.

(c) Instructor materials. The instructor course manual, which shall include all of the following:

1. Learning goals and objectives.
2. Training outlines for each topic.
3. Time frames for each topic.
4. Teaching methods for each topic.
5. Audio-visual materials used for each topic, including copies of handouts and overheads, and titles and descriptions of video, film or slide programs.
6. Interactive training exercises, including instructions and descriptions or samples of materials.
7. Hands-on training exercises, if used, including instructions and descriptions or samples of materials.

(d) Topical analysis worksheet. The department's training criteria topical analysis worksheet, on which the applicant enters the location of specific information in the student course manual and materials.

(e) Course test and key. The course test and answer key for each course test.

(f) Course test blueprint. The course test blueprint which shows how the course test was developed to reflect the course content and learning objectives.

(g) Score report and test policy. A form for notifying a student of the student's course test score and any policy for retaking the course test.

(h) Evaluation form. A course and instructor evaluation form.

(i) Training certificate. A sample training certificate under s. HFS 163.20(9) which is issued by the training manager to students who successfully complete all course requirements. To assist the department in identifying original training certificates, the sample training certificate shall be printed on the same paper and in the same color as the actual certificate.

(j) Advertising. Samples of any proposed advertising materials for promoting the course.

(k) Other approval letter. A copy of the EPA, tribal or other state approval letter if the course was previously approved by EPA, an EPA-authorized tribal program or another state.

(7) NAMES OF COURSE PERSONNEL. (a) Except as provided in par. (b), the names of the approved training manager and the designated principal instructor in charge of the course as well as the names of any additional principal instructors and guest instructors.

(b) The names of the instructors do not need to be submitted with the application, but the names of approved principal and guest instructors shall be submitted before the course is offered. If an application for approval of an instructor is made at the time of application for training course accreditation, the materials submitted to the department for training course accreditation shall include completed instructor approval application forms and all other materials required under s. HFS 163.24 for approval of instructors.

Note: For a copy of the instructor approval application form, write or phone the Bureau of Occupational Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3043; (608)261-6876 or fax (608)266-9711. Return the completed form to the same office.

(8) INDEX OF SUBMITTED MATERIALS. A written index of all information and materials submitted with the application for accreditation to facilitate review for compliance.

(9) ACCREDITATION FEES. The appropriate application fee under par. (a) and accreditation fee under par. (b) as follows:

(a) Application fee. Each application for contingent course accreditation shall be accompanied by a nonrefundable application fee of \$500 for an initial course for any one discipline and \$125 for a refresher course for any one discipline.

(b) Accreditation fee. Each application for course accreditation shall be accompanied by an accreditation fee of \$500 for 0-24 months or \$1,000 for 24-48 months for an initial course for any one discipline and \$250 for 0-24 months or \$500 for 24-48 months for a refresher course for any one discipline. The department shall refund the accreditation fee if accreditation is denied, the training provider does not owe the department other fees and the denial is not appealed or the denial is appealed and upheld.

(10) **QUALITY CONTROL PLAN**. A copy of the written quality control plan developed under s. HFS 163.20 (8) (e).

HFS 163.22 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 163.33.

(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) Grant full accreditation. 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 the length of time

requested, the amount of the fee paid under s. HFS 163.21 (9) (b) and compliance with this chapter. A training course may renew accreditation under the provisions of s. HFS 163.23.

(b) Renew contingent accreditation. 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 163.33.

(c) Suspend or revoke contingent accreditation. 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 163.33.

(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 department or the public. Only the most recent certificate of accreditation for a training course is valid. The training manager shall not allow another person to copy the certificate of accreditation for fraudulent or misleading purposes or to use the certificate.

(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 through class discussions, class activities and 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 audit results.

HFS 163.23 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 accreditation of a training course has been expired for less than one year, accreditation may be reinstated by applying to the department for renewal of accreditation under this section. When accreditation of a training course has been expired for one year or longer, 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) Application form. 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) Description of changes. 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) Other documents. When directed by the department, other documents that verify compliance of the training course with this chapter.

(d) Accreditation fee. 1. Each application for renewal of course accreditation shall be accompanied by an accreditation fee of \$500 for 0-24 months for an initial course for any one discipline and \$250 for 0-24 months for a refresher course for any one discipline. The department shall refund the accreditation fee if renewal of accreditation is denied, the training provider does not owe the department other fees and the denial is not appealed or the denial is appealed and upheld.

2. A person who submits a check that is not honored by the bank on which it is drawn shall pay a \$25 service charge in addition to the required fee.

Note: To obtain a copy of the application for renewal of accreditation, write or phone the Asbestos and Lead Section, Bureau of Occupational 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 163.22 (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) **Grant renewal of accreditation.** If accreditation is renewed, the department shall send the training manager a certificate of accreditation under s. HFS 163.22 (5) to extend accreditation for a maximum of 4 years, depending on the fee amount paid and compliance with this chapter.

(b) **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 163.33.

HFS 163.24 TRAINING MANAGER AND INSTRUCTOR APPROVAL. (1)
REQUIREMENT FOR APPROVAL. No individual may function as a training manager, principal instructor or guest instructor of an accredited training course without being approved by the department under this section.

(2) **TRAINING MANAGER (a) Qualifications.** A training manager shall have demonstrated experience, education or training in the construction industry, which may include lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health or industrial hygiene and shall have one of the following:

1. At least 2 years of experience, education or training in teaching workers or adults.

2. A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration, program management or a related field.

3. Two years of experience in managing a training program specializing in environmental hazards.

(b) **Application requirements.** An applicant for approval as a training manager shall submit to the department all of the following:

1. 'Application form.' A fully and accurately completed application on a form obtained from the department. The application shall include the applicant's social security number.

2. 'Documentation of qualifications.' Documentation to establish that the applicant meets the qualifications in par. (a).

Note: Examples of documentation are: official academic transcripts or a diploma as evidence of meeting education requirements, and letters of reference or documentation of previous work as evidence of meeting experience requirements.

Note: For a copy of the Department's application form for approval of a training manager, write or phone the Bureau of Occupational 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.

(c) Approval procedures. 1. Within 10 work days after the submission of all required application information, including acceptable documentation of training, education and experience, the department shall either grant or deny approval for an applicant to be a training manager.

2. If approval is granted, the department shall send the applicant written notification of approval.

3. If approval is denied, the department shall give the applicant reasons in writing why the application was denied and shall notify the applicant of the right to appeal the determination under s. HFS 163.33.

(d) Length of approval. Training manager approval is valid until the training manager surrenders the certificate of approval to the department or until the department suspends or revokes certification under provisions of subch. IV.

(3) PRINCIPAL INSTRUCTOR (a) Qualifications. 1. 'Training.' A principal instructor shall have successfully completed all of the following training:

a. A teaching methods course which covers, at a minimum, principles of adult learning, training course design, non-lecture instructional methods, use of audio-visual and other instructional resources, teaching methods, learning objectives, guided discovery and learning styles and maintaining classroom control for a learning environment. The course shall consist of at least 16 training hours of instruction and shall include a practice teaching component involving critique and evaluation of the applicant's teaching skills. Any degree with an education emphasis which includes educational coursework that covers the topics required in this subdivision paragraph satisfies this requirement.

Note: To obtain assistance in developing learning goals and objectives for a teaching methods course, write or phone the Bureau of Occupational Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3043; (608)261-6876 or fax (608)266-9711.

b. At least 16 hours of lead (Pb) training. Training shall meet the requirements under s. HFS 163.11 in each discipline and prerequisite discipline for which approval is sought.

c. For teaching a lead inspector or risk assessor course, training in radiation safety and use of each XRF the instructor will use in the course, as documented by a certificate of training from the manufacturer of the XRF.

2. 'Certification.' A principal instructor shall be currently certified as follows:

a. As a lead (Pb) inspector or risk assessor to teach a lead (Pb) inspector course.

b. As a lead (Pb) project designer to teach a lead project designer course.

c. As a lead (Pb) risk assessor to teach a lead (Pb) risk assessor course.

d. As a lead (Pb) supervisor to teach a lead (Pb) worker, worker-homeowner or supervisor course.

3. 'Experience.' A principal instructor shall meet applicable education and experience requirements under s. HFS 163.10(3)(b) and comply with one of the following:

a. Have a minimum of one year of applicable experience working in a related field in the 5 years preceding the date the first application for approval is received by the department. The department shall evaluate qualifications in relation to the course the applicant will teach.

Note: Examples of experience which may be accepted to qualify for lead (Pb) worker, worker-homeowner or supervisor principal instructor approval include having direct responsibility for tasks related to the following: lead hazard reduction activities, lead health effects, lead regulations, industrial hygiene activities involving lead, construction of homes or other buildings, painting, weatherization, rehabilitation or home improvement, lead worker protection or abatement relating to other hazardous materials.

Examples of experience which may be accepted to qualify for lead (Pb) inspector or risk assessor principal instructor approval include having direct responsibility for tasks related to the following: lead health effects, public or occupational health care, lead regulations, enforcement of environmental regulations, environmental investigations, building inspections, industrial hygiene activities involving lead, weatherization, rehabilitation or home improvement and lead management activities relating to other hazardous materials.

b. Have one year of experience instructing adults in lead-related topics as part of a course or curriculum recognized by a federal or state governmental agency in the 5 years preceding the date the initial application for approval is received by the department. The department shall evaluate qualifications in relation to the topic or topics that the applicant will teach.

(b) Application requirements. An applicant for approval as a principal instructor shall submit to the department all of the following:

1. 'Completed application form.' A fully and accurately completed application on a form obtained from the department. The application shall include the applicant's social security number.

2. 'Resume.' A current resume, including dates and description of related experience and education.

3. 'References.' A minimum of 3 professional references or letters of recommendation, but no more than one from the applicant's current employer.

4. 'XRF training certificate.' A copy of the XRF manufacturer training certificate for a person applying for approval to be the principal instructor for a lead inspector or risk assessor training course.

5. 'Teaching methods certificate.' A teaching methods course certificate or transcript and a course description or agenda which documents that the course meets the requirements under par. (a)1.a. or documentation of equivalent education.

6. 'Copy of certification card.' A copy of the appropriate state lead certification card, labeled "copy," or an application for certification in the appropriate discipline under par. (a)2.

7. 'Fee.' A nonrefundable principal instructor application and approval fee of \$50 for each discipline for which approval is sought. The application and approval fee includes the cost of approval for up to 12 months.

Note: For a copy of the Department's application form for approval of a principal instructor, write or phone the Bureau of Occupational 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.

(c) Approval procedures. 1. Within 10 work days after the submission of all required application information, including acceptable documentation of training, education and experience, the department shall either grant or deny approval for an applicant to be a principal instructor.

2. If approval is granted, the department shall send the applicant written notification of approval.

3. If approval is denied, the department shall give the applicant reasons in writing why the application was denied and shall notify the applicant of the right to appeal the determination under s. HFS 163.33.

(d) Length of approval. Subject to compliance with this chapter, the department may grant principal instructor approval which shall be valid until the expiration of the instructor's qualifying lead certification or for 12 months, whichever is earlier.

(e) Renewal of approval. 1. 'Application.' The department may extend a principal instructor's approval by a maximum of 12 months if the principal instructor applies for renewal of approval by submitting to the department both of the following:

a. A completed application for renewal of approval. The application shall include the applicant's social security number.

b. An annual approval renewal fee of \$25 per discipline. The department shall refund the approval renewal fee if approval is denied and is not appealed or is appealed and the denial is upheld.

2. 'Decision.' a. Within 10 work days after the submission of all required application information, the department shall either grant or deny approval.

b. If renewal of approval is granted, the department shall send the applicant written notification of approval.

c. If renewal of approval is denied, the department shall give the applicant reasons in writing why the application was denied and shall notify the applicant of the right to appeal the determination under s. HFS 163.33.

3. 'Duration.' Subject to compliance with this chapter, the department may renew principal instructor approval for up to 12 months. Renewal of principal instructor approval shall be valid until the expiration of the instructor's qualifying lead certification or for 12 months, whichever is earlier.

(4) GUEST INSTRUCTOR (a) Qualifications. An applicant for approval as a guest instructor shall have experience in each topic the guest instructor proposes to teach and in each hands-on activity for which the guest instructor will provide assistance to the principal instructor.

(b) Application requirements. An applicant for approval as a guest instructor shall submit to the department all of the following:

1. 'Completed application form.' A completed application on a form obtained from the department. The application shall include the applicant's social security number.

2. 'Documentation of training and experience.' Documentation that describes the professional training and experience in each topic the instructor intends to teach and in each hands-on activity for which the instructor will provide assistance.

3. 'References.' At least 3 professional references or letters of recommendation, but no more than one from the applicant's current employer.

4. 'Fee.' A nonrefundable guest instructor application and approval fee of \$50 for up to 2 topics for which approval is sought and a fee of \$20 per topic beyond 2. The application and approval fee includes the cost of approval for up to 12 months.

Note: For a copy of the Department's application form for approval of a guest instructor, write or phone the Bureau of Occupational 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.

(c) Approval procedures. 1. Within 10 work days after the submission of all required application information, including acceptable documentation of training, education and experience, the department shall either grant or deny approval for an applicant to be a guest instructor.

2. If approval is granted, the department shall send the applicant written notification of approval.

3. If approval is denied, the department shall give the applicant reasons in writing why the application was denied and shall notify the applicant of the right to appeal the determination under s. HFS 163.33.

(d) Length of approval. Subject to compliance with this chapter, the department may grant guest instructor approval which shall be valid for up to 12 months and shall expire annually at 12:01 a.m. on November 1.

(e) Renewal of approval. 1. 'Application.' The department may extend a guest instructor's approval if the guest instructor applies for renewal of approval by submitting to the department both of the following:

a. A completed application for renewal of approval. The application shall include the applicant's social security number.

b. An annual approval renewal fee of \$10 per topic. The department shall refund the approval renewal fee if approval is denied and is not appealed or is appealed and the denial is upheld.

2. 'Decision.' a. Within 10 work days after the submission of all required application information, the department shall either grant or deny approval.

b. If renewal of approval is granted, the department shall send the applicant written notification of approval.

c. If renewal of approval is denied, the department shall give the applicant reasons in writing why the application was denied and shall notify the applicant of the right to appeal the determination under s. HFS 163.33.

3. 'Duration.' Subject to compliance with this chapter, the department may renew guest instructor approval for up to 12 months. Renewal of guest instructor approval shall expire at 12:01 a.m. on November 1.

(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.

HFS 163.25 ADMINISTRATIVE RESPONSIBILITIES OF TRAINING MANAGERS.

(1) ADVERTISING. The training manager for an accredited training course shall ensure that any advertisement for the course includes the same name and address of the course provider as appears on the application for accreditation or as later changed by notice to the department under sub. (5).

(2) CESSATION OF TRAINING. The training manager shall notify the department when the training provider for an accredited training course closes or when the course will no longer be offered and shall provide the department an opportunity to take possession of any relevant training records.

(3) COURSE SCHEDULE NOTIFICATION. (a) Requirement for notification. A training manager shall notify the department in writing on a form obtained from or approved by the department whenever an accredited training course has been scheduled.

Note: To obtain a course schedule notification form, write or phone the Bureau of Occupational Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3043; (608)261-6876 or fax (608)266-9711.

(b) Notification content. The notice shall include all of the following:

1. The name of the training provider.
2. The discipline and whether it is an initial or refresher course.
3. The date and location of the course.
4. The name of the principal instructor.
5. The name of any guest instructors.

6. The topics each guest instructor listed will teach or the areas in which the guest instructor will assist.

(c) Timing of notification. 1. The notice shall be submitted to the department a minimum of 10 work days prior to the course starting date.

2. In an emergency, the training manager shall notify the department of a scheduled training course by telephone or fax a minimum of one work day prior to the start of the course.

(d) Revised notification. The training manager shall notify the department by telephone or fax a minimum of one work day prior to the scheduled start date of a course when the course is canceled or when the date or location of the course has changed. The department may restrict the use of advance notification submitted in the form of lists of intended courses and may require individual course-by-course notification when a training manager fails to notify the department of revisions in a timely manner.

Note: To notify the Department about a course scheduled on an emergency basis or to revise a notification, phone (608)261-6876 or fax (608)266-9711.

(4) **NONDISCRIMINATION IN TRAINING.** Access to an accredited training course may not be denied solely on account of age, sex, race, color, creed, national origin, ancestry, sexual orientation or disability.

(5) **NOTIFICATION OF CHANGES.** The training manager shall notify the department in writing of the following changes:

(a) Change of address. A change of address of the training provider or the location of records required under sub. (7). Notification shall be made a minimum of 10 work days prior to the change.

(b) Change of name. A change in the name of the training provider, as soon as possible prior to the change.

(c) Change of ownership. A change in the ownership of the course provider, as soon as possible. The accreditation of a training course under this subchapter is not transferable to a new owner. Upon a change of ownership, all training courses associated with the original owner are no longer accredited.

(e) Change in a course. A change in the training course description under s. HFS 163.21(2), the training resources under s. HFS 163.21(3), the course registration plan under s. HFS 163.21(5) or course materials under s. HFS 163.21(6), a minimum of 10 work days prior to the start of the course. In addition to the notification of a change in course materials under s. HFS 163.21(6), the training manager shall submit a draft of

the revised document. After reviewing the draft revision, the department may allow a trial period of 3 class sessions of a training course before requiring submittal of a final revision.

(f) Change of training manager. A change in training manager, a minimum of 5 work days before the change takes effect for an approved training manager and a minimum of 15 work days for a new training manager for whom approval is being sought under s. HFS 163.24(2). When a training course does not have an approved training manager, the course may not be offered.

Note: To notify the Department of changes, write the Bureau of Occupational Health, Room 117, 1414 E. Washington, Madison, WI 53703-3043 or fax changes to (608)266-9711.

(g) Change of instructor. A change in instructor, a minimum of 5 work days before the start of the course for an approved principal or guest instructor and a minimum of 20 work days before the start of the course for a new principal instructor for whom approval is being sought under s. HFS 163.24(3) and a minimum of 15 work days before the start of the course for a new guest instructor for whom approval is being sought under s. HFS 163.24(4). When a designated instructor becomes unavailable due to an emergency, such as illness, death or other family crisis, the training manager shall notify the department of a change in instructor by telephone or fax before the start of the course.

(6) **PERMISSION TO AUDIT.** The training manager shall permit department representatives to attend, evaluate and monitor any accredited training course and have access to records associated with any accredited training course at any reasonable time without charge or hindrance to the department for the purpose of an accreditation audit or any other evaluation of compliance with this chapter and any other applicable statute or regulation.

(7) **RECORDS.** (a) Requirement to retain records. The training manager shall ensure that the provider offering an accredited training course retains the records in par. (b) at its principal place of business in Wisconsin. If no office is maintained in Wisconsin, records shall be retained at the office location closest to Wisconsin. Records shall be retained for a minimum of 3 years 6 months and shall be given to the department upon request.

(b) Records to be retained. The following records shall be retained:

1. Copies of all documents that demonstrate the qualifications of the training manager, principal instructors and guest instructors approved under s. HFS 163.24.

2. A copy of each instructor and student manual, course test, course test blueprint, all printed materials used in the course, other training material and any document reflecting changes made to any material.

3. The scored course test for all students who passed or failed.
 4. A copy of each student's training certificate.
 5. Documentation of training manager, principal instructor and guest instructor qualifications.
 6. Class rosters and student attendance records.
 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.
10. Any other material submitted to the department as part of the application for accreditation or later at the request of the department to provide a basis for granting accreditation.

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 or for failure to comply.

(2) OTHER AGENCY ACTION. Any other state agency in the course of the performance of its duties may determine that an individual, lead (Pb) 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 may 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 163.22 (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 subch. 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 lead (Pb) 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) Used a training certificate that was issued 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, without labeling the duplicate a "copy," when labeling is required or permitted the use of one person's training certificate, certification card or other certification document by another.

- (i) Withheld or confiscated an employee's training certificate or certification card.
- (j) Performed work requiring certification at a job site without having proof of certification onsite.
- (k) Performed, advertised, claimed to provide or offered to perform or supervise 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 by an authorized representative of the department.
- (n) Failed or refused to permit entry or inspection by an authorized representative of the department.
- (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 the mandatory certification examination 3 times in a 6-month period certified as an inspector, risk assessor or supervisor.
- (s) 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 subs. (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:

(a) 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:

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

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

3. 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.

(b) 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 lead (Pb) 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, advertising, claiming to provide 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 163.33 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 163.33 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 letter 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 letter. 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 163.33, 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.

Note: 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).

(6) **SUSPENSION.** If the department provides written notice of suspension, the grounds for suspension and an explanation of the process under s. HFS 163.33 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 163.33 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.

Note: Pursuant to s. 254.30 (2), (b), 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. The court may also place the person on probation under s. 973.09, Stats., for a period not to exceed 2 years.

HFS 163.33 APPEAL. (1) **RIGHT TO APPEAL.** An action taken by the department under s. HFS 163.32 is subject to administrative review under ch. 227, Stats.

(2) **APPEALS PROCESS.** To request a hearing under ch. 227, the aggrieved person shall send to the Wisconsin department of administration's division of hearings and appeals a written request for a hearing within 10 work days after the date of the department's action. A hearing request is considered filed when received by the division of hearings and appeals. A hearing request filed more than 10 work days after the date of the department's action will be denied.

Note: The mailing address of the Division of Hearings and Appeals is P.O. Box 7875, Madison, WI 53707.

(3) **ADMINISTRATIVE HEARING.** The division of hearings and appeals shall hold an administrative hearing under s. 227.42, Stats., within 30 calendar days after receipt of the request for the administrative hearing unless the aggrieved person consents to an extension of that time period. Judicial review of the department's decision may be had as provided in ch. 227.52, Stats.

APPENDIX A

COURSE TOPICS TO BE COVERED BY TRAINING COURSES FOR PERSONS SEEKING CERTIFICATION FROM THE DEPARTMENT TO PERFORM LEAD ABATEMENT OR OTHER LEAD HAZARD REDUCTION ACTIVITIES OR TO CARRY OUT LEAD MANAGEMENT ACTIVITIES

(1) LEAD (Pb) INSPECTOR COURSE TOPICS. (a) The role and responsibilities of a lead inspector, including liability and insurance issues and working with related professionals.

(b) Background information on lead and its adverse health effects, including the history of lead use, where lead is found and lead's health effects on children and adults.

(c) Background information on Federal, State and local regulations and guidance that pertains to lead-based paint and lead-based paint activities. This is to be an overview showing how to locate and read current regulations to ensure compliance. Current regulations, 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 sections of Wisconsin Administrative Code ch. HFS 163 (Certification for Lead Hazard Reduction Work and Accreditation of Lead Training Courses), ss. ILHR 32.15 and 32.50 (Safety and Health Standards for Public Employes), 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, June 1995); A Statement by the Centers for Disease Control, "Preventing Lead Poisoning in Young Children", (U.S. Department of Health and Human Services, October 1991); 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); and other applicable local ordinances.

(d) Lead-based paint inspection methods, including selection of rooms and components for sampling or testing, preparing for an inspection, obtaining background information, selecting sample locations and documented protocols for conducting lead-based paint inspections of single-family and multi-family housing. Hands-on activities must be an integral part of the teaching.

(e) Sampling and measurement techniques, including use of documented standards, protocols and methodologies for taking samples and measuring lead in paint; using an XRF, XRF legal and liability issues, chemical tests, laboratory selection and sample analysis. Hands-on activities must be an integral part of the teaching.

(f) Clearance standards and testing for abatement projects, including the purpose of clearance testing, visual examination procedures, documented protocols and methodologies for clearance dust and soil sampling and documented clearance standards. Hands-on activities must be an integral part of the teaching.

(g) Preparation of the lead inspection report. The content of the lead inspection report, including identifying information, each testing method and device used, specific locations tested and results of the inspection. Hands-on activities must be an integral part of the teaching.

(h) Recordkeeping responsibilities, record content and length of record retention.

(2) LEAD (Pb) PROJECT DESIGNER COURSE TOPICS. (a) The role and responsibilities of a lead project designer, including contract specifications and cost estimates, Wisconsin certification and abatement notification requirements.

(b) Development and implementation of an occupant protection plan for large-scale abatement projects. This shall include measures and management procedures to protect building occupants from exposure to lead-based paint hazards during abatement, educating building occupants and preparing the occupant protection plan.

(c) Lead-based paint abatement and lead-based paint hazard reductions, including restricted practices for large-scale abatement projects. Personal protection,

containment, decontamination, documented abatement and hazard reduction protocols and methodologies and prohibited practices.

(d) Interior dust abatement and cleanup or lead hazard control and reduction methods for large-scale abatement projects. The major sources of lead in dust, effects of long-term exposure compared to short-term exposure and documented cleaning protocols and methodologies.

(e) Clearance standards and dust sampling for large-scale abatement projects. The purpose of clearance testing, visual examination procedures, documented protocols and methodologies for clearance dust and soil sampling and documented clearance standards.

(f) Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large-scale abatement projects. Lead abatement versus interim controls and the relationship of lead-based paint abatement and hazard reduction to renovation, repainting, remodeling, rehabilitation, weatherization and other construction work.

(3) LEAD (Pb) RISK ASSESSOR COURSE TOPICS. (a) The role and responsibilities of a lead risk assessor, including working with related professionals, liability issues and insurance issues.

(b) Collection of background information to perform a risk assessment. The objectives of the initial client contact, gathering background information on building occupants, including children with elevated blood lead levels, and gathering background information on the property.

(c) Sources of environmental lead contamination, such as paint, surface dust and soil, water, air, packaging and food. Sources of lead contamination, possible locations for lead and lead-based paint in buildings and conditions when lead-based paint is considered a hazard.

(d) Visual inspection for the purposes of identifying potential sources of lead-based hazards. The purpose of the visual inspection for hazard detection and documented protocols and methodologies for performing a visual inspection. Hands-on activities must be an integral part of the teaching.

(e) Lead hazard screen protocol, including when a lead hazard screen may be appropriate, documented lead hazard screen protocols and methodologies for conducting a lead hazard screen.

(f) Sampling for sources of lead exposure other than lead-based paint, including hands-on activities as an integral component of the course. Documented standards, protocols and methodologies for taking samples and measuring lead in addition to the

sampling methodologies for paint, dust, soil and water taught in the lead inspector course.

(g) Interpretation of lead-based paint and other lead sampling results, including all applicable state and federal government regulations and guidance pertaining to lead-based paint hazards and including hands-on activities as an integral component of the course. Evaluating sample results and applying current local, state and federal regulations and guidance to the results.

(h) Development of hazard control options, the role of interim controls and operations and maintenance activities to reduce lead-based paint hazards. Abatement and other hazard control options, interim control options, cost/benefit ratios of options and schedules for re-evaluation of interim controls.

(i) Preparation of a final risk assessment report. The content of a lead risk assessment report, including identifying information, results of the visual inspection, testing method and sampling procedures used, locations sampled, data collected, laboratory results, a description of the hazards, abatement or interim control options for addressing each hazard and a recommended maintenance and monitoring schedule for interim controls.

(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, including requirements for training employees, worker protection, recordkeeping and notification. 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 the supervisor's responsibility for 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 the supervisor's responsibility for 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 the supervisor's responsibility for 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, high efficiency particulate air 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.

(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 high efficiency particulate air 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.

(7) LEAD (Pb) REFRESHER COURSE TOPICS. (a) An overview of current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

(b) Current laws and regulations relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

(c) Current technologies relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

(d) A review of key aspects of the initial course.

APPENDIX B

NUMBER OF UNITS TO BE TESTED IN MULTIFAMILY DEVELOPMENTS

Number of units in building or group of buildings with similar floor plans, construction and paint history	Number of units to be tested
0-20	all buildings
21-26	20
27	21
28	22
29-30	23
31	24
32	25
33-34	26
35	27
36	28
37	29
38-39	30
40-50	31
51	32
52-53	33
54	34
55-56	35
57-58	36
59	37
60-73	38
74-75	39
76-77	40
78-79	41
80-95	42
96-97	43
98-99	44
100-117	45
118-119	46
120-138	47
139-157	48
158-177	49
178-197	50
198-218	51
219-258	52
259-299	53
300-379	54
380-499	55
500-776	56
777-1004	57
1005-1022	58
1023-1039	59
1,040 or more units	5.8% of units, rounded to nearest unit

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2), Stats.

Wisconsin Department of
Health and Family Services

Date:

By: _____
Joe Leean
Secretary

SEAL: