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Details: Emergency Rule extension requests by Department of Health Services.
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WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules ...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

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supervision, shall conduct activities in a manner that does not increase the hazards from lead-based paint to ~~building occupants~~ and shall comply with the work practice standards under s. DHS 163.14 ~~or 163.44~~, as applicable.

SECTION 78. DHS 163.13 (10) to (12) are created to read:

DHS 163.13 (10) ASSOCIATION WITH A CERTIFIED COMPANY. (a) An individual shall be associated with a certified lead company under s. DHS 163.12 by ownership, contract or employment before the individual may perform, supervise or offer to perform or supervise a lead hazard reduction or lead investigation activity regulated under this chapter.

(b) An individual shall be associated with a certified lead-safe company or lead company under s. DHS 163.12 by ownership, contract or employment before the individual may perform, supervise or offer to perform or supervise a renovation activity regulated under this chapter.

(11) PRE-RENOVATION EDUCATION. A company shall ensure that the pre-renovation education requirements under s. DHS 163.14 (10) are met before each renovation activity to be performed, except that the pre-renovation information distribution requirements do not apply to emergency renovations.

(12) NOTIFICATION OF COMPANY CHANGE. The company shall notify the department in writing at least 10 working days before any of the following:

(a) The company name or address changes.

(b) The company ownership changes.

SECTION 79. DHS 163.14 (1) (c) 1. is renumbered DHS 163.14 (1) (c) and as renumbered is amended to read:

DHS 163.14 (1) (c) *Requirement for supervision.* When a lead abatement worker performs an abatement activity, a lead abatement supervisor shall provide direct onsite supervision ~~unless general supervision is allowed under subd. 2.~~

SECTION 80. DHS 163.14 (1) (c) 2. is repealed.

SECTION 81. DHS 163.14 (5) (a) 1. to 3. are amended to read:

DHS 163.14 (5) CLEARANCE. (a) *Who may conduct.* 1. A certified lead hazard investigator, inspector or risk assessor may conduct clearance for any lead hazard reduction ~~and non-abatement lead-based paint activity~~ or renovation activity.

2. A lead sampling technician may conduct clearance for a ~~non-abatement lead-based paint activity when the clearance involves either a dwelling with fewer than 5 units or an individual dwelling unit in a multi-family dwelling with more than four units~~ renovation or interim control activities.

3. ~~Except when clearance is conducted by a sampling technician who is the property owner or the property owner's employee or agent, the~~ The certified individual conducting clearance shall be associated with a certified lead company.

SECTION 82. DHS 163.14 (5) (b) 1. and 2. are amended to read:

DHS 163.14 (5) (b) *Prohibitions on who may conduct.* ~~1. The person conducting clearance may not participate in conducting or pre-clearing the activity being cleared.~~ 1. Be the company or associated by employment, contract or other agreement with the company that performs or pre-cleans the lead hazard reduction or renovation activity being cleared.

2. ~~The person conducting clearance may not communicate~~ Communicate to others the location where clearance dust wipes will be collected.

SECTION 83. DHS 163.14 (5) (b) 3. is repealed and recreated to read:

DHS 163.14 (5) (b) 3. Be the property owner, an immediate family member, agent or employee of the property owner.

SECTION 84. DHS 163.14 (5) (b) 4. to 6. are created to read:

DHS 163.14 (5) (b) 4. Be a company or associated with a company that is directly or beneficially owned, controlled or managed by the property owner, or by an immediate family member, agent or employee of the property owner.

5. Be a person hired by or under contract with, or authorized by, the property owner to manage or maintain the property owner's real property as directed by the property owner.

6. Be a person who has a financial interest in the laboratory results of the sampling.

SECTION 85. DHS 163.14 (5) (c) 3. a. , 4. a., 8. (intro.), and 10. (title), (intro.) and c. to e. are amended to read:

DHS 163.14 (5) (c) 3. a. In at least 4 rooms, hallways, stairwells or other living areas within the containment area, collect one dust sample from one interior windowsill or one window trough, if available, and one dust sample from the ~~floors~~ floor. If there are fewer than 4 rooms, hallways, stairwells or other living areas within the containment area, collect samples from one interior windowsill or one window trough, if available, and one dust sample from the floors of all rooms, hallways, stairwells or other living areas within containment.

4. a. In at least 4 rooms, hallways, stairwells or other living areas in or near the work area, collect one dust sample from one interior windowsill or one window trough, if available, and one dust sample from the ~~floors~~ floor. If there are fewer than 4 rooms, hallways, stairwells or other living areas within the residential dwelling or child-occupied facility, collect samples from one interior windowsill or one window trough, if available, and one dust sample from the floors of all rooms, hallways, stairwells or other living areas.

8. 'Interpretation of laboratory results.' Compare the residual lead level from each dust sample, as determined by laboratory analysis, with the applicable clearance level for lead in dust on floors, interior windowsills and window troughs. If the residual lead level in a dust sample equals or exceeds the applicable clearance level, all of the components represented by the failed sample shall be re-cleaned or sealed by the person who conducted the activity being cleared and retested by the person conducting clearance until clearance levels are met. For dust wipe samples taken during clearance, clearance is achieved when the laboratory result for a sample is less than the following:

10. 'Preparation of report following clearance of interim controls or renovation activities ~~that do not involve abatement.~~' Within 10 working days after clearance of interim controls or renovation activities that do not involve abatement or within 10 working days after receipt of any required laboratory results, whichever is later, prepare a written clearance report for submission to the person who conducted the activities being cleared and to the property owner or the person who contracted for the clearance. The report shall include all of the following information:

c. The name and address of each ~~lead company, firm or organization~~ conducting the interim controls or renovation activities ~~non-abatement lead-based paint activity.~~

d. The name and department certification number of the person in charge of the work.

e. A description of the ~~non-abatement lead-based paint activity~~ interim controls or renovation activities.

SECTION 86. DHS 163.14 (10) and (11) are created to read:

DHS 163.14 (10) INFORMATION DISTRIBUTION REQUIREMENTS FOR RENOVATION ACTIVITIES. Except for emergency renovations, for which the pre-renovation information distribution requirements do not apply, the requirements of this subsection shall be met as follows:

(a) *Renovation activities in owner-occupied dwelling units.* No more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the company performing the renovation activities shall provide the owner of the unit with the pamphlet, and comply with one of the following:

1. Obtain from the owner a written acknowledgment that the owner has received the pamphlet.
2. Obtain a certificate of mailing at least 7 days prior to the start of the renovation activities.

(b) *Renovation activities in non-owner-occupied dwelling units.* No more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the company performing the renovation activities shall provide an adult occupant of the unit with the pamphlet, and comply with one of the following:

1. Obtain from the adult occupant a written acknowledgment that the occupant has received the pamphlet; or certify in writing that a pamphlet has been delivered to the dwelling unit and that the

company performing the renovation activity has been unsuccessful in obtaining a written acknowledgment from an adult occupant. Such certification must include the address of the unit undergoing renovation, the date and method of delivery of the pamphlet, names of the person delivering the pamphlet, reason for lack of acknowledgement, the signature of an authorized company representative of the company performing the work, and the date of signature.

2. Obtain a certificate of mailing at least 7 days prior to the renovation.

(c) *Renovation activities in common areas of multi-family dwellings.* 1. No more than 60 days before beginning renovation activities in common areas of multi-family target housing, the company performing the renovation activities shall provide the owner with the pamphlet, and comply with one of the following:

- a. Obtain from the owner a written acknowledgment that the owner has received the pamphlet.
- b. Obtain a certificate of mailing at least 7 days prior to the start of the renovation activities.

2. Provide information to each affected unit by complying with one of the following:

a. Notify in writing, or ensure written notification of, each affected unit and make the pamphlet available upon request prior to the start of renovation. Such notification shall be accomplished by distributing written notice to each affected unit. The notice shall describe the general nature and locations of the planned activities; the expected starting and ending dates; and a statement of how the occupant can obtain the pamphlet, at no charge, from the company performing the renovation activities, or,

b. While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation activities and the anticipated completion date. These signs shall be posted in areas where they are likely to be seen by the occupants of all the affected units. The signs shall be accompanied by a posted copy of the pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the company performing the renovation activities at no cost to occupants.

3. Prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended renovation activities and to provide the pamphlet.

4. If the scope, locations or expected starting and ending dates of the renovation activities change after the initial notification to occupants, and the company provided written initial notification to each affected unit, the company performing the renovation activities shall provide further written notification to the owners and occupants providing revised information on the ongoing or planned activities. This subsequent notification shall be provided before the company performing the renovation activities initiates work beyond that which was described in the initial notice.

(d) *Renovation activities in child-occupied facilities.* No more than 60 days before beginning renovation activities the company performing the renovation activities shall:

1. In any child-occupied facility, provide the owner of the building with the pamphlet, and comply with one of the following:

- a. Obtain from the owner a written acknowledgment that the owner has received the pamphlet.
- b. Obtain a certificate of mailing at least 7 days prior to the start of the renovation activities.

2. If the child-occupied facility is not the owner of the building, provide an adult representative of the child-occupied facility with the pamphlet, and comply with one of the following:

- a. Obtain, from the adult representative a written acknowledgment that the adult representative had received the pamphlet; or certify in writing that a pamphlet has been delivered to the facility and that the company performing the renovation activities has been unsuccessful in obtaining a written acknowledgment from an adult representative. Such certification shall include the address of the child-occupied facility undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgement (e.g., representative refuses to sign), the signature of a representative of the company performing the renovation activities, and the date of signature.

- b. Obtain a certificate of mailing at least 7 days prior to the start of renovation activities.

3. In any child-occupied facility, provide the parents and guardians of children using the child-occupied facility with the pamphlet and information describing the general nature and locations of the renovation activities and the anticipated completion date by complying with one of the following:

- a. Mail or hand-deliver the pamphlet and the renovation activities information to each parent or guardian of a child using the child-occupied facility.

- b. While the renovation activities are ongoing, post informational signs describing the general nature and locations of the renovation activities and the anticipated completion date. These signs shall be posted in areas where they can be seen by the parents and guardians of the children frequenting the child-occupied facility. The signs shall be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians can review a copy of the pamphlet or obtain a copy from the company performing the renovation activities at no cost to the parents or guardians.

4. Prepare, sign and date a statement describing the steps taken to notify all parents and guardians about the intended renovation activities and provide the pamphlet.

(e) *Written acknowledgment.* The written acknowledgments required under pars. (a) 1., (b) 1., (c) 1. a., (d) 1. a. and (d) 2. a. of this subsection shall:

1. Include a statement recording the owner's, occupant's or representative's name and acknowledging receipt of the pamphlet prior to the start of the renovation activities, the address of the unit undergoing renovation, the signature of the owner, occupant or representative, as applicable, and the date of signature.

2. Be either a separate sheet or part of a written contract or service agreement for the renovation.

3. Be written in the same language as the text of the contract or service agreement for the renovation activities, or, in the case of non-owner-occupied target housing, in the same language as the lease or rental agreement or the pamphlet.

(11) RENOVATION ACTIVITIES. (a) *Who may conduct.* Only the following persons may conduct renovation activities involving target housing or child-occupied facilities:

1. Certified lead-safe renovators who work for a certified lead-safe company or lead company.

2. Persons trained by and under the supervision of a certified lead-safe renovator who works for a certified lead-safe company or lead company.

3. Certified lead abatement supervisors or lead abatement workers who meet the training requirements under s. DHS 163.11 (2) (c) and work for a certified lead-safe company or lead company.

4. Persons licensed, certified or registered by the department of commerce under s. 101.178 or ch. 145, Stats., who meet all the requirements under s. DHS 163.10 (1) (d) 2.

(b) *Lead-safe work protocol.* When supervising or performing renovation activities, documented methodologies shall be used to conduct work in a lead-safe manner that does not create lead-based paint hazards, including work practices and engineering controls that limit the creation of dust and prevent the spread of dust, debris and paint chips outside the work area, and shall comply with all requirements under pars. (c) to (L).

(c) *Requirement for supervision.* The assigned certified lead-safe renovator, or another person who meets the conditions of par. (a) 3. or 4., shall provide direct on-site supervision at all times during worksite setup, including while posting warning signs and establishing work area containments, and shall be onsite regularly during renovation activities to direct work performed by other individuals and to ensure that lead-safe work practices are being followed, that containment barriers are maintained and that dust and debris do not spread beyond the work area. The certified lead-safe renovator shall be readily available, either on site or by telephone, at all times while paint disturbing activities are being conducted and, when off site, shall be able to return to the worksite within a reasonable time, about 30 minutes, as needed.

(d) *Requirement for ensuring compliance.* The company shall ensure that all renovation activities are conducted according to the requirements of this section and all applicable federal, state and local government requirements are followed.

(e) *Occupant protection.* Documented methodologies and the following work practice requirements shall be used to protect occupants when renovation activities are performed:

1. 'Post signs.' Signs clearly defining the work area and warning occupants and other persons not involved in the renovation activities to remain outside the work area. To the extent practicable, these signs shall be in the primary language of the occupants. Signs shall be posted before beginning the work

and shall remain in place and readable until the renovation activities and post-work cleaning verification have been completed.

2. 'Contain work areas.' Before starting renovation activities, the work area shall be isolated so that no dust or debris leaves the work area during the activity. Workers shall maintain the integrity of the containment throughout the renovation activities by ensuring that any plastic or other appropriate containment materials are not torn or displaced, and taking steps necessary to ensure that no dust or debris leaves the containment work area during the renovation. When the building is occupied, containment shall be installed in a manner that provides safe access to restrooms and exits for occupants. Containment may not be constructed in a manner that would interfere with worker egress in an emergency.

(f) *Interior lead-safe work practices.* The company shall ensure that documented methodologies are used for all interior renovation activities and that all personal property in the work area is protected from contamination by dust and debris, including all of the following:

1. Remove all objects from the work area, including furniture, rugs, and window coverings. Objects that can not be removed shall be covered with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed.

2. Close and seal all duct openings in the work area with taped down plastic sheeting or other impermeable material.

3. Close windows and doors in the work area. Doors shall be covered with plastic sheeting or other impermeable material. Doorways used as the entrance to the work area shall be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

4. Cover floor surfaces in the work area, including installed carpet, with taped down plastic sheeting or other impermeable material at least 6 feet beyond the perimeter of surfaces undergoing renovation, or a sufficient distance to contain all dust, whichever is greater.

5. Use precautions to ensure that all personnel, tools, and other items, including the exteriors of containers of waste, are free of dust and debris before leaving the work area.

(g) *Exterior lead-safe work practices.* The company shall ensure that documented methodologies are used for all exterior renovation activities and that all personal property in the work area is protected from contamination by dust and debris, including all of the following:

1. Remove all objects from the work area, including furniture and play equipment. Objects that can not be removed shall be covered with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed.

2. Close all doors and windows within 20 feet of the renovation work area. On multi-story buildings, close all doors and windows within 20 feet of the renovation work on the same floor as the

renovation and all doors and windows on all floors below that are the same horizontal distance from the renovation work.

3. Ensure that doors within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

4. Cover the ground with plastic sheeting, other impermeable disposable material, or landscape fabric capable of collecting dust and debris extending 10 feet beyond the perimeter of surfaces undergoing paint disturbance or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line or neighboring structures prevent 10 feet of ground cover.

5. As a situation requires, the company shall take extra precautions to contain the work area to ensure that dust and debris from renovation activities do not contaminate other buildings or areas of the property or migrate to adjacent properties.

(h) *Prohibited practices.* The following work practices shall be prohibited or restricted during a renovation activity:

1. Open-flame burning, torching or charring of paint is prohibited.

2. Operating a heat gun on paint at or above 1100 degrees Fahrenheit is prohibited.

3. Using a chemical paint stripper containing methylene chloride is prohibited.

4. Using machines to remove paint through high speed operation such as abrasive blasting, sandblasting, needle gunning, or machine sanding, grinding or planing painted surfaces, is prohibited unless the machine is operated with a properly fitted HEPA-filtered exhaust control in a fully contained work area.

5. High-pressure water blasting or hydroblasting is prohibited unless it is conducted in a fully contained work area with HEPA-filtered exhaust control and water collection system.

6. Using an improperly operating HEPA vacuum to clean up worksite dust, debris and paint chips is prohibited.

7. Dry sweeping dust, debris or paint chips in a renovation work area is prohibited.

(i) *Waste handling.* Wastewater, air emissions and solid waste from renovation activities shall be handled as follows:

1. Contained in the work area to prevent the release of dust and debris before removal for storage and disposal. If a chute is used to remove waste from the work area it must be covered.

2. Stored in a container or enclosure at the conclusion of each work day that prevents access to and release of dust and debris.

3. Contained to prevent release of dust and debris for final transport at the conclusion of renovation activities.

4. Discharge of wastewater shall be managed according to chs. NR 105, 106 and 200 to 299.

5. Air emissions shall be managed according to chs. NR 404, 415, 429, and 445.

6. Paint debris and waste shall be managed according to chs. NR 500 to 538 and 660 to 679.

(j) *Cleaning the work area.* Documented methodologies shall be followed to clean all work areas at the end of each work day and when all renovation activities have been completed. After the paint disturbing work has been completed, the work area shall be cleaned until no dust, debris or residue remains.

1. For all interior and exterior work areas:

a. Collect all paint chips and debris and, without dispersing any of it, seal the waste in a heavy-duty waste bag.

b. Dispose of all sheeting as waste by first misting, then folding inward until as small as possible, taping seams shut or placing in heavy-duty waste bags. Sheeting used to isolate contaminated areas from non-contaminated areas must remain in place until after final cleaning and removal of all other sheeting.

2. For exterior work areas, remove all visible debris, paint chips and residue in and below the work area, including from the ground, window sills and other horizontal surfaces.

3. For interior work areas:

a. Clean all objects and horizontal surfaces in the work area and within 2 feet outside the work area starting at the top and working down to the floor.

b. Clean walls starting at the ceiling and working down to the floor by either HEPA vacuuming or wiping with damp disposable cleaning cloths.

c. For other interior surfaces, thoroughly HEPA vacuum all remaining surfaces and objects in the work area, including horizontal surfaces, furniture and fixtures. After vacuuming, wipe the same surfaces, objects and fixtures with damp disposable cleaning cloths.

d. For carpets, use a HEPA vacuum with a beater bar to thoroughly and meticulously vacuum carpets and rugs.

e. For uncarpeted floors, thoroughly mop the floor using a 2- or 3-bucket mopping system or a wet mopping system using disposable cloths.

(k) *Post-activity visual inspection.* A visual inspection of the work area or areas shall be conducted by a person allowed under par. (a) after renovation activities and cleaning have been completed.

1. For interior renovation activities, a visual inspection shall be performed to determine whether dust, debris or residue is still present in or around the work areas. If dust, debris or residue is present, these conditions shall be removed by re-cleaning and another visual inspection shall be performed.

2. For exterior renovation activities, a visual inspection shall be performed to determine whether dust, debris or residue is still present on surfaces in and below the work area, including windowsills and the ground. If dust, debris or residue is present, these conditions shall be eliminated and another visual inspection shall be performed. After the work area or areas pass visual inspection, the activity is considered complete and warning signs may be removed.

(L) *Post renovation cleaning verification for interior work areas.* Except as allowed under par. (m), after a successful visual inspection, a person allowed under par. (a) shall verify cleaning of all interior work areas by using the following procedures:

1. Verify that each windowsill in the work area has been adequately cleaned by wiping the windowsill with an unused wet disposable cleaning cloth that is damp to the touch and comparing the cleaning cloth to the cleaning verification card.

a. If the cleaning cloth matches or is lighter than the cleaning verification card, the windowsill has been adequately cleaned.

b. If the cleaning cloth is darker than the cleaning verification card, the windowsill has not been adequately cleaned and re-cleaning following the procedures in par. (j) 3. is required. After re-cleaning, either use a new cleaning cloth or fold the used cloth in such a way that an unused surface is exposed and wipe the surface again. If the cleaning cloth matches or is lighter than the cleaning verification card, the windowsill has been adequately cleaned.

c. If the cleaning cloth is still darker than the cleaning verification card, wait one hour or until the surface has dried completely, whichever is longer.

d. After waiting for the windowsill to dry, wipe the sill with a dry disposable cleaning cloth. After this wipe, the windowsill has been adequately cleaned.

2. Verify that uncarpeted floors and countertops within the work area have been adequately cleaned by wiping the floors and countertops with an unused wet disposable cleaning cloth. Floors shall be wiped using a long-handled mop designed with a head attachment for wet disposable cleaning cloths. The cleaning cloth must remain damp at all times while it is being used to wipe the surface for post-activity cleaning verification. If the surface within the work area is larger than 40 square feet, the surface within the work area must be divided into roughly equal sections that are each less than 40 square feet. Wipe each section separately with a new wet disposable cleaning cloth.

a. If the cloth used to wipe that section within the work area matches the cleaning verification card, that section has been adequately cleaned.

b. If the cleaning cloth used to wipe a particular section is darker than the cleaning verification card, that section has not been adequately cleaned and re-cleaning following the procedures in par. (j) 3. is required. After re-cleaning, use a new cleaning cloth and wipe that section again. If the cleaning cloth matches or is lighter than the cleaning verification card, that section of the surface has been adequately cleaned.

c. If the cleaning cloth used to wipe a particular surface section is still darker than the cleaning verification card after the surface has been re-cleaned, wait for one hour or until the entire section surface has dried completely, whichever is longer.

d. After waiting for the entire section surface to dry, wipe the surface with a dry disposable cleaning cloth. After this wipe, that section of the surface has been adequately cleaned.

3. When the work area passes the post-renovation cleaning verification, warning signs may be removed.

(m) *Optional dust clearance testing.* Cleaning verification is not required if the contract between the company and the person contracting for the renovation activities or another federal, state, or local law or regulation requires dust clearance sampling at the conclusion of a renovation activity covered by this chapter.

1. Dust clearance samples for renovation activities shall be collected by a certified lead inspector, lead hazard investigator, lead risk assessor or lead sampling technician following clearance protocol under s. DHS 163.14 (5) (c).

2. The company performing the renovation shall re-clean or seal work areas and component types that fail dust clearance until the dust clearance sample results are below the clearance standards in s. DHS 163.14 (5) (c) 8.

(n) *Activities conducted after successful cleaning verification or clearance testing.* Activities that do not disturb paint, such as re-painting walls that have been properly prepared, are not regulated under this subchapter if they are conducted after cleaning verification has been performed or clearance testing results show dust lead levels below the clearances standards in s. DHS 163.14 (5) (c) 8.

(o) *Emergency renovations.* 1. Emergency renovations are exempt from the warning sign, containment, waste handling, training and certification requirements of this chapter to the extent necessary to respond to the emergency.

2. Emergency renovations are not exempt from the cleaning requirements of this subsection, which shall be performed by certified lead-safe renovators or individuals trained by a certified renovator, the cleaning verification requirements of this subsection, which shall be performed by certified renovators, or the recordkeeping requirements under s. DHS 163.13 (3) (c).

(p) *Use of paint test kits.* When requested by the party contracting for renovation services, the certified renovator may use only a department-recognized paint test kit to determine whether components and surfaces to be affected by the renovation activities contain lead-based paint. The certified renovator shall test each distinct component and surface to be affected, follow the manufacturer's instructions for use of the paint test kit, and document and maintain the records required under s. DHS 163.13 (3) (c) 11.

(q) The company shall prepare, maintain and distribute records as required under s. DHS 163.13 (3) (c).

SECTION 87. DHS 163.16 is created to read

DHS 163.16 Recognized paint test kits for renovation. (1) EPA VERIFICATION PROGRAM. The department recognizes paint test kits that have been tested and determined by the EPA Environmental Technology Verification Program, or other equivalent EPA approved testing program, to meet the response criteria described in this section.

(2) RESPONSE CRITERIA. A recognized test kit shall meet or exceed both the negative response criteria and the positive response criteria, as follows:

(a) *Negative response criteria.* For paint containing lead at or above the regulated level, 0.7 milligrams per square centimeter or .06% by weight, a demonstrated probability, with 95% confidence, of a negative response less than or equal to 5% of the time.

(b) *Positive response criteria.* For paint containing lead below the regulated level, 0.7 milligrams per square centimeter or .06% by weight, a demonstrated probability, with 95% confidence, of a positive response less than or equal to 10% of the time.

(3) If a test kit meets the response criteria under subs. (2) the department will issue a notice of recognition to the kit manufacturer and post the information on the department's website.

SECTION 88. DHS 163.20 (1) and (2) are amended to read:

DHS 163.20 (1) REQUIREMENT FOR ACCREDITATION. No person may offer, advertise, claim to provide or conduct a lead training course that is represented as qualifying any person for certification to perform a regulated ~~abatement~~ renovation, lead hazard reduction, or lead investigation activity in this state unless that training course has received accreditation from the department, has an approved principal instructor, uses only approved instructors and the training provider is owned by or employs an approved training manager.

(2) ONLY TRAINING COURSES. Department accreditation is provided only for a specific training course designed for individuals seeking certification or recertification in a discipline under s. DHS 163.10 (2) ~~or s. HFS 163.43, not for a training institution or a training program.~~

SECTION 89. DHS 163.20 (4) (d) is created to read:

DHS 163.20 (4)(d) *Course disciplines*. A person may seek accreditation from the department to offer lead training courses in the following disciplines:

1. Lead-safe renovation initial and lead-safe renovator refresher.
2. Lead-safe renovation initial and lead-safe renovator refresher conducted in a language other than English.
3. Lead abatement work initial and lead abatement worker refresher.
4. Lead abatement work initial and lead abatement worker refresher conducted in a language other than English.
5. Lead abatement supervision initial and lead abatement supervisor refresher.
6. Lead project design initial and lead project designer refresher.
7. Lead sampling initial and lead sampling technician refresher.
8. Lead inspection initial and lead inspector refresher.
9. Lead hazard investigation initial and lead hazard investigator refresher.
10. Lead risk assessor refresher.

SECTION 90. DHS 163.20 (5) and (8) (a) (intro.) and 1. (title) and (intro.) are amended to read:

DHS 163.20 (5) TRAINING RESOURCES. An accredited training course shall be conducted using facilities, equipment and instructional materials that promote the learning objectives for which the course is offered. Facilities shall have appropriate space for classroom, hands-on and field training. Instructional material shall be based upon EPA and department-approved curricula, shall include all materials approved for accreditation, and shall be kept up-to-date with new information provided by the department. Equipment shall reflect department-approved work practices, shall be maintained in proper working condition and shall be licensed and stored in compliance with any applicable requirements and regulations. Students shall be given course material based on EPA and department-approved curricula that supports the learning goals and objectives of the course and that the student may use as reference material to enhance compliance with lead-based paint regulations and standards. Students shall also be given a paper copy of this chapter.

(8) (a) (title) *Required learning objectives for courses leading to certification in lead-safe renovation and lead hazard reduction disciplines*. An accredited training course that meets a training requirement under s. DHS 163.11 for certification as a lead-safe renovator, lead abatement worker, lead abatement supervisor or lead project designer shall teach work practice standards that are consistent with s. DHS 163.14 for renovation activities and abatement activities and consistent with s. DHS 163.44 for ~~non-abatement lead-based paint activities~~. A training course shall be based on EPA and department-approved curricula and shall meet or exceed the applicable minimum curriculum requirements,

including both the minimum number of course training hours and the minimum number of hands-on training hours, as follows:

1. 'Lead-safe ~~work~~ renovation course.' A lead-safe ~~work~~ renovation course shall provide a minimum of 8 training hours. The course shall include lectures, demonstrations, a minimum of 2 hours of hands-on practice, hands-on skills assessment, a course review and a written course test. The course shall provide instruction and materials that address all of the following student learning goals and objectives:

SECTION 91. DHS 163.20 (8) (a) 1. a. to zf. are repealed and recreated to read:

DHS 163.20 (8) (a) 1. a. Compare the federal definition of lead-based paint to the Wisconsin definition of lead-based paint.

- b. Describe the symptoms of lead poisoning and health risks to children and adults exposed to lead.
- c. Explain why lead, dust and debris are a special concern in housing and child-occupied facilities.
- d. Identify the clearance standards for floors, interior window sills and window troughs.
- e. Discuss the EPA, HUD and OSHA lead regulations and their relation to renovation activities.
- f. Define target housing and child-occupied facility.
- g. Discuss requirements for training and certification under this chapter.
- h. Describe the exclusions to the renovation requirements under this chapter.
- i. Discuss company responsibilities under this chapter.
- j. Discuss the certified renovator roles and responsibilities under this chapter.
- k. Identify the major work practice standards for renovation activities under this chapter.
- L. Identify the possible enforcement actions that may be taken for violations of this chapter.
- m. Discuss the HUD lead safe housing rule requirements for training, lead-safe work practices and clearance in federally owned or assisted housing.
- n. Compare the requirements of this chapter with the EPA renovation, repair and painting rule under 40 CFR 745 Subparts E and L and the HUD lead safe housing rule under 24 CFR Part 35, Subparts B to M and R.
- o. Explain pre-renovation education requirements under this chapter.

- p. Discuss how housing age is related to the presence of lead-based paint.
- q. Describe and compare methods for determining if lead-based paint is present.
- r. Explain how to determine if a test kit is recognized for use in Wisconsin.
- s. Correctly use a recognized test kit to determine if lead-based paint is present on components and surfaces affected by renovation work.
- t. Correctly use an EPA flow chart to determine what regulatory requirements apply to a specific renovation project.
- u. Describe the three major steps to lead safe renovation: proper setup, lead safe work practices and proper cleanup.
- v. Describe the purpose and benefits of establishing work area containment during renovation activities.
- w. Demonstrate interior work area setup and containment, including posting signs and limiting access, removing or covering furnishings and belongings, covering floors, closing doors and windows, and sealing vents.
- x. Construct a work area entry doorway and dust barrier using plastic sheeting.
- y. Demonstrate exterior work area setup and containment, including posting signs and limiting access, removing or covering furnishings and belongings; covering the ground; and closing doors and windows.
- z. Describe the differences between traditional renovation work practices and lead-safe renovation work practices.
- za. List and describe the work practices prohibited under DHS 163, the EPA renovation, repair and painting rule under 40 CFR 745 Subparts E and L, and the HUD lead safe housing rule under 24 CFR Part 35, Subparts B to M and R.
- zb. Discuss considerations for use of specialized power tools with HEPA-filtered capture attachments.
- zc. Discuss proper use of personal protection equipment and hygiene practices to protect workers and control the spread of dust.
- zd. Explain the role regular and daily cleaning plays in preventing the spread of lead hazards.
- ze. Demonstrate proper interior and exterior work area cleaning techniques.

zf. Describe proper carpet cleaning procedures.

SECTION 92. DHS 163.20 (8) (a) 1. zg. to zu. are created to read:

DHS 163.20 (8) (a) 1. zg. Describe the purpose of cleaning verification after final cleanup.

zh. Demonstrate visual inspection for dust and debris after final cleaning.

zi. Demonstrate the full cleaning verification procedure.

zj. Describe dust clearance inspections and how they differ from cleaning verification.

zk. Describe exterior cleanup requirements, including final visual inspection.

zL. Demonstrate proper waste handling.

zm. Discuss federal and state waste disposal regulations.

zn. Describe how long required records must be maintained.

zo. List the records that must be kept on the job site during a renovation activity.

zp. List the records required for pre-renovation education activities.

zq. Describe how to document non-certified worker training.

zr. Describe the records that must be generated and maintained if using a paint test kit.

zs. Describe the post-renovation reporting requirements.

zt. Describe the role of non-certified, on-the-job trained renovation workers.

zu. List and discuss the use of the 7 steps to lead-safe renovation, repair and painting for training uncertified workers.

SECTION 93. DHS 163.20 (8) (a) 2. (title) and (intro.) and (b) 1. j. and k. are amended to read:

DHS 163.20 (8) (a) 2. (title) 'Lead abatement work course.' A lead abatement work course shall provide a minimum of 8 training hours only to persons who successfully completed a department-approved lead-safe work or lead-safe renovation course. The course shall include lectures, demonstrations, a minimum of 6 hours of hands-on practice and hands-on skills assessment, a course review and a written course test. The course shall provide instruction and materials that address all of the following student learning goals and objectives:

(b) 1. 'Lead sampling course.' j. ~~List 3~~ Describe surfaces appropriate for dust wipe sampling.

k. Collect a dust wipe ~~samples~~ samples from 3 different surfaces using correct methods.

SECTION 94. DHS 163.20 (8) (b) 1. Lm. is created to read:

DHS 163.20 (8) (b) 1. Lm. Describe requirements when conducting clearance for a renovation project.

SECTION 95. DHS 163.20 (8) (b) 1. n. is repealed and recreated to read:

DHS 163.20 (8) (b) 1. 'Lead sampling course.' n. Describe requirements when conducting clearance for a HUD-assisted renovation project.

SECTION 96. DHS 163.20 (8) (b) 1. o and p. are amended to read:

DHS 163.20 (8) (b) 1. 'Lead sampling course.' o. Collect a paint chip sample using correct methods.

p. Collect a soil sample using correct methods.

SECTION 97. DHS 163.20 (8) (b) 1. t. is repealed and recreated to read:

DHS 163.20 (8) (b) 1. 'Lead sampling course.' t. Describe the required contents of a clearance report.

SECTION 98. DHS 163.20 (8) (b) 1. w., x. and y. are created to read:

DHS 163.20 (8) (b) 1. w. Discuss the HUD lead safe housing rule requirements for clearance in federally owned or assisted housing.

x. Compare the requirements of this chapter with the EPA renovation, repair and painting rule under 40 CFR 745 Subparts E and L and the HUD lead safe housing rule under 24 CFR Part 35, Subparts B to M and R.

y. Explain training and certification requirements for lead investigation activities under this chapter.

SECTION 99. DHS 163.20 (8) (c) 7. is amended to read:

DHS 163.20 (8) (c) 7. 'Lead sampling technician refresher course.' A total of 24 training hours to include a review of the curriculum covered in the course required for lead sampling technician certification, as appropriate, an overview of current safety practices relating to regulated activities, current federal, state and local statutes, ordinances, rules and regulations relating to lead-based paint and current technologies relating to ~~lead-based paint hazard identification~~ dust, paint and soil sampling in general and clearance in particular.

SECTION 100. DHS 163.20 (8) (c) 8. is created to read:

DHS 163.20 (8) (c) 8. 'Lead-safe renovator refresher course.' A total of 4 training hours to include a review of the curriculum and work practices covered in the course required for lead-safe renovator certification, an overview of current lead safety practices relating to renovation activities, current federal, state and local statutes, regulations, rules and ordinances relating to lead-based paint and renovation, and current technologies relating to lead-safe work practices for renovation.

SECTION 101. DHS 163.20 (8) (h) 3. and (9) (a) are amended to read:

DHS 163.20 (8) (h) 'Course test.' 3. A course test shall be developed in accordance with the course test blueprint, ~~shall reflect~~ reflecting the learning goals and objectives of the training course, and shall consist of a minimum of 25 multiple choice questions for every 8 training hours, ~~except that a course test shall include questions for learning goals of any prerequisite course that does not require a course test of the course.~~

(9) (a) *Requirement to verify identification.* ~~The~~ Before admitting a student into a class, the training manager is responsible for verifying the identity of ~~the~~ student by viewing ~~2 forms~~ 1 form of official photo identification, ~~of which one shall include a clearly identifiable picture of the student~~ The training provider shall verify that the individual who presents the identification bears a reasonable likeness to the photograph and is at least 18 years of age or will attain 18 years of age no later than 12 months after completing the training. The training manager may delegate verification of identity to an employee of the training program. The following forms of photo identification may be accepted:

SECTION 102. DHS 163.20 (9) (a) 1. to 4. and (9) (am) are created to read:

DHS 163.20 (9) (a) 1. Driver's license.

2. Identification card issued by the U.S. military, or a federal, state, local or tribal agency.

3. U.S. or foreign issued passport.

4. Permanent resident alien card.

(am) *Document student identification.* Record the type of identification examined, the name of the issuing agency, the identification number, the student's full name as it appears on the identification, and the student's date of birth.

SECTION 103. DHS 163.20 (9) (b) and (c) 3. and 4. are amended to read:

DHS 163.20 (9) (b) *Requirement to issue training certificate.* ~~After verification of a student's identity under par. (a), the~~ The training manager shall issue a training certificate to a student when the student completes all course requirements.

(c) *Content of training certificate.* 3. The name of the course, as specified under sub. (8) (a) to (c), ~~and which shall clearly indicate if the course is an initial course or a refresher course,~~ and the language in which the course was conducted if other than English.

4. The student's full name ~~and address~~ as it appears on the student's official identification under par. (a).

SECTION 104. DHS 163.20 (9) (c) 8m. is created to read:

DHS 163.20 (9) (c) 8m. The training expiration date, which shall be 2 years from the date of course completion for the lead abatement work initial, abatement worker refresher, abatement supervision initial, abatement supervisor refresher, project design initial, project designer refresher, lead sampling initial, sampling technician refresher, inspection initial, inspector refresher, hazard investigation initial, hazard investigator refresher, and risk assessor refresher courses, and shall be 4 years from the date of course completion for the lead-safe renovation initial and lead-safe renovator refresher courses.

SECTION 105. DHS 163.21 (intro.) is amended to read:

DHS 163.21 Application for accreditation. To request accreditation of a lead training course described under s. DHS 163.20, the training manager, on behalf of the training provider, shall submit all of the following to the department:

SECTION 106. DHS 163.21 (1) is renumbered DHS 163.21 (1) (a) and (am).

(1) COMPLETED APPLICATION FORM. (a) A fully and accurately completed application on a form obtained from the department.

(am) 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.

SECTION 107. DHS 163.21 (1) (b) is created to read:

DHS 163.21 (1) (b) A course taught in a language other than English is considered a separate course for purposes of applying for accreditation. Only a lead-safe renovation initial, lead-safe renovator refresher, lead abatement work initial and lead abatement worker refresher may be accredited in a language other than English. When applying for accreditation of a course in a language other than English, a signed statement from a qualified, independent translator that they compared all course materials to the English language version and found the translation to be accurate shall be submitted to the department with the application.

SECTION 108. DHS 163.21 (3) (c) and (5) are amended to read:

DHS 163.21 (3) (c) *Audiovisual and materials for hands-on activities.* Training audiovisual materials such as videos, slides, overheads, photographs and displays, and materials for hands-on activities, such as personal protective clothing, respirators and cartridges, duct tape, polyethylene

sheeting, high efficiency particulate air vacuums with beater bar, glove bags and hand tools, including the location where they are stored.

(5) **COURSE REGISTRATION PLAN.** A written course registration plan consisting of a plan for advising potential students of education and experience qualifications under s. DHS 163.10 (3) (b) and a written plan for admitting only students who meet the age requirement and produce a valid form of official photo identification under s. DHS 163.20 (9) (a), and have completed any prerequisite lead training courses under s. DHS 163.11 (2).

SECTION 109. DHS 163.22 (4) (b) is amended to read:

DHS 163.22 (4) (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 additional on-site audits. 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~~requirements for achieving full accreditation and the right to appeal the action under s. DHS 163.33.

SECTION 110. DHS 163.23 (3) (a) and (d) are amended to read:

DHS 163.23 (3) (a) *Application form.* A fully and accurately completed application form. The application shall include a statement signed by the training manager certifying that the training course complies ~~at all times~~ with the requirements of this chapter.

(d) ***Accreditation fee.*** Each application for renewal of course accreditation shall be accompanied by a 2-year non-refundable accreditation fee of \$25 per course hour or a 4-year accreditation fee of \$50 per course hour. ~~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.~~

SECTION 111. DHS 163.24 (2) (a) (intro.) is amended to read:

DHS 163.24 (2) (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, property maintenance, renovation, remodeling, engineering, environmental consultation, occupational safety and health or industrial hygiene and shall have one of the following:

SECTION 112. DHS 163.24 (3) (a) 2. (intro.) and a. to c. and 3. a. to c. and (b) 5. and 7. a. to c. are amended to read:

DHS 163.24 (3) (a) 2. 'Certification.' A principal instructor shall be currently certified ~~based on payment of a 2-year certification fee. Certification shall be held~~ as follows:

a. As a lead risk assessor, for ~~lead investigation instructor approval~~ to teach initial lead sampling, lead inspection and lead hazard investigation courses and refresher lead sampling technician, lead inspector, lead hazard investigator, inspector, and lead risk assessor and sampling technician courses.

b. As a lead abatement supervisor; for ~~lead hazard reduction instructor~~ approval to teach initial lead-safe work renovation, lead abatement work and lead abatement supervision courses and refresher lead-safe renovator, lead abatement worker and lead abatement supervisor courses.

c. As a lead project designer; for ~~project design instructor~~ approval to teach initial lead project designer design and refresher project design designer courses.

3. a. For approval to teach courses for lead hazard reduction ~~disciplines~~, lead-safe renovation or project ~~designers design disciplines~~, direct responsibility for activities involving lead hazard reduction, lead health effects, lead regulations, industrial hygiene activities involving lead, construction or renovation of homes or other buildings, painting, weatherization, rehabilitation or home improvement, lead worker protection or abatement relating to other hazardous materials.

b. For approval to teach courses for lead identification ~~disciplines~~, direct responsibility for activities involving lead sampling, lead inspections or risk assessments, 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, renovation or home improvement ~~and lead management~~ identification activities relating to other hazardous materials.

c. For approval to teach any type of course, direct responsibility for 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~~ work-related courses. The department shall evaluate qualifications in relation to the topic or topics that the applicant will teach.

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

7. 'Fee.' a. \$100 for a lead investigation instructor application, which includes approval to teach lead sampling, inspection, hazard investigation and risk assessment courses.

b. \$100 for a lead hazard reduction instructor application, which includes approval to teach lead abatement and lead-safe renovation courses.

c. \$50 for a lead project design instructor application, which includes approval to teach only lead project design courses.

SECTION 113. DHS 163.25 (3) (a), (b) 2. to 4., (c) 2., and (d), (5) and (7) (intro.) and (e) are amended to read:

DHS 163.25 (3) COURSE SCHEDULE NOTIFICATION. (a) *Requirement for notification.* A training manager shall notify the department ~~in writing on the department's internet form or on a form obtained from the department~~ whenever an accredited training course has been scheduled by entering

class schedule information for the accredited course directly into the department's online lead database or by other method approved by the department.

(b) *Notification content.* 2. The course discipline and whether it is an initial or refresher course.

3. The date start and end dates, start and end times and location of the course.

4. The name of the designated principal instructor for ~~a lead hazard reduction or lead investigation~~ the course.

(c) 2. In an emergency, the training manager shall ~~notify the~~ make a request by telephone for department of a scheduled approval to schedule a training course by telephone or fax with less than 10 working days notice. The request shall be made a minimum of one working day prior to the requested start of the course date and shall be followed by entry of the course notification directly into the department's online lead database or by other method approved by the department.

(d) *Revised notification.* The training manager shall ~~complete a revised internet form a minimum of 10 working days prior to the course start date or shall notify the department~~ notify the department about course cancellations or course schedule, instructor or location changes by means of the department's online lead database when known 10 working days or more before the notified start date, and also by telephone or fax a minimum of one when the change or cancellation occurs less than 10 working day prior to days before the scheduled start date of a course when the course is cancelled 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.

(5) DESIGNATION OF PRINCIPAL INSTRUCTORS. The training manager shall designate a principal instructor for each accredited course offering. The principal instructor shall be approved under s. DHS 163.24 (3).

(7) NOTIFICATION OF CHANGES. The training manager shall notify the department in writing a minimum of 5 working days before making the following changes:

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

SECTION 114. DHS 163.25 (7) (f) is repealed.

SECTION 115. DHS 163.25 (10) (b) 1. and (11) (b) 4., 6., and 9. are amended to read:

DHS 163.25 (10) (b) *Records to be retained.* 1. A copy of each department-approved 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.

(11) (b) 4. The student's full legal name and address. If a training certificate was issued, the name ~~and address submitted~~ shall be the same as it appears on the training certificate.

6. The student's course test score, ~~when a test is required~~.

9. The student's date of birth as it appears on the student's official photo identification.

SECTION 116. DHS 163.25 (11) (b) 8. is repealed.

SECTION 117. DHS 163.30 (1) and (2) are amended to read:

DHS 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 or refusal to comply with any provision of this chapter.

(2) OTHER AGENCY ACTION. Any other state agency in the course of the performance of its duties may determine that an individual, ~~lead~~ 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.

SECTION 118. DHS 163.31 (1) and (2) (d) and (h) are amended to read:

DHS 163.31 (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~~ may constitute, for purposes of this section, conclusive evidence of a failure to comply with relevant statutes or rules.

DHS 163.31 (2) (d) The person made false or misleading statements to the department in its application for accreditation or reaccreditation, ~~and the department relied upon those statements in approving the application~~.

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

SECTION 119. DHS 163.31 (2) (L) and (3) (c) are created to read:

DHS 163.31 (2) (L) The person used an instructor to teach a course accredited under this chapter who was not qualified to teach at the time the course was offered.

(3) (c) The principal instructor failed to maintain the instructor approval or certification upon which the approval was granted, before teaching a course accredited under Subchapter III.

SECTION 120. DHS 163.31 (4) (intro.), (L) and (n), (5) (b), and (6) (a) 3. are amended to read:

DHS 163.31 (4) REASONS FOR CERTIFICATION ENFORCEMENT ACTIONS. The department may take an action under s. DHS 163.32 against a person required to be certified under this chapter, whether an individual or a ~~lead~~-company, if the person has violated any provision of this chapter. Reasons for certification enforcement actions may include any of the following violations:

(L) The person falsified records or failed or refused to establish, maintain, provide, copy or permit access to records or reports by an authorized representative of the department.

(n) The person failed or refused to comply with, or to ensure that employed or contracted staffpersons comply with, the work practice standards and protocols under this chapter.

(5) (b) A person whom the department determines is not fit ~~and~~or qualified. In determining whether a person is fit ~~and~~or 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 tribal or local government substantially related to regulated activities or other environmental remediation.

(6) (a) 3. Failure or refusal to comply with the work practice standards under s. DHS 163.14, or to ensure that employed or contracted staffpersons comply with those work practice standards.

SECTION 121. DHS 163.32 (intro.) and (3) (intro.) are amended to read:

DHS 163.32 Enforcement actions. In addition to issuing letters of inquiry, warning letters and noncompliance statements, which are not appealable, the department may take one or more of the following appealable actions for any reason stated under s. DHS 163.31 against a ~~certified individual or lead 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~~person performing or offering to perform activities regulated under this chapter:

(3) CIVIL 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 by the time specified in the order, continues to violate or resumes violation of a provision for which notice was previously issued or fails to comply with an order issued under sub. (1) by the time specified in the order if the department provides written notice of the grounds for a forfeiture and an explanation of the process under s. DHS 163.33 for appealing a forfeiture. Each day of continued violation constitutes a separate offense. All of the following apply to a civil forfeiture:

SECTION 122. DHS 163.40 (1) is amended to read:

DHS 163.40 General provisions. (1) APPLICABILITY. This subchapter applies to ~~property for which a certificate of lead-free or lead-safe status is required based on notice that a child under 6 years of age has an elevated blood lead level. This subchapter also applies to~~ registered lead-free property and registered lead-safe property, the property owners and the employees and agents of property owners of registered lead-free property or registered lead-safe property, and persons performing lead-based paint activities on registered lead-safe property.

SECTION 123. DHS 163.40 (2) (a) and (c) 1. and 4. are repealed.

SECTION 124. DHS 163.40 (2) (c) 2. , 3. b., and 5. a. are amended to read:

DHS 163.40 (2) (c) 2. 'Treating paint as lead-based paint for registered lead-free or lead-safe properties.' For purposes of obtaining a certificate of lead-free status or a certificate of lead-safe status and for performing lead abatement or non-abatement lead-based paint activities on registered lead-safe property, paint shall be treated as lead-based paint unless the paint is proven to be lead-free. Provisions under this subchapter that apply to paint or lead-based paint apply to all paint unless the paint is proven to be lead-free.

3. b. Not a ~~lead~~-company or associated with a ~~certified lead~~ company that is directly or beneficially owned, controlled or managed by the property owner, or by an immediate family member, agent or employee of the property owner.

5. a. Using the procedures under s. DHS 163.14 ~~(5)(8)~~, test the paint with an XRF and, if the XRF reading is equal to or greater than 0.7 milligrams lead per square centimeter, determine that lead-based paint is present. If the reading is less than 0.7 milligrams lead per square centimeter, determine that the paint is lead-free. When a reading is in the inconclusive range for the XRF used, treat the paint as lead-based paint unless a paint chip sample taken under subd. 5. b. results in a determination that the paint is lead-free.

SECTION 125. DHS 163.40 (4) is repealed.

SECTION 126. DHS 163.41 (2) (a) 2. d. is amended to read:

DHS 163.41 (2) (a) 2. d. When a certificate of lead-free status is being sought for a premises that is not a dwelling, such as a child-occupied facility, the locations inspected shall include all interior and exterior common areas for the real property associated with the premises where an occupant of the child-occupied facility might be exposed to a lead-based paint hazard.

SECTION 127. DHS 163.42 (2) (a) 2. d. and (3) (e) 1. to 3., and (f) 1. are amended to read:

(2) (a) *Lead-safe investigation protocol.* 2. d. When a certificate of lead-safe status is being sought for a premises that is not a dwelling, such as a child-occupied facility, the locations investigated shall include all interior and exterior common areas for the real property associated with the premises where an occupant of the child-occupied facility might be exposed to a lead-based paint hazard.

(3) (e) *Ensure appropriate certification.* 1. When a property owner requests or allows an abatement or lead investigation activity to be conducted, the property owner shall ensure that persons conducting the abatement or lead investigation activity are appropriately certified ~~when certification is required~~ under sss. DHS 163.10 and are affiliated with a certified company under s. DHS 163.12.

2. When a property owner requests or allows ~~a non-abatement lead-based paint~~ an interim control or renovation activity to be conducted, the property owner shall inform persons conducting the

activity that the activity involves registered lead-safe property and shall ensure that persons conducting the ~~non-abatement lead-based paint~~ activity are appropriately certified ~~when certification is required under s. DHS 163.43~~ under s. DHS 163.10 and are affiliated with a certified company under s. DHS 163.12.

3. When a lead investigation, abatement, interim control or ~~non-abatement lead-based paint renovation~~ activity is conducted by a property owner or the property owner's agent or employee, the property owner shall ensure compliance with certification and work practice requirements under this chapter.

(f) *Follow work practice standards.* 1. When a property owner requests or allows an interim a non-abatement lead-based paint control or renovation activity to be conducted, the property owner shall inform persons conducting the activity that they are required to comply with lead-safe work practices under s. DHS ~~163.44 because the property is covered by a certificate of lead-safe status~~ 163.14 (11).

SECTION 128. DHS 163.42 (3) (f) 2. is repealed.

SECTION 129. DHS 163.42 (3) (f) 3. a. to c. and (g) 1. are amended to read:

DHS 163.42 (3) (f) 3. a. When the property owner can demonstrate that the occupant received a written rental agreement that prohibits the occupant from disturbing paint ~~and performing lead-based paint activities~~ on the property without certification.

b. When the property owner can demonstrate that the occupant received the property owner's written rules prohibiting the occupant from disturbing paint ~~and performing lead-based paint activities~~ on the property without certification.

c. The property owner's written rules for the property were posted where the occupant should reasonably have been expected to see the prohibition and the rules prohibit the occupant from disturbing paint ~~and performing lead-based paint activities~~ on the property without certification.

(g) *Conduct clearance.* 1. When a property owner requests or allows ~~a non-abatement lead-based paint~~ an interim control or renovation activity to be conducted, the property owner shall ensure that clearance under DHS 163.14 (5) is conducted ~~as required under s. DHS 163.44 (3) (b).~~

SECTION 129m. DHS 163.43 and DHS 163.44 are repealed.

SECTION 130. Chapter DHS 163 Appendix A is amended to read:

Chapter DHS 163

APPENDIX A

Obtaining Applicable Federal, State and Local Government Requirements

1. ~~EPA~~ The U.S. Environmental Protection Agency (EPA) regulations under 40 CFR Part 745 Subpart D ~~establishes~~ establish standards for identifying lead-based paint hazards. EPA regulations under 40 CFR Part 745 Subpart F (HUD regulation 24 CFR Part 35) require disclosure of known lead-based paint or lead-based paint hazards in housing at the time of sale or lease. EPA regulations under 40 CFR Part 745 Subpart E require ~~a contractor to provide~~ renovator training and certification, lead safe work practices during renovations, and pre-renovation education material distribution to owners and occupants of target housing and child-occupied facilities prior to ~~most lead-based paint activities~~ renovations, other than ~~abatement, that disturb more than 2 square feet of lead-based paint~~ minor repair and maintenance activities. EPA regulations under 40 CFR Part 745 Subpart L establish training course accreditation requirements, individual and company certification requirements, and work practice standards for persons performing lead-based paint activities. ~~Information on EPA lead regulations is~~ are available on the EPA website at "www.epa.gov/lead" ~~or may be obtained from the department.~~

2. The U.S. Housing and Urban Development Department (HUD) regulations under 24 CFR Part 35 provide requirements for controlling lead-based paint hazards in federally-assisted or federally-owned housing including training, lead-safe work practices and information distribution to occupants. ~~Such housing might be subject to additional requirements. For example, for some properties receiving federal assistance, these regulations require that notice be given to occupants following lead hazard reduction activities. Information on HUD lead regulations is~~ are available on the HUD website at "www.hud.gov/lead" ~~or may be obtained from the department.~~

3. The U.S. Occupational Safety and Health Administration (OSHA), under 29 CFR Part 1926, provides requirements for employers involved with lead in construction, such as persons performing renovation activities in pre-1978 ~~dwelling~~ buildings. The regulations address issues such as safety training, personal protection and medical monitoring of employees. ~~Selected portions of this regulation follow. The full regulation and information on OSHA regulations is~~ is available on the OSHA website at www.osha.gov ~~or may be obtained from the department. Electronic training on the OSHA regulation is available at~~ www.osha-slc.gov/dts/osta/oshasoft/LeadxWb.html.

SECTION 131. Chapter DHS 163 Appendix B (title) is amended to read:

Chapter DHS 163

APPENDIX B

Interim Controls

Chapter 11, HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing

www.hud.gov/offices/lead/lbp/hudguidelines/Ch11.pdf

SECTION 132. Chapter DHS 163 Appendix C (title) is amended to read:

Chapter DHS 163

APPENDIX C

Cleaning When Lead-Based Paint Has Been Disturbed
Chapter 14, HUD Guidelines for the Evaluation and Control of
Lead-Based Paint Hazards in Housing

www.hud.gov/offices/lead/lbp/hudguidelines/Ch14.pdf

SECTION 133. Chapter DHS 163 Appendix H (title) is amended to read:

Chapter DHS 163

APPENDIX H

Protecting Occupants

Chapter 8, HUD Guidelines for the Evaluation and Control of
Lead-Based Paint Hazards in Housing

www.hud.gov/offices/lead/lbp/hudguidelines/Ch08.pdf

SECTION 134. Chapter DHS 163 Appendix I (title) is amended to read:

APPENDIX I

Working Lead-Safe

Chapters 4 and 17, HUD Guidelines for the Evaluation and Control of
Lead-Based Paint Hazards in Housing

www.hud.gov/offices/lead/lbp/hudguidelines/Ch04.pdf

www.hud.gov/offices/lead/lbp/hudguidelines/Ch17.pdf

SECTION 135. The following Notes are repealed.

DHS 163.03 (1) (c), (42), and (82) Notes

DHS 163.10 (1) (c) 3., (2) (a), (5) (c) 2. and (g) 1. g., and (8) (b) 4. Notes

DHS 163.12 (3) (a) 1. e. and 2. b. Notes

DHS 163.13 (4) Note

DHS 163.20 (8) (c) 7. and (e) Notes

DHS 163.24 (3) (a) 1. a. and (4) (b) Notes

DHS 163.40 (4) (b) Note

SECTION 136. The following Notes are amended to read:

DHS 163.03 (16) Note: Examples of common areas are a hallway, stairway, restroom, dining room, laundry room, recreation room, playground, community center, garage and boundary fence.

DHS 163.03 (18) Note: Containment is more than simply laying plastic on the floor. For interior work ~~involving an abatement or non-abatement lead-based paint activity~~ that creates large amounts of dust, appropriate containment would include hanging vertical plastic sheeting to create a temporary wall barrier between the work area and the rest of the house, with an airlock entryway. For additional information on appropriate containment, refer to Appendix H of this chapter, Chapter 8, Resident Protection and Worksite Preparation, of HUD's Guidelines for the Evaluation and Control for Lead-Based Paint Hazards in Housing.

DHS 163.03 (26) Note: Washing or vacuuming painted surfaces does not, by itself, disturb paint unless the method used dislodges paint, such as by power washing. Although removal of a carpet does not disturb paint, the removal of a carpet contaminated with dust-lead or paint chips can create a high dust lead-based paint lead hazard.

DHS 163.03 (29) Note: Examples of documented methodologies include the following: The U.S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control for Lead-Based Paint Hazards in Housing; the EPA Guidance on Residential Lead-Based Paint Hazards in Housing; the EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-Contaminated Soil; the EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling (EPA report number 7474-R-95-001); Wisconsin Childhood Lead Poisoning Prevention and Control Handbook; regulations, guidance, methods or protocols issued by States and Indian Tribes that have been authorized by EPA; and other equivalent methods and guidelines. For non-abatement lead-based paint activities, additional documented methodologies include: HUD's Lead Paint Safety, A Field Guide for Painting, Home Maintenance, and Renovation Work ~~and~~; EPA's ~~Lead In Your Home: A Parent's Reference Guide~~ Renovate Right pamphlet and Small Entity Compliance Guide to Renovate Right: EPA's Lead-Based Paint Renovation, Repair and Painting Program. ~~To request federal Federal documents, contact HUD USER by telephone at 800-245-2691 or the National Lead Information Clearinghouse by telephone at 800-424-5323 or by fax at (202) 659-1192~~ may be downloaded from the HUD website at www.hud.gov/offices/lead or from the EPA website at www.epa.gov/lead.

DHS 163.03 (103) Note: The Wisconsin Department of Natural Resources (DNR) standard for nonindustrial lead in soil under NR 720.11, Table 2, is 50 parts per million. ~~For additional information, contact the DNR at 608-266-5425.~~

DHS 163.10 (3) (a) 4. Note: Use this subsection and subs. (4) to (7) to apply for certification in a discipline for the first time or after certification in the discipline has lapsed for 12 months or more. Use

sub. (8) to apply for recertification before certification expires or within 12 months after certification expires. ~~For certification of lead safe workers, use s. DHS 163.43.~~

DHS 163.11 (3) (a) 2. b. Note: Under s. DHS 163.10 (3) (a), an individual whose certification has been expired for 12 months or longer must apply for initial certification under s. DHS 163.10 (3) to (5), rather than recertification under s. DHS 163.10 (8).

DHS 163.25 (3) (d) Note: ~~Go to "www.dhs.state.wi.us" to complete a revised internet form. To notify the Department about a course scheduled on an~~ provide emergency basis course notification less than 10 working days before the start date or to revise or cancel a notification less than 2 working days in advance, phone 608-261-6876 ~~or fax 608-266-9711.~~

DHS 163.32 (6) Note: Pursuant to s. 254.30 (2) (b), Stats., any person who knowingly violates any provision of this chapter or an order issued under sub. (3) shall be subject to criminal penalty and shall be fined not less than \$100 or 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.

SECTION 137. The following Notes are repealed and recreated to read:

DHS 163.02 (2) Note: Submit your request for approval of an alternative to a requirement to the Asbestos and Lead Section, Room 137, 1 W. Wilson St., P.O. Box 2659, Madison, WI 53701-2659; e-mail dhsasbestoslead@wisconsin.gov; or fax 608-266-9711.

DHS 163.03 (96) Note: A list of recognized laboratories is available on the department website at www.dhs.wisconsin.gov/lead, or write Asbestos and Lead Section, Room 137, P.O. Box 2659, Madison, WI 53701-2659; e-mail dhsasbestoslead@wisconsin.gov; ph. 608-261-6876; or fax 608-266-9711.

DHS 163.10 (3) (c) 1. b. Note: To obtain a copy of the regulatory worksheet and regulations, write or phone the Asbestos and Lead Section, 1 W. Wilson St., Room 137, P.O. Box 2659, Madison, WI 53701-2659; e-mail dhsasbestoslead@wisconsin.gov; ph. 608-261-6876; or fax 608-266-9711. Return the completed worksheet, application and certification fee to the same office.

DHS 163.10 (3) (c) 3. b. Note: Application forms are available on the department website at www.dhs.wisconsin.gov/lead; or by email to dhsasbestoslead@wisconsin.gov; ph. 608-261-6876; or at the Asbestos and Lead Section, 1 W. Wilson St., Room 137, P.O. Box 2659, Madison, WI 53701-2659. Return the completed application and fees to the same office.

DHS 163.10 (5) (g) 4. Note: Application and credit card payment forms are available on the department website at www.dhs.wisconsin.gov/lead; email dhsasbestoslead@wisconsin.gov; ph. 608-261-6876; fax 608-266-9711; or Asbestos and Lead Section, 1 W. Wilson Street, Room 137, P.O. Box 2659, Madison, WI 53701-2659.

DHS 163.10 (8) (c) 6. Note: Application and credit card payment forms are available on the department website at www.dhs.wisconsin.gov/lead; email dhsasbestoslead@wisconsin.gov; ph. 608-

261-6876; fax 608-266-9711; or Asbestos and Lead Section, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659.

DHS 163.12 (3) (a) 3. b. Note: Application and credit card payment forms are available on the department website at www.dhs.wisconsin.gov/lead; email dhsasbestoslead@wisconsin.gov; ph. 608-261-6876; fax 608-266-9711; or Asbestos and Lead Section, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659.

DHS 163.12 (6) 2. Note: Application and credit card payment forms are available on the department website at www.dhs.wisconsin.gov/lead; email dhsasbestoslead@wisconsin.gov; ph. 608-261-6876; fax 608-266-9711; or Asbestos and Lead Section, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659.

DHS 163.13 (8) (c) 5. Note: Summary forms are available on the department website at www.dhs.wisconsin.gov/lead, email dhsasbestoslead@wisconsin.gov; ph. 608-261-6876; fax 608-266-9711; or Asbestos and Lead Section, Room 137, 1 W Wilson St, P.O. Box 2659, Madison WI 53701-2659. Return completed summary forms to the same office.

DHS 163.14 (2) (b) 4. Note: Department notification forms are available on the department website at www.dhs.wisconsin.gov/lead; email dhsasbestoslead@wisconsin.gov; ph. 608-261-6876; fax 608-266-9711; or Asbestos and Lead Section, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659.

DHS 163.14 (5) (c) 1. e. Note: A list of recognized laboratories is available on the department website at www.dhs.wisconsin.gov/lead. Request a copy of the clearance form or submit a completed form to Asbestos and Lead Section, Room 137, 1 W Wilson St, P.O. Box 2659, Madison WI 53701-2659; email dhsasbestoslead@wisconsin.gov; ph. 608-261-6876 or fax 608-266-9711.

DHS 163.21 (1) Note: Course application forms, instructions for submitting course applications and credit card payment forms are available at Asbestos and Lead Section, Room 137, 1 W Wilson St, P.O. Box 2659, Madison WI 53701-2659; email dhsasbestoslead@wisconsin.gov; ph. 608-261-6876; or fax 608-266-9711. Submit completed course applications with all required materials and payment to the same office.

DHS 163.21 (7) (b) Note: Instructor application and credit card payment forms are available at Asbestos and Lead Section, Room 137, 1 W Wilson St, P.O. Box 2659, Madison WI 53701-2659; email dhsasbestoslead@wisconsin.gov; ph. 608-261-6876; or fax 608-266-9711. Submit completed applications with payment to the same office.

DHS 163.23 (3) (d) Note: Application and credit card payment forms are available on the department website at www.dhs.wisconsin.gov/lead; email dhsasbestoslead@wisconsin.gov; ph. 608-261-6876; fax 608-266-9711; or Asbestos and Lead Section, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659.

DHS 163.24 (2) (b) 2. Note: Training manager application forms are available on the department website at www.dhs.wisconsin.gov/lead; email dhsasbestoslead@wisconsin.gov; ph. 608-261-6876; fax

608-266-9711; or Asbestos and Lead Section, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659.

DHS 163.24 (3) (b) 7. d. Note: Application and credit card payment forms are available on the department website at www.dhs.wisconsin.gov/lead; email dhsasbestoslead@wisconsin.gov; ph. 608-261-6876; fax 608-266-9711; or Asbestos and Lead Section, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659.

DHS 163.25 (3) (a) Note: Contact the department for instructions for completing online course notifications at email dhsasbestoslead@wisconsin.gov; ph. 608-261-6876; fax 608-266-9711; or Asbestos and Lead Section, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659.

DHS 163.25 (7) (e) Note: To notify the Department of changes, contact the Asbestos and Lead Section, Room 137, 1 W. Wilson St., P.O. Box 2659, Madison, WI 53701-2659; e-mail dhsasbestoslead@wisconsin.gov; ph. 608-261-6876; or fax 608-266-9711.

DHS 163.42 (3) (b) 5. Note: The lead-safe information pamphlet, registered lead-safe property poster and the form for reporting deteriorated paint and potential lead-based paint hazards may be obtained from the department website at www.dhs.wisconsin.gov/lead; email dhsasbestoslead@wisconsin.gov; ph. 608-261-6876; fax 608-266-9711; or Asbestos and Lead Section, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659.

DHS 163.41 (2) (f) 3. Note: The department will provide training to lead company staff on the process for registering and issuing a lead-free or lead-safe certificate. For information about this training, contact the Asbestos and Lead Section, Room 137, 1 West Wilson Street, P.O. Box 2659, Madison, WI 53701-2659; e-mail dhsasbestoslead@wisconsin.gov; ph. 608-261-6876; fax 608-266-9711.

DHS 163.42 (3) (d) 4. f. Note: Submit any extension request to the Asbestos and Lead Section, Room 137, 1 West Wilson Street, P.O. Box 2659, Madison, WI 53701-2659; e-mail; dhsasbestoslead@wisconsin.gov or fax 608-266-9711.

SECTION 138. The following Notes are created to read:

DHS 163.03 (22g) Note: Razing an entire building is not considered renovation for purposes of this chapter.

DHS 163.03 (85m) Note: See definitions of 'demolition' and 'renovation.'

DHS 163.10 (1) (c) 1. Note: Section 101.178, Stats., relates to department of commerce certification of heating, ventilating and air conditioning installers and servicers. Chapter 145, Stats., relates to department of commerce licensure of master plumbers and journeyman plumbers, registration of apprentice plumbers, licensure of automatic fire sprinkler system installers, registration of automatic fire sprinkler system apprentices, and registration of automatic fire sprinkler fitters for maintaining an existing automatic fire sprinkler system.

DHS 163.10 (1) (d) 3. Note: Replacing broken panes of glass in windows could be considered minor repair and maintenance unless painted surfaces are disturbed.

DHS 163.10 (1) (d) 5. Note: For the requirement that a company be certified to perform, supervise or offer to perform or supervise a lead abatement investigation, or renovation activity, see s. DHS 163.12.

DHS 163.10 (2) (c). Note: The lead-safe worker discipline is replaced by the lead-safe renovator discipline beginning October 19, 2009. An individual certified or trained as a lead-safe worker before October 19, 2009 may continue to work as a lead-safe worker until April 22, 2010. An individual certified or trained as a lead-safe worker may convert to the lead-safe renovator certification after October 19, 2009 by completing training under s. DHS 163.11 (3) (b) 3. before, or within 12 months after April 22, 2010, and submitting the lead-safe renovator certification application and fee to the department. After April 22, 2011 an individual certified or trained as a lead-safe worker who has not completed lead-safe renovator refresher training must complete the 1-day initial lead-safe renovation course and submit certification application and fee to the department in order to become a certified lead-safe renovator.

DHS 163.10 (5) (h) 4. Note: Submit application and fee to the Asbestos and Lead Section, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659, or fax to 608-266-9711. For application submitted by fax, payment may be made only by credit or debit charge to a VISA or MasterCard.

DHS 163.10 (8) (c) 6. Note: Submit application and fee to the Asbestos and Lead Section, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659, or fax to 608-266-9711. For application submitted by fax, payment may be made only by credit or debit charge to a VISA or MasterCard.

DHS 163.12 (3) (b) 3. Note: Submit application and fee, if applicable, to the Asbestos and Lead Section, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659, or fax to 608-266-9711. For application submitted by fax, payment may be made only by credit or debit charge to a VISA or MasterCard.

DHS 163.12 (6) 2. Note: Submit application and fee to the Asbestos and Lead Section, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659, or fax to 608-266-9711. For application submitted by fax, payment may be made only by credit or debit charge to a VISA or MasterCard.

DHS 163.14 (2) (b) 4. Note: Submit notifications to the Asbestos and Lead Section, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659, fax 608-266-9711 or email dhasbestoslead@wisconsin.gov.

DHS 163.14 (10) (b) 1. Note: Possible reasons for failing to get written acknowledgement of receipt of the pamphlet include that the occupant refused to sign or that no adult occupant was available to sign the acknowledgement statement.

DHS 163.14 (11) (i) Note: Refer to Appendix D for guidance from the department of natural resources on its regulations for managing lead-based paint.

DHS 163.14 (11) (j) Note: Refer to Appendix C for one documented methodology, Chapter 14 of the HUD "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards."

DHS 163.23 (3) (d) Note: Submit application and fee to the Asbestos and Lead Section, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659, or fax to 608-266-9711. For application submitted by fax, payment may be made only by credit or debit charge to a VISA or MasterCard.

DHS 163.24 (2) (b) 2. Note: Submit application to the Asbestos and Lead Section, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659.

DHS 163.24 (3) (b) 7. d. Note: Submit application and fee to the Asbestos and Lead Section, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659, or fax to 608-266-9711. For application submitted by fax, payment may be made only by credit or debit charge to a VISA or MasterCard.

SECTION 139. EFFECTIVE DATE: The rules contained in this order shall take effect as emergency rules October 19, 2009.

Wisconsin Department of Health Services

Dated: October 13, 2009

Karen E. Timberlake, Department Secretary

SEAL:

ADMINISTRATIVE RULES - TRANSMITTAL

CLEARINGHOUSE RULE: 09-085

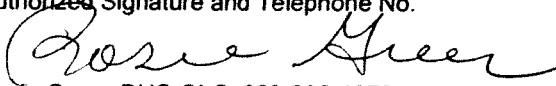
DHS 163, relating to requirements for conducting lead-safe renovation activities in pre-1978 housing and child-occupied facilities, and affecting small businesses.

TYPE OF TRANSMITTAL: Notice of Request to Extend Emergency Rules

DOCUMENTS TRANSMITTED:

- Statement of Scope
- Initial Proposed Rules and Clearinghouse Transmittal
- Fiscal Estimate
- Public Hearing Notice
- Final Proposed Rules
- Legislative Report
- Adopted Permanent Rules, Certification and Summary
- Adopted Emergency Rules ~~and Certification~~
- Request to Extend Emergency rules
- Modifications to Rules
- Request to Incorporate Standards

Documents Transmitted To:	Date of Transmittal	Manner of Transmittal		
<input type="checkbox"/> Legislative Reference Bureau		<input type="checkbox"/> Email	<input type="checkbox"/> Hand-delivery	<input type="checkbox"/> Other
<input type="checkbox"/> Legislative Rules Clearinghouse		<input type="checkbox"/> Email	<input type="checkbox"/> Hand-delivery	<input type="checkbox"/> Other
<input type="checkbox"/> Department of Administration		<input type="checkbox"/> Email	<input type="checkbox"/> Hand-delivery	<input type="checkbox"/> Other
<input type="checkbox"/> Small Bus. Reg. Review Board/Ombudsman		<input type="checkbox"/> Email	<input type="checkbox"/> Hand-delivery	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Chief Clerk -- Assembly	February 5, 2010	<input checked="" type="checkbox"/> Email	<input type="checkbox"/> Hand-delivery	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Chief Clerk -- Senate	February 5, 2010	<input checked="" type="checkbox"/> Email	<input type="checkbox"/> Hand-delivery	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> JCRAR -- Senate	February 5, 2010	<input checked="" type="checkbox"/> Email	<input checked="" type="checkbox"/> Hand-delivery	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> JCRAR -- Assembly	February 5, 2010	<input checked="" type="checkbox"/> Email	<input checked="" type="checkbox"/> Hand-delivery	<input type="checkbox"/> Other
<input type="checkbox"/> Department of Justice		<input type="checkbox"/> Email	<input type="checkbox"/> Hand-delivery	<input type="checkbox"/> Other

Authorized Signature and Telephone No.  Rosie Greer, DHS-OLC, 608-266-1279	Date 2/5/10
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