

**MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
NOTICE OF PROPOSED RULEMAKING
NOTICE OF PUBLIC HEARING**

**PUBLIC NOTICE START DATE: SEPTEMBER 6, 2013
DEADLINE FOR COMMENTS: OCTOBER 7, 2013**

PLEASE TAKE NOTE that the Mississippi Commission on Environmental Quality (“Commission”) is proposing to adopt amendments to Mississippi Administrative Code, Title 11, Part 2, Chapter 9, “Regulations for Lead-Based Paint Activities”. The proposed regulation amendments will be applicable statewide.

I. Description of the Proposed Amendments.

These amendments are proposed to make the regulations consistent with recent amendments to federal EPA regulations and the Mississippi Lead-Based Paint Activity Accreditation and Certification Act, as amended by Mississippi Senate Bill 2688 (Regular Session 2013). The changes include: the removal of the “Opt-Out Provision”; allowing renovators to do paint chip sampling; and further defining the record keeping and reporting requirements for renovation activities. The changes also include: minor clarification of certain definitions; training program accreditation requirements; containment; prohibited and restricted practices; and signage and pre-renovation education requirements for Child Occupied Facilities.

II. Manner by Which the Public May Comment.

Copies of the proposed amendments to the referenced regulations may be obtained by contacting Mr. Lorenzo Boddie, Public Records Administrator at (601)961-5758 or by writing to the Mississippi Department of Environmental Quality, P.O. Box 2261, Jackson, Mississippi 39225. For persons with internet access, the proposed regulation amendments may be found on the Mississippi Department of Environmental Quality’s website at <http://www.deq.state.ms.us> under Programs/Air Quality/New Information.

Members of the public may present verbal or written comments during the public hearing described below. Also, any written statements regarding the proposed regulation amendments will be a part of the public hearing record if delivered by 5:00 p.m., Monday, October 7, 2013, to the attention of Ms. Maya Rao at the address shown above.

III. Notice of Public Hearing.

The hearing will be held on Monday, October 7, 2013, at 2:30 p.m. in the Commission Hearing Room (Room 104A) of the Mississippi Department of Environmental Quality Office Building located at 515 East Amite Street, Jackson, Mississippi 39201.

IV. Additional Information.

For additional information, please contact Mr. Dennis Kelly at 601-961-5630.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

REGULATIONS FOR LEAD-BASED PAINT ACTIVITIES

11 Miss. Admin. Code, Pt. 2, Ch. 9

PROPOSED AMENDMENTS
PUBLIC HEARING DATE: OCTOBER 7, 2013

Title 11: Mississippi Department of Environmental Quality

Part 2: Air Regulations

Part 2, Chapter 9: Mississippi Commission on Environmental Quality, Regulations for Lead-Based Paint Activities (Adopted January 22, 1998, Amended November 20, 2003, and Last Amended December 10, 2009)

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Rule 9.1 General Scope and Applicability. Pursuant to the authority granted by the Lead-Based Paint Activity Accreditation and Certification Act, Miss. Code 49-17-501 through 49-17-531, the following regulations contain procedures and requirements for the accreditation of lead-based paint activities training programs, procedures and requirements for the certification of inspectors, risk assessors, project designers, supervisors, workers, renovators, dust sampling technicians, and firms engaged in lead-based paint activities, and work practice standards for performing such activities. No person may engage in lead-based paint activities in target housing or child-occupied facilities as an inspector, risk assessor, project designer, supervisor, worker, renovator, dust sampling technician, or firm on or after the effective date of these regulations, unless applicable initial or renewed certificates to so engage in lead-based paint activities have been issued to such persons by the Commission, and are currently in effect. No firm shall employ any person on a lead-based paint activity who does not possess a current certificate issued by the Commission or has not been appropriately trained as a renovation worker. No individual will be certified as an inspector, risk assessor, or supervisor until the individual has passed the required certification (3rd party) examination for the discipline.

These regulations are applicable to all persons engaged in lead-based paint activities in target housing and child-occupied facilities. These regulations also apply to lead-based paint activities performed on or in other non-residential buildings or structures located on the property of target housing and child-occupied facilities where the lead-based paint activity would pose a health risk to those using the property. Persons who perform lead-based paint activities within residential dwellings that they own and occupy are exempt from the regulations unless the residential dwelling is occupied by a person or persons other than the owner or owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level as determined by the United States Department of Health and Human Services; Centers for Disease Control and Prevention.

~~Also exempt from the required work practice standards of the regulations are renovations performed in target housing if the firm performing the renovation has obtained a statement signed by the owner that the renovation will occur in the owner's residence, no child under age 6 resides there, no pregnant woman resides there, the housing is not a child-occupied facility, and the owner acknowledges that the renovation firm will not be required to use the work practices applicable to renovation activities.~~

Also exempt from the required work practice standards of the regulations are renovations performed in target housing if the firm performing the renovation has obtained a statement signed by the owner that the renovation will occur in the owner's residence, no child under age 6 resides there, no pregnant woman resides there, the housing is not a child-occupied facility, and the owner acknowledges that the renovation firm will not be required to use the work practices applicable to renovation activities.

These regulations do not require the performance of lead-based paint activities but establish requirements and procedures to follow when lead-based paint activities are performed. Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government having jurisdiction over any property or facility, or engaged in any activity resulting, or which may result, in a lead-based paint hazard, and each officer, agent, or employee thereof shall be subject to, and comply with all of the requirements of these regulations regarding lead-based paint, lead-based paint activities and lead-based paint hazards.

These regulations require that owners and occupants of target housing and child-occupied facilities receive information on lead-based paint hazards before renovations begin. The pamphlet, *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools*, must be distributed.

Compliance with these regulations shall not affect or substitute for compliance with all other applicable laws and regulations of the United States Department of Housing and Urban Development, the United States Occupational Safety and Health Administration, the United States Environmental Protection Agency and other federal agencies with jurisdiction over issues concerning lead-based paint hazards.

It is the intent of the “Lead-Based Paint Activity Accreditation and Certification Act” that the cost of the administration and enforcement of the act be borne fully by federal grants and fees for accreditation, certification, and abatement-and-renovation projects. Any fee to fund activities shall be set by order of the Commission on Environmental Quality and shall be at levels graduated to reflect the type of certificate and the size of the project, as the case may be. Fees for more than one (1) discipline shall be paid by a separate check or money order for each discipline. All fees shall be submitted to the Commission by check or money order, payable to the Lead-Based Paint Program Operations Funds.

Source: Miss. Code Ann. §§ 49-17-501, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

Rule 9.2 Definitions.

- A. “Abatement” means any measure or set of measures designed to permanently eliminate lead-based paint hazards. Abatement includes, but is not limited to:
- (1) The removal of lead-based paint and lead-contaminated dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead-contaminated soil; and
 - (2) All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.
 - (3) Specifically, abatement includes, but is not limited to:
 - (a) Projects for which there is a written contract or other documentation, which provides that a person will be conducting activities in or to a residential dwelling or child-occupied facility that will result in the permanent elimination of lead-based paint hazards; or are designed to permanently eliminate lead-based paint hazards as defined in this rule.
 - (b) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by persons certified in accordance with Rule 9.4, unless such projects are covered by ~~subsection d.~~ paragraph (3)(d) of this definition;
 - (c) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by persons who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities as identified and defined by this rule, unless such projects are covered by ~~subsection d.~~ paragraph (3)(d) of this definition; or
 - (d) Projects resulting in the permanent elimination of lead-based paint hazards that are conducted in response to state or local abatement orders.

- (4) Abatement does not include renovation, remodeling, painting or repainting, landscaping or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.
- B. “Accredited training program” means a training program that has been accredited by either: the Commission, the United States Environmental Protection Agency (EPA), or an EPA-approved lead-based paint program in a state or tribe with reciprocity agreements with the Commission to provide training for individuals engaged in lead-based paint activities.
- C. “Adequate quality control” means a plan or design to ensure the authenticity, integrity, and accuracy of samples, including dust, soil, and paint chip or paint film samples. Adequate quality control also includes provisions for representative sampling.
- D. “Administrator” means the Administrator of the Environmental Protection Agency.
- E. “Certificate” means a document authorizing a person to perform lead-based paint activities as described in these regulations.
- F. “Child-occupied facility”, as the term applies to abatements, means a building or portion of a building constructed prior to 1978, visited regularly by the same child, 6 years of age or under, on at least two different days within any week (Sunday through Saturday period), provided that each day’s visit lasts at least 3 hours and the combined weekly visit lasts at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day-care centers, preschools and kindergarten classrooms.
- G. “Child-occupied facility”, as the term applies to renovations, means a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day’s visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day care centers, preschools and kindergarten classrooms. Child-occupied facilities may be located in target housing or in public or commercial buildings. With respect to common areas in public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under age 6, such as restrooms and cafeterias. Common areas that children under age 6 only pass through, such as hallways, stairways, and garages are not included. In addition, with respect to exteriors of public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are

immediately adjacent to the child-occupied facility or the common areas routinely used by children under age 6.

- H. “Clearance levels” are values that indicate the maximum amount of lead permitted in dust on a surface following completion of an abatement or renovation activity.
- I. “Cleaning verification card” means a card developed and distributed, or otherwise approved, by EPA for the purpose of determining, through comparison of wet and dry disposable cleaning cloths with the card, whether post-renovation cleaning has been properly completed.
- J. “Commission” means the Mississippi Commission on Environmental Quality.
- K. “Common area” means a portion of a building that is generally accessible to all occupants. Such an area may include, but is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages, and boundary fences.
- L. “Component or building component” means specific design or structural elements or fixtures of a building, residential dwelling, or child-occupied facility that are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as: ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs, sills or stools and troughs), built in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners; and exterior components such as: painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fasciae, rake boards, corner boards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding handrails, stair risers and treads, stair stringers, columns, balustrades, window sills or stools and troughs, casings, sashes and wells, and air conditioners.
- M. “Containment” means a process to protect workers and the environment by controlling exposures to the lead-contaminated dust and debris created during an abatement or renovation. The containment must be constructed such that no dust or debris is permitted to leave the work area.
- N. “Course agenda” means an outline of the key topics to be covered during a training course, including the time allotted to teach each topic.
- O. “Course test” means an evaluation of the overall effectiveness of the training which shall test the trainee’s knowledge and retention of the topics covered during the course.
- P. “Course test blue print” means written documentation identifying the proportion of course test questions devoted to each major topic in the course curriculum.
- Q. “Department” means the Mississippi Department of Environmental Quality.

- R. “Deteriorated paint” means paint that is cracking, flaking, chipping, peeling, or otherwise separating from the substrate of a building component or unit.
- S. “Discipline” means one of the specific types or categories of lead-based paint activities identified in this rule for which individuals may receive training from accredited programs and become certified by the Commission. For example, “worker” is a discipline.
- T. “Distinct painting history” means the application history, as indicated by its visual appearance or a record of application, over time, of paint or other surface coatings to a component, room, or unit of a building structure.
- U. “Documented methodologies” are methods or protocols used to sample for the presence of lead in paint, dust, and soil.
- V. “Dry disposable cleaning cloth” means a commercially available dry, electrostatically charged, white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.
- W. “Dust sampling technician” means an individual employed to perform dust clearance sampling.
- X. “Elevated blood lead level (EBL)” means an excessive absorption of lead as determined by the United States Department of Health and Human Services; Centers for Disease Control and Prevention.
- Y. “Encapsulant” means a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating (with or without reinforcement materials) or an adhesively bonded covering material.
- Z. “Encapsulation” means the application of an encapsulant.
- AA. “Enclosure” means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.
- BB. “EPA” means the United States Environmental Protection Agency.
- CC. “Executive Director” means the Executive Director of the Mississippi Department of Environmental Quality.
- DD. “Firm” means a company, partnership, corporation, sole proprietorship or individual doing business, association, or other business entity that performs or offers to perform lead-based paint activities. This term also includes a Federal, State, Tribal, or local

government agency, or a nonprofit organization that performs or offers to perform lead-based paint activities.

- EE. “Guest instructor” means an individual designated by the training program manager or principal instructor to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.
- FF. “HEPA vacuum” means a vacuum cleaner which has been designed with a high-efficiency particulate air (HEPA) filter as the last filtration stage. A HEPA filter is a filter that is capable of capturing particles of 0.3 microns with 99.97% efficiency. The vacuum cleaner must be designed so that all the air drawn into the machine is expelled through the HEPA filter with none of the air leaking past it. HEPA vacuums must be operated and maintained in accordance with the manufacturers’ instructions.
- GG. “Hands-on skills assessment” means an evaluation which tests the trainees’ ability to satisfactorily perform the work practices and procedures identified in Rule 9.3.D, as well as any other skills taught in a training course.
- HH. “Inspection” means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation.
- II. “Inspector” means an individual employed to inspect or reinspect for the presence of lead-based paint, to collect samples for the presence of lead in dust and soil for the purposes of abatement and renovation clearance testing and to prepare inspection reports.
- JJ. “Interim controls” means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.
- KK. “Lead-based paint” means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.
- LL. “Lead-based paint activities” means, in the case of target housing and child-occupied facilities, inspection, risk assessment, renovation, and abatement, as defined in this rule.
- MM. “Lead-based paint hazard” means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by the Department pursuant to the federal Toxic Substances Control Act (TSCA) Section 403.
- NN. “Lead-contaminated dust” means surface dust in residential dwellings, or child-occupied facilities that contains an area or mass concentration of lead at or in excess of levels identified by the Department pursuant to TSCA Section 403.

- OO. “Lead-contaminated soil” means bare soil on residential real property and on the property of a child-occupied facility that contains lead at or in excess of levels identified by the Department pursuant to TSCA Section 403.
- PP. “Lead-hazard screen” is a limited risk assessment activity that involves limited paint and dust sampling as described in Rule 9.5.C.
- QQ. “Living area”, involving abatement activities, means any area of a residential dwelling used by one or more children age 6 and under, including, but not limited to, living rooms, kitchen areas, dens, play rooms, and children’s bedrooms
- RR. “Living area”, in the case of renovations, means any area of a residential dwelling used by one or more children age 5 or under, including, but not limited to, living rooms, kitchen areas, dens, play rooms, and children’s bedrooms.
- SS. “Minor repair and maintenance activities” are activities including minor heating, ventilation or air conditioning work, electrical work, and plumbing, that disrupts 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities where none of the work practices prohibited or restricted by paragraph F.(2)(a)(3) of Rule 9.5 are used and where the work does not involve window replacement or demolition of painted surface areas. When removing painted components, or portions of painted components, the entire surface area removed is the amount of painted surface disturbed. Jobs, other than emergency renovations, performed in the same room within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.
- TT. “Multi-family dwelling” means a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.
- UU. “Paint in poor condition” means more than 10 square feet of deteriorated paint on exterior components with large surface areas; or more than 2 square feet of deteriorated paint on interior components with large surface areas (e.g., walls, ceilings, floors, doors); or more than 10 percent of the total surface area of the component is deteriorated on interior or exterior components with small surface areas (window sills, baseboards, soffits, trim).
- VV. Painted surface means a component surface covered in whole or in part with paint or other surface coatings.
- ~~VV~~WW. “Pamphlet” means the EPA pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* developed under Section 406(a) of TSCA for use in complying with Section 406(b) of TSCA, or any State or Tribal pamphlet approved by EPA pursuant to 40 CFR 745.326 that is developed for the same purpose. This includes reproductions of the pamphlet when copied in full and without revision or deletion of material from the pamphlet (except for the addition or

revision of state or local sources of information). Before December 7, 2008, the term “pamphlet” also meant any pamphlet developed by EPA under Section 406(a) of TSCA or any State or Tribal pamphlet approved by EPA pursuant to 40 CFR 745.326.

~~WW~~XX. “Permanently covered soil” means soil which has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, such as pavement or concrete. Grass, mulch, and other landscaping materials are not considered permanent covering.

~~XX~~YY. “Person” means any natural or judicial person including any individual corporation, partnership, or association; any Indian Tribe, State, or political subdivision thereof; any interstate body; and any department, agency, or instrumentality of the Federal Government.

~~YY~~ZZ. “Principal instructor” means the individual who has the primary responsibility for organizing and teaching a particular course.

~~ZZ~~AAA. “Project designer” means an individual employed to prepare abatement project designs, occupant protection plans and abatement project reports.

~~AAA~~BBB. “Recognized laboratory” means an environmental laboratory recognized by EPA pursuant to TSCA Section 405(b) as being capable of performing an analysis for lead compounds in paint, soil, and dust.

~~BBB~~CCC. “Recognized test kit” means a commercially available kit recognized by EPA under 40 CFR 745.88 as being capable of allowing a user to determine the presence of lead at levels equal to or in excess of 1.0 milligrams per square centimeter, or more than 0.5% lead by weight, in a paint chip, paint powder or painted surface.

~~CCC~~DDD. “Reduction” means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls, and abatement.

~~DDD~~EEE. “Renovation” means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by this regulation. The term renovation includes (but is not limited to): The removal, modification, or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (e.g., walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planing thresholds to install weather-stripping) and interim controls that disturb painted surfaces. A renovation performed for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation under this rule. The term renovation does not include minor repair and maintenance activities.

~~EEE~~FFF. “Renovator” means an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course accredited by EPA or an EPA-authorized State or Tribal program and has been certified to perform renovations in the State of Mississippi.

~~FFF~~GGG. “Residential dwelling” means (1) a detached single family dwelling unit, including attached structures such as porches and stoops; or (2) a single family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

~~GGG~~HHH. “Risk assessment” means (1) an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards, and (2) the provision of a report by the person conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

~~HHH~~III. “Risk assessor” means an individual employed to conduct risk assessments and lead hazard screens, to prepare inspection reports and to collect samples for the presence of lead in dust and soil for the purposes of abatement and renovation clearance testing.

~~HHJ~~JJ. “Room” means an enclosed or semi-enclosed living space within a residential dwelling or a child-occupied facility.

~~JJ~~KKK. “Supervisor” means an individual designated by a contractor or certified firm to be responsible for the direction and conduct of lead-based paint abatement activities and to prepare occupant protection plans and abatement reports.

~~KKK~~LLL. “Target housing”, as the term applies to abatement activities, means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any one or more children age 6 years or under resides or is expected to reside in such housing for the elderly or persons with disabilities) or any zero-bedroom dwelling.

~~LLL~~MMM. “Target housing” as the term applies to renovations, means any housing constructed before 1978, except housing for the elderly or persons with disabilities (unless any one or more children under the age of 6 years resides or is expected to reside in that housing for the elderly or persons with disabilities) or any zero-bedroom dwelling.

~~MMM~~NNN. “Training curriculum” means an established set of course topics for instruction in an accredited training program for a particular discipline designed to provide specialized knowledge and skills.

~~NNN~~OOO. “Training hour” means at least 50 minutes of actual learning, including, but not limited to time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.

~~OOO~~PPP. “Training manager” means the individual responsible for administering a training program and monitoring the performance of principal instructors and guest instructors.

QQQ. Vertical containment means a vertical barrier consisting of plastic sheeting or other impermeable material over scaffolding or a rigid frame, or an equivalent system of containing the work area. Vertical containment is required for some exterior renovations but it may be used on any renovation.

~~PPP~~RRR. “Visual inspection for clearance testing” means the visual examination of a residential dwelling or a child-occupied facility following an abatement or renovation to determine whether or not the abatement or renovation has been successfully completed.

~~QQQ~~SSS. “Visual inspection for risk assessment” means the visual examination of a residential dwelling or a child-occupied facility to determine the existence of deteriorated lead-based paint or other potential sources of lead-based paint hazards.

~~RRR~~TTT. “Wet disposable cleaning cloth” means a commercially available, pre-moistened, white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.

~~SSS~~UUU. “Wet mopping system” means a device with the following characteristics: A long handle, a mop head designed to be used with disposable absorbent cleaning pads, a reservoir for cleaning solution, and a built-in mechanism for distributing or spraying the cleaning solution onto a floor, or a method of equivalent efficacy.

~~TTT~~VVV. “Work area” means the area that the certified renovator establishes to contain the dust and debris generated by a renovation.

~~UUU~~WWW. “Worker”, as the term applies to abatements, means an individual certified as a worker to work on abatement projects.

~~VVV~~XXX. “Worker”, as the term applies to renovations, means an individual trained by a certified renovator to work on a renovation project.

Source: Miss. Code Ann. §§ 49-17-501, et seq., 49-2-1, et seq. and 49-17-1, et seq.

Rule 9.3 Accreditation of Training Programs.

A. *Scope.*

- (1) A training program may seek accreditation to offer lead-based paint activities courses in any of the following disciplines: inspector, risk assessor, supervisor, project designer, renovator, dust sampling technician, and abatement worker. A training program may also seek accreditation to offer refresher courses for each of the above listed disciplines.

- (2) A training program shall not provide, offer, or claim to provide Commission accredited lead-based paint activities inspector, risk assessor, supervisor, project designer or abatement worker courses without applying for and receiving accreditation from the Commission as required under paragraph B. of this rule on or after August 31, 1998. A training program shall not provide, offer or claim to provide Commission accredited lead-based paint renovator or dust sampling technician courses without applying for and receiving accreditation from the Commission as required under paragraph B. of this rule on or after December 10, 2009.

B. *Application Process.* The following are procedures a training program shall follow to receive Commission accreditation to offer lead-based paint activities courses:

- (1) A training program seeking accreditation shall submit the required accreditation fee along with the completed form prescribed by the Commission containing the following information:
- (a) The training program's name, address, and telephone number.
 - (b) A list of courses for which it is applying for accreditation. For the purpose of this rule, courses taught in different languages and electronic learning courses are considered different courses, and each must independently meet the accreditation requirements.
 - (c) A statement signed by the training program manager certifying that the training program meets the requirements established in paragraph C. of this rule. If a training program uses EPA-developed model training materials, or training materials approved by a State or Indian Tribe that has been authorized by EPA, the training program manager shall include a statement certifying that, as well.
 - (d) A copy of the student and instructor manuals, or other materials to be used for each course.
 - (e) A copy of the course agenda for each course, including the time allotted to teaching each course topic.
 - (f) A copy of the course examination with the correct answers marked for each question.
 - (g) All training programs shall include in their application for accreditation the following:
 - (1) A description of the facilities and equipment to be used for lecture and hands-on training.

- (2) A copy of the course test blueprint for each course.
- (3) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course.
- (4) A copy of the quality control plan for each course as described in paragraph C.(9) of this rule.
- (5) A list of learning objectives for each lecture, exercise, and hands-on activity.
- (6) Name and documentation of qualifications of the training manager and principal instructors.

- (2) If a training program meets the requirements in paragraph C. of this rule, then the Commission shall approve the application for accreditation no more than 180 days after receiving a complete application from the training program contingent upon a satisfactory on-site course audit by the Department. In the case of approval, a certificate of accreditation shall be sent to the applicant. In the case of disapproval, a letter describing the reasons for disapproval shall be sent to the applicant. Prior to disapproval, the Department may, at its discretion, work with the applicant to address inadequacies in the application for accreditation. The Department may also request additional materials retained by the training program, under paragraph I. of this rule. If a training program's application is disapproved, the program may reapply for accreditation at any time.
- (3) A training program may apply for accreditation to offer courses or refresher courses in as many disciplines as it chooses. A training program may seek accreditation for additional courses at any time as long as the program can demonstrate that it meets the requirements of this rule.
- (4) For the purposes of this rule, courses taught in different languages, and electronic learning courses are considered different courses and each must independently meet the accreditation requirements.
- (5) When applying for accreditation of a course in a language other than English, a signed statement from a qualified, independent translator that they had compared the course to the English language version and found the translation to be accurate.

C. *Requirements for the Accreditation of Training Programs.* For a training program to obtain accreditation from the Commission to offer lead-based paint activities courses, the program shall meet the following requirements for each discipline for which the program is seeking accreditation:

- (1) The training program shall employ a training manager who has:
 - (a) At least 2 years of experience, education, or training in teaching adults; or
 - (b) A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration or program management or a related field; or
 - (c) Two years of experience in managing a training program specializing in environmental hazards; and
 - (d) Demonstrated 2 years of experience, education, or training in the construction industry including: lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health or industrial hygiene.
- (2) The training manager shall designate a qualified principal instructor for each course who has:
 - (a) Demonstrated experience, education, or training in teaching workers or adults; and
 - (b) Successfully completed the initial and prerequisite training course requirements of the EPA-accredited or EPA-authorized State or Tribal-accredited training course to be taught; and
 - (c) Demonstrated experience, education, or training in lead or asbestos abatement, painting, carpentry, ~~renovation~~, remodeling, occupational safety and health, or industrial hygiene.
- (3) The principal instructor shall be responsible for the organization of the course, course delivery, and oversight of the teaching of all course material. The training manager may designate guest instructors as needed for a portion of the course to provide instruction specific to the lecture, hands-on activities, or work practice components of a course. ~~Guest instructors that teach work practice standards and hands-on activities must meet the qualifications of the principal instructor.~~ However, the principal instructor is primarily responsible for teaching the course materials and must be present to provide instruction (or oversight of portions of the course taught by guest instructors) for the course for which he/she has been designated the principal instructor.
- (4) The following documents shall be recognized by the Commission as evidence that training managers and principal instructors have the education, work experience, training requirements or demonstrated experience, specifically listed in paragraphs C.(1) and C.(2) of this rule. This documentation ~~need not~~ must be submitted with

the accreditation application, ~~but, if not submitted, shall be~~ and retained by the training program as required by the recordkeeping requirements contained in paragraph I. of this rule. Those documents include the following:

- (a) Official academic transcripts or diploma as evidence of meeting the education requirements.
 - (b) Resumes, letters of reference, or documentation of work experience as evidence of meeting the work experience requirements.
 - (c) Certificates from the train-the-trainer courses and lead-specific training courses, as evidence of meeting the training requirements.
- (5) The training program shall ensure the availability of, and provide adequate facilities for, the delivery of the lecture, course test, hands-on training, and assessment activities. This includes providing training equipment that reflects current work practices and maintaining or updating the equipment and facilities as needed.
- (6) To become accredited in the following disciplines, the training program shall provide training courses that meet the following training ~~hour~~ requirements:
- (a) The inspector course shall last a minimum of 24 training hours, with a minimum of 8 hours devoted to hands-on training activities. The minimum curriculum requirements for the inspector course are contained in paragraph D.(1) of this rule.
 - (b) The risk assessor course shall last a minimum of 16 training hours, with a minimum of 4 hours devoted to hands-on training activities. The minimum curriculum requirements for the risk assessor course are contained in paragraph D.(2) of this rule.
 - (c) The supervisor course shall last a minimum of 32 training hours, with a minimum of 8 hours devoted to hands-on activities. The minimum curriculum requirements for the supervisor course are contained in paragraph D.(3) of this rule.
 - (d) The project designer course shall last a minimum of 8 training hours. The minimum curriculum requirements for the project designer course are contained in paragraph D.(4) of this rule.
 - (e) The abatement worker course shall last a minimum of 16 training hours, with a minimum of 8 hours devoted to hands-on training activities. The minimum curriculum requirements for the abatement worker course are contained in paragraph D.(5) of this rule.

- (f) The renovator course ~~shall~~must last a minimum of 8 training hours, with a minimum of 2 hours devoted to hands-on training activities. The minimum curriculum requirements for the renovator course are contained in paragraph D.(6) of this rule. ~~Hands-on training activities must cover renovation methods that minimize the creation of dust and lead-based paint hazards, interior and exterior containment and cleanup methods, and post renovation cleaning verification.~~
 - (g) The dust sampling technician course ~~shall~~must last a minimum of 8 training hours, with a minimum of 2 hours devoted to hands-on training activities. The minimum curriculum requirements for the dust sampling technician course are contained in paragraph D.(7) of this rule. ~~Hands-on training activities must cover dust sampling methodologies.~~
 - (h) Electronic learning and other alternative course delivery methods are permitted for the classroom portion of renovator, dust sampling technician, or lead-based paint activities courses but not the hands-on portion of these courses, or for final course tests.
- (7) For each course offered, the training program shall conduct a course test at the completion of the course, and if applicable, a hands-on skills assessment. Each ~~individual~~student must successfully complete the hands-on skills assessment and receive a ~~minimum~~passing score of ~~70%~~ on the course test to pass any course.
- (a) The training manager is responsible for maintaining the validity and integrity of the hands-on skills assessment to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with the course topics contained in paragraph D. of this rule.
 - (b) The training manager is responsible for maintaining the validity and integrity of the course test to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics.
 - (c) The course test shall be developed in accordance with the test blueprint submitted with the training accreditation application.
- (8) The training program shall issue unique course completion certificates to each individual who passes the training course. The course completion certificate shall include:
- (a) The name, ~~and~~ a unique identification number, and address of the individual.
 - (b) The name of the particular course that the individual completed.
 - (c) Dates of course completion/test passage.

- (d) The name, address, and telephone number of the training program.
 - (e) The printed name ~~and signature~~ of the training manager, ~~and printed name of the principal instructor,~~ and the signature of either the training manager or the principal instructor.
 - (f) The language in which the course was taught, ~~if other than English.~~
 - ~~(g) An “approval statement” including the name of the approving agency(s) and dates the approvals were issued.~~
 - ~~(h)~~(g) For renovator and dust sampling technician course completion certificates, a photograph of the individual. The photograph must be an accurate and recognizable image of the individual. As reproduced on the certificate, the photograph must not be smaller than 1 inch square.
- (9) The training manager shall develop and implement a quality control plan. The plan shall be used to maintain and improve the quality of the training program over time. This plan shall contain at least the following elements:
- (a) Procedures for periodic revision of training materials and the course test to reflect innovations in the field.
 - (b) Procedures for the training manager’s annual review of principal instructor competency.
- (10) ~~The~~Courses offered by the training program ~~shall~~must offer courses which teach the work practice standards for conducting lead-based paint activities contained in rule 9.5 ~~and other standards developed by EPA pursuant to Title IV of TSCA.~~ These standards ~~shall~~must be taught in the appropriate courses to provide trainees with the knowledge needed to perform the lead-based paint activities they ~~are~~will be responsible for conducting.
- (11) The training manager shall be responsible for ensuring that the training program complies at all times with all of the requirements in this rule.
- (12) The training manager shall allow the Department to audit the training program to verify the contents of the application for accreditation as described in paragraph B. of this rule and to assure compliance with all requirements of the regulations regarding training.
- D. *Minimum Training Curriculum Requirements.* To become accredited to offer lead-based paint courses ~~instruction~~ in the specific disciplines listed below, training programs must ensure that their courses of study include, at a minimum, the following course topics.

- (1) *Inspector.* Requirements (d), (e), (f), and (g) require hands-on activities as an integral component of the course.
 - (a) Role and responsibilities of an inspector.
 - (b) Background information on lead and its adverse health effects.
 - (c) Background information on Federal, State, and local regulations and guidance that pertains to lead-based paint and lead-based paint activities.
 - (d) Lead-based paint inspection methods, including selection of rooms and components for sampling or testing.
 - (e) Paint, dust, and soil sampling methodologies.
 - (f) Clearance standards and testing, including random sampling.
 - (g) Preparation of the final inspection report.
 - (h) Recordkeeping.

- (2) *Risk Assessor.* Requirements (d), (f), and (g) require hands-on activities as an integral component of the course.
 - (a) Role and responsibilities of a risk assessor.
 - (b) Collection of background information to perform a risk assessment.
 - (c) Sources of environmental lead contamination such as paint, surface dust and soil, water, air, packaging, and food.
 - (d) Visual inspection for the purposes of identifying potential sources of lead-based paint hazards.
 - (e) Lead hazard screen protocol.
 - (f) Sampling for other sources of lead exposure.
 - (g) Interpretation of lead-based paint and other lead sampling results, including all applicable State or Federal guidance or regulations pertaining to lead-based paint hazards.
 - (h) Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards.
 - (i) Preparation of a final risk assessment report.

- (3) *Supervisor.* Requirements (e), (g), (h), (i), and (j) require hands-on activities as an integral component of the course.
- (a) Role and responsibilities of a supervisor.
 - (b) Background information on lead and its adverse health effects.
 - (c) Background information on Federal, State, and local regulations and guidance that pertain to lead-based paint abatement.
 - (d) Liability and insurance issues related to lead-based paint abatement.
 - (e) Risk assessment and inspection report interpretation.
 - (f) Development and implementation of an occupant protection plan and abatement report.
 - (g) Lead-based paint hazard recognition and control.
 - (h) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices.
 - (i) Interior dust abatement/cleanup or lead-based paint hazard control and reduction methods.
 - (j) Soil and exterior dust abatement or lead-based paint hazard control and reduction methods.
 - (k) Clearance standards and testing.
 - (l) Cleanup and waste disposal.
 - (m) Recordkeeping.
- (4) *Project Designer*
- (a) Role and responsibilities of a project designer.
 - (b) Development and implementation of an occupant protection plan for large scale abatement projects.
 - (c) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices for large-scale abatement projects.

- (d) Interior dust abatement/cleanup or lead hazard control and reduction methods for large-scale abatement projects.
 - (e) Clearance standards and testing for large scale abatement projects.
 - (f) Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large scale abatement projects.
- (5) *Abatement Worker*. Requirements (d), (e), (f), and (g) require hands-on activities as an integral component of the course.
- (a) Role and responsibilities of an abatement worker.
 - (b) Background information on lead and its adverse health effects.
 - (c) Background information on Federal, State, and local regulations and guidance that pertain to lead-based paint abatement.
 - (d) Lead-based paint hazard recognition and control.
 - (e) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices.
 - (f) Interior dust abatement methods/cleanup or lead-based paint hazard reduction.
 - (g) Soil and exterior dust abatement methods or lead-based paint hazard reduction.
- (6) *Renovator*. Requirements (d), (e), (f), and (g) and (h) require hands-on activities as an integral component of the course.
- (a) Role and responsibilities of a renovator.
 - (b) Background information on lead and its adverse health effects.
 - (c) Background information on EPA, HUD, OSHA, and other Federal, State, and local regulations and guidance that pertains to lead-based paint and renovation activities.
 - (d) Procedures for using acceptable test kits to determine whether paint is lead-based paint.
 - (e) Procedures for collecting a paint chip sample and sending it to a laboratory recognized by EPA under Section 405(b) of TSCA.

- ~~(e)~~(f) Renovation methods to minimize the creation of dust and lead-based paint hazards.
 - ~~(f)~~(g) Interior and exterior containment and cleanup methods.
 - ~~(g)~~(h) Methods to ensure that the renovation has been properly completed, including cleaning verification, and clearance testing.
 - ~~(h)~~(i) Waste handling and disposal.
 - ~~(i)~~(j) Providing on-the-job training to other workers.
 - ~~(j)~~(k) Record preparation.
- (7) *Dust sampling technician.* Requirements (d) and (f) requires hands-on activities as an integral component of the course.
- (a) Role and responsibilities of a dust sampling technician.
 - (b) Background information on lead and its adverse health effects.
 - (c) Background information on Federal, State, and local regulations and guidance that pertains to lead-based paint and renovation activities.
 - (d) Dust sampling methodologies.
 - (e) Clearance standards and testing.
 - (f) Report preparation.

E. *Requirements for the Accreditation of Refresher Training Programs.* A training program may seek accreditation to offer refresher courses in any of the following disciplines: inspector, risk assessor, supervisor, project designer, renovator, dust sampling technician, and abatement worker. To obtain Commission accreditation to offer refresher training, a training program must meet the following minimum requirements:

- (1) Each refresher course shall review the curriculum topics of the full-length courses listed under paragraph D. of this rule, as appropriate. In addition, to become accredited to offer refresher training courses, training programs shall ensure that their courses of study include, at a minimum, the following:
 - (a) An overview of current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

- (b) Current laws and regulations relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.
 - (c) Current technologies relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.
- (2) ~~Each Refresher courses except for the project designer, renovator, and dust sampling technician courses, shall~~ for inspector, risk assessor, supervisor, and abatement worker shall ~~must~~ last a minimum of 8 training hours. Refresher courses for ~~The project designer, renovator, and dust sampling technician refresher courses shall~~ must last a minimum of 4 training hours.
 - (3) For all other courses offered except for project designer, ~~each~~ the training program shall must conduct a hands-on assessment (if applicable), and must conduct a course test at the completion of the course, ~~a course test~~.
 - (4) A training program may apply for accreditation of a refresher course concurrently with its application for accreditation of the corresponding training course as described in paragraph B. of this rule. If so, the Commission shall use the approval procedure described in paragraph B. of this rule. In addition, the minimum requirements contained in paragraphs C.(1) through C.(5) and C.(7) through C.(12) and E.(1) through E.(3) of this rule shall also apply.
 - (5) A training program seeking accreditation to offer refresher training courses only shall submit a completed application on forms provided by the Commission containing the following information:
 - (a) The refresher training program's name, address, and telephone number.
 - (b) A list of courses for which it is applying for accreditation.
 - (c) The name and documentation of the qualifications of the training program manager and principal instructor.
 - ~~(d)~~ (d) A statement signed by the training program manager certifying that the refresher training program meets the minimum requirements established in paragraph C. of this rule, except for the requirements in paragraph C.(6) of this rule. If a training program uses EPA-developed model training materials, or training materials approved by a State or Indian Tribe that has been authorized by EPA to develop its refresher training course materials, the training manager shall include a statement certifying that, as well.
 - ~~(d)~~ (e) A copy of the student and instructor manuals to be used for each course.

- ~~(e)~~(f) A copy of the course agenda for each course.
- ~~(f)~~(g) A copy of the course examination with the correct answers marked for each question.
- ~~(g)~~(h) All refresher training programs shall include in their application for accreditation the following:
 - (1) A description of the facilities and equipment to be used for lecture and hands-on training.
 - (2) A copy of the course test blueprint for each course.
 - (3) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course (if applicable).
 - (4) A copy of the quality control plan as described in paragraph C.(9) of this rule.
 - (5) A list of learning objectives for each lecture, exercise, and hands-on activity.
- ~~(h)~~(i) The requirements in paragraphs C.(1) through C.(5) and C.(7) through C.(12) of this rule apply to refresher training providers.
- ~~(i)~~(j) If a refresher training program meets the requirements listed in this paragraph and has paid the required fee, then the Commission shall approve the application for accreditation no more than 180 days after receiving a complete application from the refresher training program contingent upon a satisfactory on-site course audit by the Department. In the case of approval, a certificate of accreditation shall be sent to the applicant. In the case of disapproval, a letter describing the reasons for disapproval shall be sent to the applicant. Prior to disapproval, the Commission may, at its discretion, work with the applicant to address inadequacies in the application for accreditation. The Commission may also request additional materials retained by the refresher training program under paragraph I. of this rule. If a refresher training program's application is disapproved, the program may reapply for accreditation at any time.

F. *Re-accreditation of Training Programs.*

- (1) Unless re-accredited, a training program's accreditation (including refresher training accreditation) shall expire 4 years after the date of issuance. If a training

program meets the requirements of this rule, the training program shall be re-accredited.

- (2) A training program seeking re-accreditation shall submit an application to the Commission no later than 180 days before its accreditation expires. If a training program does not submit its application for re-accreditation by that date, the Commission cannot guarantee that the program will be re-accredited before the end of the accreditation period.
- (3) The training program's application for re-accreditation shall contain:
 - (a) The training program's name, address, and telephone number.
 - (b) A list of courses for which it is applying for re-accreditation.
 - ~~(c)~~ The name and qualifications of the training program manager.
 - ~~(d)~~ The name(s) and qualification of the principal instructor(s).
 - ~~(e)~~(e) A description of any changes to the training facility, equipment, or course materials since the last application was approved.
 - ~~(d)~~(f) A statement signed by the program manager stating:
 - (1) That the training program complies at all times with all requirements in paragraphs C. and E. of this rule, as applicable; and
 - (2) The recordkeeping and reporting requirements in paragraph I. of this rule shall be followed.
 - ~~(g)~~ Payment of appropriate fees.
- (4) Upon request, the training program shall allow the Department to audit the training program to verify the contents of the application for re-accreditation as described in paragraph F.(3) of this rule and to assure compliance with all requirements of the regulations regarding training.

G. *Suspension, Revocation, and Modification of Accredited Training Programs.*

- (1) The Commission may, after notice and an opportunity for hearing, suspend, revoke, or modify training program accreditation (including refresher training accreditation) if a training program, training manager, or other person with supervisory authority over the training program has:

- (a) Misrepresented the contents of a training course to the Commission and/or the student population.
- (b) Failed to submit required information or notifications in a timely manner.
- (c) Failed to maintain required records.
- (d) Falsified accreditation records, instructor qualifications, or other accreditation-related information or documentation.
- (e) Failed to comply with the training standards and requirements in this rule.
- (f) Failed to comply with Federal, State, or local lead-based paint statutes or regulations.
- (g) Made false or misleading statements to the Commission in its application for accreditation or re-accreditation which the Commission relied upon in approving the application.

H. *Procedures for Suspension, Revocation or Modification of Training Program Accreditation.*

- (1) Prior to taking action to suspend, revoke, or modify the accreditation of a training program, the Commission shall notify the affected entity in writing of the following:
 - (a) The legal and factual basis for the suspension, revocation, or modification.
 - (b) The anticipated commencement date and duration of the suspension, revocation, or modification.
 - (c) Actions, if any, which the affected entity may take to avoid suspension, revocation, or modification, or to receive accreditation in the future.
 - (d) The opportunity and method for requesting a hearing prior to final Commission action to suspend, revoke or modify accreditation.
 - (e) Any additional information, as appropriate, which the Commission may provide.
- (2) If a hearing is requested by the accredited training program, all proceedings and hearings before the Commission shall be conducted in accordance with Sections 49-17-31 through 49-17-41, Mississippi Code of 1972.

I. *Training Program Recordkeeping Requirements.*

- (1) Accredited training programs shall maintain, and make available to the Commission or the Department upon request, the following records:
 - (a) All documents specified in paragraphs C.(4), E.(5), and F.(3) of this rule that demonstrate the qualifications listed in paragraphs C.(1) and C.(2) of this rule of the training manager and principal instructors.
 - (b) Current curriculum/course materials and documents reflecting any changes made to these materials.
 - (c) The course test blueprint.
 - (d) Information regarding how the hands-on assessment is conducted including, but not limited to:
 - (1) Who conducts the assessment.
 - (2) How the skills are graded.
 - (3) What facilities are used.
 - (4) The pass/fail rate.
 - (e) The quality control plan as described in paragraph C.(9) of this rule.
 - (f) Results of the student's hands-on skills assessments and course tests, and a record of each student's course completion certificate.
 - (g) Any other material not listed above in paragraphs I.(1)(a) through I.(1)(f) of this rule that was submitted to the Commission as part of the program's application for accreditation.
 - (h) For renovator refresher and dust sampling technician refresher courses, a copy of each trainee's prior course completion certificate showing that each trainee was eligible to take the refresher course.
 - (i) For course modules delivered in an electronic format, a record of each student's log-ins, launches, progress, and completion, and a copy of the electronic learning completion certificate for each student.
- (2) The training program shall retain these records at the address specified on the training program accreditation application (or as modified in accordance with paragraph I.(3) of this rule) for a minimum of 3-5 years and 6 months.

- (3) The training program shall notify the Commission in writing within 30 days of changing the address specified on its training program accreditation application or transferring the records from that address.

J. *Amendment of Accreditation.*

- (1) A training program must amend its accreditation application within 90 days of the date that a change occurs to the information that was submitted in the program's most recent application. If the training program fails to amend its accreditation application within 90 days of the date the change occurs, the program may not provide lead-based paint activities training until its accreditation application is amended.
- (2) The training program must specify in their amended application what changes have occurred to the information that was submitted in their most recent accreditation or re-accreditation application.
- (3) If the amendment includes a new training program manager or any new or additional principal instructor(s), the training provider is not permitted to provide training under the new training manager or offer courses taught by any new principal instructor(s) until the Department approves the amendment.

J.K. *Training Course Notification.*

- (1) Not less than ten (10) days prior to the first day of an anticipated training course, training course providers must provide written notification to the Department, on forms developed by the Department, of the following:
 - (a) Notification type (original, update, cancellation);
 - ~~(a)~~(b) The course discipline; and type (initial/refresher);
 - (c) Training program name, address, and telephone number;
 - ~~(b)~~(d) Date and time of the training course;
 - ~~(e)~~(e) Exact location of the site of the training course (if the location is different from the principal location of the training provider, a vicinity map, sketch or detailed written directions showing the training site location shall be included in the notification, unless a vicinity map has previously been submitted for the specific location);
 - ~~(d)~~(f) Information about the language to be used in the training course;
 - ~~(e)~~(g) The name of the principal instructor; and

- (~~F~~)(h) A copy of the training course agenda. If the agenda is identical to an agenda which has previously been submitted, an additional copy of the agenda is not required with the notification.
- (2) Failure to provide re-notification of changes in the time or location of the training course or any other information listed on the original notification within two (2) working days prior to the first day of the pending training course may lead to rejection of any certificate of training issued by the training provider in support of individual accreditation in Mississippi.
- (3) Within seven (7) calendar days after completion of a training course, the training course provider must provide the Department with a written roster containing the following:
- (a) The name of the course indicating the discipline and whether the course is an initial or refresher training course;
 - (b) The names of all course applicants;
 - (c) For each participant, whether the participant passed or failed the examination;
 - (d) The date, time and location of the training course;
 - (e) For each participant, the training certificate number;
 - (f) The name of the principal instructor;
 - (g) The name, address and phone number of the training provider; and
 - (h) For renovator or dust sampling technician courses only, a digital photograph of each participant.
- (4) Failure to submit a roster may result in the rejection of any certificate of training submitted to the Department in support of an application for accreditation.

~~K~~L. *Non-English Language Courses.* The following shall apply to all courses taught in non-English languages:

- (1) Training courses shall be taught in the language in which all participating students are fluent;
- (2) Written materials, including examinations, must be correctly translated into the language in which all participating students are fluent; and
- (3) Interpreters may not be used to teach or instruct training courses.

L.M. *Type and Duration of Certificates*

Unless the Commission revokes or suspends a certificate, an initial certification of training providers shall be valid for one year. Training providers may obtain a renewal of their certificates annually. To maintain certification, training providers must be reaccredited every four (4) years.

M.N. *Reciprocity*

Any training provider which has been issued a certificate of accreditation in another state or a tribe which has certification, educational, and experience requirements equal to or greater than those of this State, and which grants equal accreditation privileges to training providers accredited in this State, may be issued an equivalent accreditation in this State upon terms and conditions determined by the Department.

Source: Miss. Code Ann. §§ 49-17-501, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

Rule 9.4 Certification of Individuals and Firms Engaged in Lead-Based Paint Activities: Target Housing and Child-Occupied Facilities.

A. *Certification of Individuals.*

- (1) Individuals seeking certification by the Commission to engage in lead-based paint activities must either:
 - (a) Submit to the Commission an application demonstrating that they meet the requirements established in paragraphs B. thru H. of this Rule for the particular discipline for which certification is sought; or
 - (b) Submit to the Commission an application with a copy of a valid lead-based paint activities certification from a State or Tribal program that has been authorized by EPA and has established accreditation and certification reciprocity agreements with the State of Mississippi covering the certification being requested.
- (2) Following the submission of an application provided by the Department demonstrating that all the requirements of this rule have been met, and the required fee, the Commission shall certify an applicant as an inspector, risk assessor, supervisor, project designer, renovator, dust sampling technician, or abatement worker, as appropriate.
- (3) Upon receiving certification by the Commission, individuals conducting lead-based paint activities shall comply with the work practice standards for performing the appropriate lead-based paint activities as established in Rule 9.5.

(4) Individuals receiving certification by the Commission must have their current Mississippi certification certificate with them at the work site.

~~(4)~~(5) Beginning on the date of adoption, it shall be a violation of these regulations for an individual to conduct any of the lead-based paint activities described in Rule 9.5 if that individual has not been certified by the Commission pursuant to this rule to do so.

B. *Inspector.*

(1) To become certified as an inspector, an individual must:

- (a) Have a high school diploma or its equivalent;
- (b) Successfully complete an accredited training program for lead-based paint inspectors;
- (c) Pass the EPA approved inspector certification exam offered by the Commission; and
- (d) Demonstrate to the satisfaction of the Commission that the applicant is familiar with and capable of complying with all applicable federal and state laws and regulations.
- (e) The inspector certification exam must be passed with a minimum score of 70% within six (6) months of receiving the course completion certificate. During this six (6) months, the certification exam can be taken no more than three (3) times. If an individual does not pass the certification exam and receive a certificate within the six (6) month period after receiving their course completion certificate, the individual must retake the course from an accredited training program before reapplying for certification from the Commission.

C. *Risk Assessor.*

(1) To become certified as a risk assessor an individual must:

- (a) (1) Be a registered professional engineer or a licensed architect; or
- (2) Have a bachelor's degree in a profession related to engineering, health or environmental science and one (1) year of experience in a related field, as determined by the Commission (e.g., lead, asbestos, or environmental remediation work); or

- (3) Have an associate's degree and two (2) years of experience in a related field, as determined by the Commission (e.g., lead, asbestos, or environmental remediation work); or
- (4) Have a high school diploma or equivalent and three (3) years of experience in a related field, as determined by the Commission (e.g., lead, asbestos, or environmental remediation work);
- (b) Successfully complete an accredited training program for lead-based paint risk assessors and lead-based paint inspectors;
- (c) Pass the EPA approved risk assessor certification exam offered by the Commission;
- (d) Demonstrate to the satisfaction of the Commission that the applicant is familiar with and capable of complying with all applicable federal and state laws and regulations; and
- (e) The risk assessor certification exam must be passed with a minimum score of 70% within six (6) months of receiving the course completion certificate. During this six (6) months, the certification exam can be taken no more than three (3) times. If an individual does not pass the certification exam and receive a certificate within the six (6) month period after receiving their course completion certificate, the individual must retake the course from an accredited training program before reapplying for certification from the Commission.

D. *Supervisor.*

- (1) To become certified as a supervisor, an individual must:
 - (a) Have a high school diploma or its equivalent and one (1) year of experience as a certified lead-based paint abatement worker or two (2) years of experience in a related field, as determined by the Commission (e.g., lead, asbestos, or environmental remediation work) or in the building trades;
 - (b) Successfully complete an accredited training program for lead-based paint supervisors;
 - (c) Pass the EPA approved supervisor certification exam offered by the Commission; and
 - (d) Demonstrate to the satisfaction of the Commission that the applicant is familiar with and capable of complying with all applicable federal and state laws and regulations;

- (e) The supervisor certification exam must be passed with a minimum score of 70% within six (6) months of receiving the course completion certificate. During this six (6) months, the certification exam can be taken no more than three (3) times. If an individual does not pass the certification exam and receive a certificate within the six (6) month period after receiving their course completion certificate, the individual must retake the course from an accredited training program before reapplying for certification from the Commission.

E. *Project Designer.*

- (1) To become certified as a project designer an individual must:
 - (a) (1) Be a registered professional engineer or a licensed architect; or
 - (2) Have a bachelor's degree in engineering, architecture or a profession related to engineering or architecture and one (1) year of experience in building design or a related field, as determined by the Commission; or
 - (3) Have an associate's degree and two (2) years of experience in building design or a related field, as determined by the Commission; or
 - (4) Have a high school diploma or equivalent and three (3) years of experience in building design or a related field, as determined by the Commission.
- (b) Successfully complete an accredited training program for lead-based paint project designers and lead-based paint supervisors; and
- (c) Demonstrate to the satisfaction of the Commission that the applicant is familiar with and capable of complying with all applicable federal and state laws and regulations.

F. *Worker.*

- (1) To become certified as an abatement worker an individual must:
 - (a) Successfully complete an accredited training program for lead-based paint abatement workers; and
 - (b) Demonstrate to the satisfaction of the Commission that the applicant is familiar with and capable of complying with all applicable federal and state laws and regulations.

- (2) An individual working on renovation projects as a worker does not have to be certified but must be trained by a certified renovator to perform the required renovation work duties.

G. *Renovator.*

- (1) To become certified as a renovator, an individual must:
 - (a) Have a high school diploma or its equivalent and one (1) year of experience as a certified lead-based paint abatement worker or two (2) years of experience in a related field, as determined by the Commission (e.g., lead, asbestos, or environmental remediation work) or in the building trades;
 - (b) Successfully complete an accredited training program for lead-based paint renovators;
 - (c) Demonstrate to the satisfaction of the Commission that the applicant is familiar with and capable of complying with all applicable federal and state laws and regulations;
 - ~~(d) Individuals who have successfully completed an accredited abatement worker or supervisor course, or individuals who have successfully completed courses in lead safe work practices meeting Environmental Protection Agency Renovation, Repair, and Painting Rule requirements may take an accredited refresher renovator training course in lieu of the initial renovator training course to become a certified renovator.~~
 - (d) Individuals who have successfully completed an accredited abatement worker or supervisor course, or individuals who successfully completed an EPA, HUD, or EPA/HUD model renovation training course before October 4, 2011 may take an accredited refresher renovator training course in lieu of the initial renovator training course to become a certified renovator.
- (2) Renovator responsibilities. Certified renovators are responsible for ensuring compliance with paragraph F.(2) of Rule 9.5 at all renovations to which they are assigned. A certified renovator must:
 - (a) Perform all of the tasks described in paragraph F.(2)(b) of Rule 9.5 and must either perform or direct workers who perform all of the tasks described in paragraph F.(2)(a) of Rule 9.5;
 - (b) Provide training to workers on the work practices required by F.(2)(a) of Rule 9.5 that they will be using in performing their assigned tasks;

- (c) Be physically present at the work site when the signs required by paragraph F.(2)(a)(1) of Rule 9.5 are posted, while the work area containment required by paragraph F.(2)(a)(2) of Rule 9.5 is being established, and while the work area cleaning required by paragraph F.(2)(a)(5) of Rule 9.5 is performed;
- (d) Regularly direct work being performed by other individuals to ensure that the work practices are being followed, including maintaining the integrity of the containment barriers and ensuring that dust or debris does not spread beyond the work area;
- (e) Be available, either on-site or by telephone, at all times that renovations are being conducted;
- (f) When requested by the party contracting for renovation services, use an acceptable test kit to determine whether components to be affected by the renovation contain lead-based paint;
- (g) Have with them at the work site ~~copies of their initial course completion certificate, their most recent refresher course completion certificate and~~ their current Mississippi renovator certification certificate; and
- (h) Prepare the records required by paragraphs ~~F.(3)(b)-(7)~~ F.(1) and (6) of Rule 9.5.

H. *Dust Sampling Technician.*

- (1) To become certified as a dust sampling technician an individual must:
 - (a) Have a high school diploma or its equivalent;
 - (b) Successfully complete an accredited training program for lead-based paint dust sampling technicians; and
 - (c) Demonstrate to the satisfaction of the Commission that the applicant is familiar with and capable of complying with all applicable federal and state laws and regulations.
 - (d) Individuals who have successfully completed an accredited lead-based paint inspector or risk assessor course before October 4, 2011, may take an accredited refresher dust sampling technician course in lieu of the initial training to become a certified dust sampling technician. Individuals who are currently certified as lead-based paint inspectors or risk assessors may act as certified dust sampling technicians without further training.

~~Individuals who have successfully completed an accredited lead-based paint inspector or risk assessor course may take an accredited refresher dust sampling technician course in lieu of the initial training to become a certified dust sampling technician.~~

- (2) Dust sampling technician responsibilities. When performing optional dust clearance sampling under paragraph F.(2)(c) of Rule 9.5, a certified dust sampling technician must:
 - (a) Collect dust samples in accordance with paragraph E.(8) of Rule 9.5,
 - (b) Send the collected samples to a laboratory recognized by EPA under TSCA Section 405(b), and
 - (c) Compare the results to the clearance levels in accordance with paragraph A.(4) of Rule 9.5.
 - (d) Have with them at the work site a copy of their current Mississippi dust sampling technician certification certificate.

I. *Documents.*

- (1) The following documents shall be recognized by the Commission as evidence of meeting the requirements listed in paragraphs B. thru F. of this Rule.
 - (a) Official academic transcripts or diploma, as evidence of meeting the education requirements.
 - (b) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements.
 - (c) Course completion certificates from lead-specific or other related training courses, issued by accredited training programs, as evidence of meeting the training requirements.

J. *Certification Based on Prior Training.*

- (1) Any individual who received risk assessor, inspector, project designer, supervisor, or worker lead based paint activity training between October 1, 1990, and August 31, 1998, shall be eligible for certification by the Commission under the alternative procedures contained in this paragraph. Individuals who have received lead-based paint activities training at an EPA-authorized State or Tribal accredited training program shall also be eligible for certification by the Commission under the following alternative procedures.
 - (a) Applicants for certification as an inspector, risk assessor, or supervisor shall:

- (1) Show proof that the applicant has successfully completed training for the appropriate discipline.
 - (2) Show proof that the applicant meets or exceeds the education and/or experience requirements in paragraphs B. thru D. of this rule for the appropriate discipline.
 - (3) Successfully complete an accredited refresher training course for the appropriate discipline.
 - (4) Pass a certification exam administered by the Commission for the appropriate discipline.
- (b) Applicants for certification as an abatement worker or project designer shall:
- (1) Show proof that the applicant has successfully completed training for the appropriate discipline,
 - (2) Show proof that the applicant meets the education and/or experience requirements in paragraph E. or F. of this rule as applicable; and
 - (3) Successfully complete an accredited refresher training course for the appropriate discipline.
- (2) Individuals shall have until February 1, 1999, to apply to the Commission for certification under the above procedures. After that date, all individuals wishing to obtain certification must do so through the procedures described in paragraphs A. thru H. of this rule, according to the discipline for which certification is sought.

K. *Re-Certification.*

- (1) To maintain certification in the project designer, inspector, risk assessor, renovator, dust sampling technician, supervisor and abatement worker disciplines, the certified individual shall apply to and be re-certified by the Commission in that discipline every three (3) years.
- (2) An individual shall be re-certified if the individual successfully completes the appropriate accredited refresher training course and submits the appropriate refresher course completion certificate, the appropriate application and fee.

L. *Certification of Firms.*

- (1) Beginning on the date of adoption, all firms which perform or offer to perform any of the lead-based paint activities described in Rule 9.5 must be certified by the Commission.
- (2) A firm seeking certification shall submit to the Commission: a completed application provided by the Department; a letter attesting that the firm shall only employ appropriately certified employees to conduct lead-based paint activities, and that the firm and its employees shall follow the work practice standards in Rule 9.5 for conducting lead-based paint activities; and the required fee.
- (3) After receiving the firm's application, letter requesting certification, and the required certification fee, the Commission shall have 90 days to approve or disapprove the firm's request for certification. Within that time, the Commission shall respond with either a certificate of approval or a letter describing the reasons for disapproval.
- (4) The firm shall maintain all records pursuant to the requirements in Rule 9.5.
- (5) To maintain their certification, firms must renew their certification license annually by submitting the required application and renewal fee.
- (6) A firm must amend its certification within 90 days of the date a change occurs to the information included in the firm's most recent certification application. To amend a certification, a firm must submit a completed "Application for Firms" signed by an authorized agent of the firm, noting on the form that it is submitted as an amendment and indicating the information that has changed. The firm must also pay the correct amount of fees.
- (7) Firm responsibilities. Firms performing renovations must ensure that:
 - (a) All individuals performing renovation activities on behalf of the firm are either certified renovators or have been trained by a certified renovator in accordance with paragraph G.(2) of this rule.
 - (b) A certified renovator is assigned to each renovation performed by the firm and discharges all of the certified renovator responsibilities identified in paragraph G.(2) of this rule.
 - (c) All renovations performed by the firm are performed in accordance with the work practice standards in paragraph F.(2) of Rule 9.5.
 - (d) The pre-renovation education requirements of paragraph F.(4) of Rule 9.5 have been performed. Requires distribution of pamphlet Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools.

(e) The recordkeeping requirements of paragraph F.(3) of Rule 9.5 are met.

M. *Suspension, Revocation, and Modification of Certifications of Individuals Engaged in Lead-Based Paint Activities.*

- (1) The Commission may, after notice and opportunity for hearing, suspend or revoke or modify an individual's certification if an individual has:
 - (a) Obtained training documentation through fraudulent means.
 - (b) Gained admission to and completed an accredited training program through misrepresentation of admission requirements.
 - (c) Obtained certification through misrepresentation of certification requirements or related documents dealing with education, training, professional registration, or experience.
 - (d) Performed work requiring certification at a job site without having proof of certification.
 - (e) Permitted the duplication or use of the individual's own certificate by another.
 - (f) Performed work for which certification is required, but for which appropriate certification has not been received.
 - (g) Failed to comply with the appropriate work practice standards for lead-based paint activities at Rule 9.5.
 - (h) Failed to comply with Federal, State, or local lead-based paint statutes or regulations.

N. *Suspension, Revocation, and Modification of Certifications of Firms Engaged in Lead-Based Paint Activities.*

- (1) The Commission may, after notice and opportunity for hearing, suspend, revoke, or modify a firm's certification if a firm has:
 - (a) Performed work requiring certification at a job site with individuals who are not certified.
 - (b) Failed to comply with the work practice standards established in Rule 9.5.
 - (c) Misrepresented facts in its letter of application for certification to the Commission.

- (d) Failed to maintain required records.
- (e) Failed to comply with Federal, State, or local lead-based paint statutes or regulations.

O. *Procedures for Suspension, Revocation, or Modification of the Certification of Individuals or Firms.*

- (1) If the Commission decides to suspend, revoke, or modify the certification of any individual or firm, it shall notify the affected entity in writing of the following:
 - (a) The legal and factual basis for the suspension, revocation, or modification.
 - (b) The commencement date and duration of the suspension, revocation, or modification.
 - (c) Actions, if any, which the individual or affected entity may take to avoid suspension, revocation, or modification or to receive certification in the future.
 - (d) The opportunity and method for requesting a hearing prior to final Commission action to suspend, revoke, or modify certification.
 - (e) Any additional information, as appropriate, which Commission may provide.
- (2) If a hearing is requested by the certified individual or firm, all proceedings and hearings before the Commission shall be conducted in accordance with Sections 49-17-31 through 49-17-41, Mississippi Code of 1972.

P. *Type and Duration of Certificates*

- (1) Certification of Individuals (Inspectors, Risk Assessors, Project Designers, Supervisors, Renovators, Dust Sampling Technicians and Abatement Workers).

Unless the Commission revokes or suspends a certificate, an initial certificate shall remain in effect during the period of time training is effective, but not to exceed one (1) year after the date of issuance. To maintain certification in a particular discipline an individual must comply with the following requirements:

- (a) Each certificate must be renewed annually during the period of required training.
- (b) Refresher training must be successfully completed in each discipline every three (3) years following successful completion of the initial training course.

(2) Certification of Firms

Unless the Commission revokes or suspends a certificate, the initial certificate shall remain in effect for a period of one (1) year. To maintain certification, the certification license must be renewed annually.

Q. *Reciprocity*

Any person who has been issued a certificate in another state or a tribe which has certification, educational, and experience requirements equal to or greater than those of this State, and which grants equal certification privileges to persons certified in this State, may be issued a certificate in this State upon terms and conditions determined by the Department.

Source: Miss. Code Ann. §§ 49-17-501, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

Rule 9.5 Work Practice Standards for Conducting Lead-Based Paint Activities.

A. *Effective Date, Applicability, and Terms.*

- (1) Beginning on the date of adoption all lead-based paint abatement and renovation activities shall be performed pursuant to the work practice standards contained in this rule.
- (2) When performing any lead-based paint activity described by the certified individual as an inspection, lead-hazard screen, risk assessment, renovation, or abatement, a certified individual must perform that activity in compliance with the appropriate requirements below.
- (3) Documented methodologies that are appropriate for this rule are found in the following: The U.S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing; the *EPA* Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, Lead-Contaminated Soil; the EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling (EPA report number 7474-R-95-001); 40 CFR Part 745, Lead; Requirements for Lead-Based Paint activities in Target Housing and Child-occupied Facilities: Final Rule (Federal Register, Volume 61, Number 169, Thursday, August 29, 1996); EPA Lead; Renovation, Repair, and Painting Program: Final Rule (Federal Register, Volume 73, Number 78, April 22, 2008); and other equivalent methods and guidelines.
- (4) Clearance levels appropriate for the purposes of this rule may be found in the EPA January 2001 rules (40 CFR 745; Identification of Dangerous Levels of Lead, Final Rule) at 745.227(e)(8)(viii).

B. *Inspection.*

- (1) An inspection shall be conducted only by a person certified by the Commission as an inspector or risk assessor and, if conducted, must be conducted according to the procedures in this paragraph.
- (2) When conducting an inspection, the following locations shall be selected according to documented methodologies and tested for the presence of lead-based paint:
 - (a) In a residential dwelling and child-occupied facility, each component with a distinct painting history and each exterior component with a distinct painting history shall be tested for lead-based paint, except those components that the inspector or risk assessor determines to have been replaced after 1978, or to not contain lead-based paint; and
 - (b) In a multi-family dwelling or child-occupied facility, each component with a distinct painting history in every common area, except those components that the inspector or risk assessor determines to have been replaced after 1978, or to not contain lead-based paint.
- (3) Paint shall be sampled in the following manner:
 - (a) The analysis of paint to determine the presence of lead shall be conducted using documented methodologies which incorporate adequate quality control procedures; and/or
 - (b) All collected paint chip samples shall be analyzed according to paragraph ~~F~~G. of this rule to determine if they contain detectable levels of lead that can be quantified numerically.
- (4) The certified inspector or risk assessor shall prepare an inspection report which shall include the following information:
 - (a) Date of each inspection.
 - (b) Address of building.
 - (c) Date of construction.
 - (d) Apartment numbers (if applicable).
 - (e) Name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility.

- (f) Name, signature, and certification number of each certified inspector and/or risk assessor conducting testing.
- (g) Name, address, and telephone number of the certified firm employing each inspector and/or risk assessor, if applicable.
- (h) Each testing method and device and/or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of an x-ray fluorescence (XRF) device.
- (i) Specific locations of each painted component tested for the presence of lead-based paint.
- (j) The results of the inspection expressed in terms appropriate to the sampling method used.

C. *Lead Hazard Screen.*

- (1) A lead hazard screen shall be conducted only by a person certified by the Commission as a risk assessor.
- (2) If conducted, a lead hazard screen shall be conducted as follows:
 - (a) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age 6 years and under shall be collected.
 - (b) A visual inspection of the residential dwelling or child-occupied facility shall be conducted to:
 - (1) Determine if any deteriorated paint is present, and
 - (2) Locate at least two dust sampling locations.
 - (c) If deteriorated paint is present, each surface with deteriorated paint, which is determined, using documented methodologies, to be in poor condition and to have a distinct painting history, shall be tested for the presence of lead.
 - (d) In residential dwellings, two composite dust samples shall be collected, one from the floors and the other from the windows, in rooms, hallways, or stairwells where one or more children, age 6 or under, are most likely to come in contact with dust.

- (e) In multi-family dwellings and child-occupied facilities, in addition to the floor and window samples required in paragraph C.(2)(d) of this Rule, the risk assessor shall also collect composite dust samples from common areas where one or more children, age 6 and under, are most likely to come into contact with dust.
- (3) Dust samples shall be collected and analyzed in the following manner:
 - (a) All dust samples shall be taken using documented methodologies that incorporate adequate quality control procedures.
 - (b) All collected dust samples shall be analyzed according to paragraph ~~F~~G. of this rule to determine if they contain detectable levels of lead that can be quantified numerically.
 - (4) Paint shall be sampled in the following manner:
 - (a) The analysis of paint to determine the presence of lead shall be conducted using documented methodologies which incorporate adequate quality control procedures; and/or
 - (b) All collected paint chip samples shall be analyzed according to paragraph ~~F~~G. of this Rule to determine if they contain detectable levels of lead that can be quantified numerically.
 - (5) The risk assessor shall prepare a lead hazard screen report, which shall include the following information:
 - (a) The information required in a risk assessment report as specified in paragraph D. of this rule, including paragraphs D.(11)(a) through D.(11)(n), and excluding paragraphs D.(11)(o) through D.(11)(r) of this rule. Additionally, any background information collected pursuant to paragraph C.(2)(a) of this rule shall be included in the risk assessment report; and
 - (b) Recommendations, if warranted, for a follow-up risk assessment, and as appropriate, any further actions.

D. *Risk Assessment.*

- (1) A risk assessment shall be conducted only by a person certified by the Commission as a risk assessor and, if conducted, must be conducted according to the procedures in this paragraph.
- (2) A visual inspection for risk assessment of the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint,

assess the extent and causes of the deterioration, and other potential lead-based paint hazards.

- (3) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age 6 years and under shall be collected.
- (4) Each surface with deteriorated paint, which is determined, using documented methodologies, to be in poor condition and to have a distinct painting history, shall be tested for the presence of lead. Each other surface determined, using documented methodologies, to be a potential lead-based paint hazard and having a distinct painting history, shall also be tested for the presence of lead.
- (5) In residential dwellings, dust samples (either composite or single-surface samples) from the window and floor shall be collected in all living areas where one or more children, age 6 and under, are most likely to come into contact with dust.
- (6) For multi-family dwelling and child-occupied facilities, the samples required in paragraph D.(4) of this rule shall be taken. In addition, window and floor dust samples (either composite or single-surface samples) shall be collected in the following locations:
 - (a) Common areas adjacent to the sampled residential dwelling or child-occupied facility; and
 - (b) Other common areas in the building where the risk assessor determines that one or more children, age 6 or under, are likely to come into contact with dust.
- (7) For child-occupied facilities, window and floor dust samples (either composite or single-surface samples) shall be collected in each room, hallway, or stairwell utilized by one or more children, age 6 and under, and in other common areas in the child-occupied facility where the risk assessor determines one or more children, age 6 or under, are likely to come into contact with dust.
- (8) Soil samples shall be collected and analyzed for lead concentrations in the following locations:
 - (a) Exterior play areas where bare soil is present; and
 - (b) Drip line/foundation areas where bare soil is present; and
 - (c) The rest of the yard (i.e., non-play areas) where bare soil is present.

- (9) Any paint, dust, or soil sampling or testing shall be conducted using documented methodologies that incorporate adequate quality control procedures.
- (10) Any collected paint chip, dust, or soil samples shall be analyzed according to paragraph ~~F~~G. of this Rule to determine if they contain detectable levels of lead that can be quantified numerically.
- (11) The certified risk assessor shall prepare a risk assessment report which shall include the following information:
 - (a) Date of assessment.
 - (b) Address of each building.
 - (c) Date of construction of buildings.
 - (d) Apartment number (if applicable).
 - (e) Name, address, and telephone number of each owner of each building.
 - (f) Name, signature, and certification of the certified risk assessor conducting the assessment.
 - (g) Name, address and telephone number of the certified firm employing each certified risk assessor if applicable.
 - (h) Name, address, and telephone number of each recognized laboratory conducting analysis of collected samples.
 - (i) Results of the visual inspection.
 - (j) Testing method and sampling procedure for paint analysis employed.
 - (k) Specific locations of each painted component tested for the presence of lead.
 - (l) All data collected from on-site testing, including quality control data and, if used, the serial number of any XRF device.
 - (m) All results of laboratory analysis on collected paint, soil, and dust samples.
 - (n) Any other sampling results.
 - (o) Any background information collected pursuant to paragraph D.(3) of this Rule.

- (p) To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint-related hazards.
- (q) A description of the location, type, severity of identified lead-based paint hazards and any other potential lead hazards.
- (r) A description of interim controls and/or abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

E. *Abatement.*

- (1) An abatement shall be conducted only by an individual certified by the Commission, and if conducted, shall be conducted according to the procedures in this paragraph.
- (2) A certified supervisor is required for each abatement project and shall be onsite during all work site preparation and during the post-abatement cleanup and clearance of work areas. At all other times when abatement activities are being conducted, the certified supervisor shall be onsite or available by telephone, pager or answering service, and able to be present at the work site in no more than 2 hours.
- (3) The certified supervisor and the certified firm employing that supervisor shall:
 - (1) ensure that all abatement activities are conducted according to the requirements of this rule and all other Federal, State, and local requirements, and
 - (2) maintain all certificates for all firms, supervisors and workers who are employed in connection with the abatement project at the abatement project site. All such certificates shall be made available to Department personnel during abatement project inspections.
- (4) Notification of the commencement of lead-based paint abatement activities in a residential dwelling or child-occupied facility or as a result of a Federal, State, or local order shall be given to the Department prior to the commencement of abatement activities as required in paragraph **F J.** of this rule.
- (5) A written occupant protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures:
 - (a) The occupant protection plan shall be unique to each residential dwelling or child-occupied facility and be developed prior to the abatement. The occupant protection plan shall describe the measures and management

procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards.

- (b) A certified supervisor or project designer shall prepare the occupant protection plan.
- (6) The work practices listed below shall be restricted during an abatement as follows:
- (a) Open-flame burning or torching of lead-based paint is prohibited;
 - (b) Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint is prohibited unless used with High Efficiency Particulate Air (HEPA) exhaust control which removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency;
 - (c) Dry scraping of lead-based paint is permitted only in conjunction with heat guns or around electrical outlets or when treating defective paint spots totaling no more than 2 square feet in any one room, hallway or stairwell or totaling no more than 20 square feet on exterior surfaces; and
 - (d) Operating a heat gun on lead-based paint is permitted only at temperatures below 1100 degrees Fahrenheit.
- (7) If conducted, soil abatement shall be conducted in one of the following ways:
- (a) If soil is removed, the lead-contaminated soil shall be replaced with soil that is not lead-contaminated; or
 - (b) If soil is not removed, the lead-contaminated soil shall be permanently covered, as defined in these regulations.
- (8) The following post-abatement clearance procedures shall be performed only by a certified inspector or risk assessor:
- (a) Following an abatement, a visual inspection shall be performed to determine if deteriorated painted surfaces and/or visible amounts of dust, debris or residue are still present. If deteriorated painted surfaces or visible amounts of dust, debris or residue are present, these conditions must be eliminated prior to the continuation of the clearance procedures.
 - (b) Following the visual inspection and any post-abatement cleanup required by paragraph E.(8)(a) of this Rule, clearance sampling for lead-contaminated dust shall be conducted by employing single-surface sampling or composite sampling techniques.

- (c) Dust samples for clearance purposes shall be taken using documented methodologies that incorporate adequate quality control procedures.
- (d) Dust samples for clearance purposes shall be taken a minimum of 1 hour after completion of final post-abatement cleanup activities.
- (e) The following post-abatement clearance activities shall be conducted as appropriate based upon the extent or manner of abatement activities conducted in or to the residential dwelling or child-occupied facility:
 - (1) After conducting an abatement with containment between abated and unabated areas, one dust sample shall be taken from one window (if available) and one dust sample shall be taken from the floor of no less than four rooms, hallways or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are less than four rooms, hallways or stairwells within the containment area, then all rooms, hallways or stairwells shall be sampled.
 - (2) After conducting an abatement with no containment, two dust samples shall be taken from no less than four rooms, hallways or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one window (if available) and one dust sample shall be taken from the floor of each room, hallway or stairwell selected. If there are less than four rooms, hallways or stairwells within the residential dwelling or child-occupied facility then all rooms, hallways or stairwells shall be sampled.
 - (3) Following an exterior paint abatement, a visual inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be cleaned of visible dust and debris. In addition, a visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated. If paint chips are present, they must be removed from the site and properly disposed of, according to all applicable Federal, State and local requirements.
- (f) The rooms, hallways or stairwells selected for sampling shall be selected according to documented methodologies.
- (g) The certified inspector or risk assessor shall compare the residual lead level (as determined by the laboratory analysis) from each dust sample with applicable clearance levels for lead in dust on floors and windows. If the residual lead levels in a dust sample exceed the clearance levels, all the

components represented by the failed sample shall be recleaned and retested until clearance levels are met.

- (9) In a multi-family dwelling with similarly constructed and maintained residential dwellings, random sampling for the purposes of clearance may be conducted provided:
 - (a) The certified individuals who abate or clean the residential dwellings do not know which residential dwelling will be selected for the random sample.
 - (b) A sufficient number of residential dwellings are selected for dust sampling to provide a 95 percent level of confidence that no more than 5 percent or 50 of the residential dwellings (whichever is smaller) in the randomly sampled population exceed the appropriate clearance levels.
 - (c) The randomly selected residential dwellings shall be sampled and evaluated for clearance according to the procedures found in paragraph E.(8) of this Rule.

- (10) An abatement report shall be prepared by a certified supervisor or project designer. The abatement report shall include the following information:
 - (a) Start and completion dates of abatement.
 - (b) The name and address of each certified firm conducting the abatement and the name of each supervisor assigned to the abatement project.
 - (c) The occupant protection plan prepared pursuant to paragraph E.(5) of this Rule.
 - (d) The name, address, and signature of each certified risk assessor or inspector conducting clearance sampling and the date of clearance testing.
 - (e) The results of clearance testing and all soil analyses (if applicable) and the name of each recognized laboratory that conducted the analyses.
 - (f) A detailed written description of the abatement, including abatement methods used, locations of rooms and/or components where abatement occurred, reason for selecting particular abatement methods for each component, and any suggested monitoring of encapsulants or enclosures.

F. *Renovation*

- (1) Applicability

- (a) This ~~section~~rule applies to all renovations performed for compensation in target housing and child-occupied facilities, except for the following:
- (1) Renovations in target housing or child-occupied facilities in which a written determination has been made by a certified inspector or risk assessor that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams/per square centimeter (mg/cm²) or 0.5% by weight, where the firm performing the renovation has obtained a copy of the determination.
 - (2) Renovations in target housing or child-occupied facilities in which a certified renovator, using an EPA recognized test kit and following the kit manufacturer's instructions, has tested each component affected by the renovation ~~and~~ or has collected a paint chip sample from each painted component affected by the renovation and a laboratory recognized by EPA pursuant to Section 405(b) of TSCA as being capable of performing analyses for lead compounds in paint chip samples has determined that the components are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 mg/cm² or 0.5% by weight. If the components make up an integrated whole, such as the individual stair treads and risers of a single staircase, the renovator is required to test only one of the individual components, unless the individual components appear to have been repainted or refinished separately.
 - (3) Persons who perform lead-based paint activities within residential dwellings that they own and occupy are exempt from the regulations unless the residential dwelling is occupied by a person or persons other than the owner or owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level as determined by the United States Department of Health and Human Services; Centers for Disease Control and Prevention.
- ~~(b) The training requirements in paragraphs G. and H. of Rule 9.4 and the work practice standards for renovation activities in paragraph F.2. of this rule, apply to all renovations covered by this regulation, except for renovations in target housing for which the firm performing the renovation has obtained a statement signed by the owner that the renovation will occur in the owner's residence, no child under age 6 resides there, no pregnant woman resides there, the housing is not a child-occupied facility, and the owner acknowledges that the renovation firm will not be required to use the work practices contained in EPA's renovation, repair, and painting rule. For the purposes of this rule, a child resides in the primary residence of his or her custodial parents, legal guardians, and foster~~

~~parents. A child also resides in the primary residence of an informal caretaker if the child lives and sleeps most of the time at the caretaker's residence.~~

~~(e)~~(b) The information distribution requirements in paragraph F.(4) of this rule do not apply to emergency renovations, which are renovation activities that were not planned but result from a sudden, unexpected event (such as non-routine failures of equipment) that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage. Interim controls performed in response to an elevated blood lead level in a resident child are also emergency renovations. Emergency renovations other than interim controls are also exempt from the warning sign, containment, waste handling, training, and certification requirements in paragraph F.(2) of this rule, L. of Rule 9.4, and G. of Rule 9.4 to the extent necessary to respond to the emergency. Emergency renovations are not exempt from the cleaning requirements of paragraph F.(2)(a)(5) of this Rule, which must be performed by certified renovators or individuals trained in accordance with paragraph G.(2) of Rule 9.4, the cleaning verification requirements of paragraph F.(2)(b) of this rule, which must be performed by certified renovators, and recordkeeping requirements of paragraphs F.(3)(b)(6) and ~~F.(3)(b)(7)~~ of this rule.

(2) Work practice standards listed below shall be followed.

(a) Standards for renovation activities. Renovations must be performed by certified firms using certified renovators as required in paragraph L.(7)(a) of Rule 9.4. The responsibilities of certified firms are set forth in paragraph L.(7) of Rule 9.4. The responsibilities of certified renovators are set forth in paragraph G.(2) of Rule 9.4.

(1) Occupant protection. Firms must post signs clearly defining the work area warning occupants and other persons not involved in renovation activities to remain outside of the work areas. To the extent practicable, these signs must be in the primary language of the occupants. These signs must be posted before beginning the renovation and must remain in place and readable until the renovation and the post-renovation cleaning verification has been completed. If warning signs have been posted in accordance with 24 CFR 35.1345(b)(2) or 29 CFR 1926.62(m), additional signs are not required by this rule.

(2) Containing the work area. Before beginning the renovation, the firm must isolate the work area so that no dust or debris leaves the work area while the renovation is being performed. In addition, the firm must maintain the integrity of the containment by ensuring

that any plastic or other impermeable materials are not torn or displaced, and taking any other steps necessary to ensure that no dust or debris leaves the work area while the renovation is being performed. The firm must also ensure that containment is installed in such a manner that it does not interfere with occupant and worker egress in an emergency.

(i) Interior renovations. The firm must:

- (A) Remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed.
- (B) Close and cover all ducts opening in the work area with taped down plastic sheeting or other impermeable material.
- (C) Close windows and doors in the work area. Doors must be covered with plastic sheeting or other impermeable material. Doors used as an entrance to the work area must 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.
- (D) Cover the floor surface, including installed carpet, with taped down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater. Floor containment measures may stop at the edge of the vertical barrier when using a vertical containment system consisting of impermeable barriers that extend from the floor to the ceiling and are tightly sealed at joints with the floor, ceiling and walls.
- (E) 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.

(ii) Exterior renovations. The firm must:

- (A) Close all doors and windows within 20 feet of the renovation. On multi-story buildings, close all doors and windows within 20 feet of the renovation on the same floor as the renovation, and close all doors and windows on all floors below that are the same horizontal distance from the renovation.
 - (B) 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.
 - (C) Cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system.
 - ~~(D) In certain situations, the renovation firm must take extra precautions in containing the work area to ensure that dust and debris from the renovation does not contaminate other buildings or other areas of the property or migrate to adjacent properties.~~
 - (D) If the renovation will affect surfaces within 10 feet of the property line, the renovation firm must erect vertical containment or equivalent extra precautions in containing the work area to ensure that dust and debris from the renovation does not contaminate adjacent buildings or migrate to adjacent properties. Vertical containment or equivalent extra precautions in containing work area may also be necessary in other situations in order to prevent contamination of other buildings, other areas of the property, or adjacent buildings or properties.
- (3) Prohibited and restricted practices. The work practices listed below ~~shall be~~ are prohibited or restricted during a renovation as follows:

- (i) Open-flame burning or torching of ~~lead-based paint~~ painted surfaces is prohibited;
 - ~~(ii) The use of machines that remove lead-based paint through high speed operation such as sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting, is prohibited unless such machines are used with HEPA exhaust control; and~~
 - (ii) The use of machines designed to remove paint or other surface coatings through high speed operation such as sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting, is prohibited on painted surfaces unless such machines have shrouds or containment systems and are equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation. Machines must be operated so that no visible dust or release of air occurs outside the shroud or containment system.
 - (iii) Operating a heat gun on ~~lead-based paint~~ painted surfaces is permitted only at temperatures below 1100 degrees Fahrenheit.
- (4) Waste from renovations
- (i) Waste from renovation activities must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work area, it must be covered.
 - (ii) At the conclusion of each work day and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.
 - (iii) When the firm transports waste from renovation activities, the firm must contain the waste to prevent release of dust and debris.
- (5) Cleaning the work area. After the renovation has been completed, the firm must clean the work area until no dust, debris or residue remains.

- (i) Interior and exterior renovations. The firm must:
 - (A) Collect all paint chips and debris and, without dispersing any of it, seal this material in a heavy-duty bag.
 - (B) Remove the protective sheeting. Mist the sheeting before folding it, fold the dirty side inward, and either tape shut to seal or seal in heavy-duty bags. Sheeting used to isolate contaminated rooms from non-contaminated rooms must remain in place until after the cleaning and removal of other sheeting. Dispose of the sheeting as waste.
- (ii) Additional cleaning for interior renovation. The firm must clean all objects and surfaces in the work area and within 2 feet of the work area in the following manner, cleaning from higher to lower:
 - (A) Walls. Clean walls starting at the ceiling and working down to the floor by either vacuuming with a HEPA vacuum or wiping with a damp cloth.
 - (B) Remaining surfaces. Thoroughly vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA vacuum. The HEPA vacuum must be equipped with a beater bar when vacuuming carpets and rugs.
 - (C) Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth. Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the 2-bucket mopping method, or using a wet mopping system.
- (b) Standards for post-renovation cleaning verification.
 - (1) Interiors.
 - (i) A certified renovator must perform a visual inspection to determine whether dust, debris or residue is still present. If dust, debris or residue is present, these conditions must be removed by re-cleaning and another visual inspection must be performed.

- (ii) After a successful visual inspection, a certified renovator must:
 - (A) Verify that each windowsill in the working area has been adequately cleaned, using the following procedure:
 - (a) Wipe the windowsill with a wet disposable cleaning cloth that is damp to the touch. If the cloth matches or is lighter than the cleaning verification card, the windowsill has been adequately cleaned.
 - (b) If the cloth does not match and is darker than the cleaning verification card, re-clean the windowsill as directed in paragraphs F.(2)(a)(5)(ii)(B) and (a)(5)(ii)(C) of this Rule, then either use a new cloth or fold the used cloth in such a way that an unused surface is exposed, and wipe the surface again. If the cloth matches or is lighter than the cleaning verification card, that windowsill has been adequately cleaned.
 - (c) If the cloth does not match and is darker than the cleaning verification card, wait for 1 hour or until the surface has dried completely, whichever is longer.
 - (d) After waiting for the windowsill to dry, wipe the windowsill with a dry disposable cleaning cloth. After this wipe, the windowsill has been adequately cleaned.
 - (B) Wipe uncarpeted floors and countertops within the work area with a wet disposable cleaning cloth. Floors must be wiped using an application device with a long handle and a head to which the cloth is attached. The cloth must remain damp at all times while it is being used to wipe the surface for post-renovation cleaning verification. If the surface within the work area is greater 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 such section separately

with a new wet disposable cleaning cloth. If the cloth used to wipe each section of the surface within the work area matches the cleaning verification card, the surface has been adequately cleaned.

(a) If the cloth used to wipe a particular section does not match the cleaning verification card, re-clean that section of the surface as directed in paragraphs F.(2)(a)(5)(ii)(B) and (a)(5)(ii)(C) of this rule, then use a new wet disposal cleaning cloth to wipe that section again. If the cloth matches the cleaning verification card, that section of the surface has been adequately cleaned.

(b) If the cloth used to wipe a particular surface section does not match the cleaning verification card after the surface has been re-cleaned, wait for one hour or until the entire surface within the work area has dried completely, whichever is longer.

(c) After waiting for the entire surface within the work area to dry, wipe each section of the surface that has not yet achieved post-renovation cleaning verification with a dry disposable cleaning cloth. After this wipe, that section of the surface has been adequately cleaned.

(iii) When the work area passes the post-renovation cleaning verification, remove the warning signs.

(2) Exteriors. A certified renovator must perform a visual inspection 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 must be eliminated and another visual inspection must be performed. When the area passes the visual inspection, remove the warning signs.

(c) Optional dust clearance testing. Cleaning verification need not be performed if the contract between the renovation firm and the person contracting for the renovation requires:

- (1) The renovation firm to perform dust clearance sampling at the conclusion of a renovation covered by this subpart.
 - (2) The dust clearance samples are required to be collected by a certified inspector, risk assessor or dust sampling technician.
 - (3) The renovation firm is required to re-clean the work area until the dust clearance sample results are below the clearance standards in paragraph A.4. of this rule.
- (d) Activities conducted after post-renovation cleaning verification. Activities that do not disturb paint, such as applying paint to walls that have already been prepared, are not regulated by this subpart if they are conducted after post-renovation cleaning verification has been performed.
- (3) Recordkeeping and reporting requirements.
- (a) Firms performing renovations must retain and, if requested, make available to the Commission all records necessary to demonstrate compliance with this subpart for a period of 3 years following completion of the renovation.
 - (b) Records that must be retained pursuant to paragraph F.(3)(a) of this rule shall include (where applicable):
 - (1) Records or reports certifying that a determination had been made ~~by a certified inspector~~ that lead-based paint ~~is~~was not present on the components affected by the renovation as described in paragraph F.(1)(a)(1) of this rule. These records or reports include:
 - (i) Reports prepared by a certified inspector or certified risk assessor.
 - (ii) Records prepared by a certified renovator after using EPA-recognized test kits, including an identification of the manufacturer and model of any test kits used, a description of the components that were tested including their locations, and the results of each test kit used.
 - (iii) Records prepared by a certified renovator after collecting paint chip samples, including a description of the components that were tested including their locations, the name and address of the NLLAP-recognized entity performing the analysis, and the results for each sample.

- (2) Signed and dated acknowledgments of receipt as described in paragraphs F.(4)(a)(1)(i), (a)(2)(i), (b)(1)(i), (c)(1)(i)(A) and (c)(1)(ii)(A) of this rule.
- (3) Certificates of attempted delivery as described in paragraphs F.(4)(a)(2)(i) and (c)(1)(ii)(A) of this rule.
- (4) Certificates of mailing as described in paragraphs F.(4)(a)(1)(ii), (a)(2)(ii), (b)(1)(ii), (c)(1)(i)(B) and (c)(I)(ii)(B) of this rule.
- (5) Records of notification activities performed regarding common area renovations, as described in paragraphs F.(4)(b)(3) and (4) of this rule, and renovations in child-occupied facilities, as described in paragraph F.(4)(c)(2) of this rule.
- ~~(6) Any signed and dated statements received from owner occupants documenting that the renovation requirements of paragraph F.2. of this rule do not apply. These statements must include a declaration that the renovation will occur in the owner's residence, a declaration that no children under 6 reside there, a declaration that no pregnant woman resides there, a declaration that the housing is not a child-occupied facility, the address of the unit undergoing renovation, the owner's name, an acknowledgement by the owner that the work practices to be used during the renovation will not necessarily include all of the lead-safe work practices contained in EPA's renovation, repair, and painting rule, the signature of the owner, and the date of signature. These statements must be written in the same language as the text of the renovation contract, if any.~~
- ~~(7)~~(6) Documentation of compliance with the requirements of paragraph F.(2) of this rule, including documentation that a certified renovator was assigned to the project, that the certified renovator provided on-the-job training for workers used on the project, that the certified renovator performed or directed workers who performed all of the tasks described in paragraph F.(2)(a). of this rule, and that the certified renovator performed the post-renovation cleaning verification described in paragraph F.(2)(b). of this rule. If the renovation firm was unable to comply with all of the requirements of this rule due to an emergency as defined in paragraph F.(1)(c) of this rule, the firm must document the nature of the emergency and the provisions of the rule that were not followed. This documentation must include a copy of the certified renovator's training certificate, a copy of the renovator's Mississippi renovator certification certificate, and a certification by the certified renovator assigned to the project that:

- (i) Training was provided to workers (topics must be identified for each worker).
- (ii) Warning signs were posted at the entrances to the work area.
- (iii) If test kits were used, that the specified brand of kits was used at the specified locations and that the results were as specified.

(iv) If paint chip samples were collected, that the samples were collected at the specified locations, that the specified NLLAP-recognized laboratory analyzed the samples, and that the results were as specified.

~~(iv)~~(v) The work area was contained by:

- (A) Removing or covering all objects in the work area (interiors).
- (B) Closing and covering all HVAC ducts in the work area (interiors).
- (C) Closing all windows in the work area (interiors) or closing all windows in and within 20 feet of the work area (exteriors).
- (D) Closing and sealing all doors in the work area (interiors) or closing and sealing all doors in and within 20 feet of the work area (exteriors).
- (E) Covering doors in the work area that were being used to allow passage but prevent spread of dust.
- (F) Covering the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater (interiors) or covering the ground with plastic sheeting or other disposable impermeable material anchored to the building extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such

ground covering, weighted down by heavy objects (exteriors).

- (G) Installing (if necessary) vertical containment to prevent migration of dust and debris to adjacent property (exteriors).

~~(v)~~(vi) Waste was contained on-site and while being transported off site.

~~(vi)~~(vii) The work area was properly cleaned after the renovation by:

- (A) Picking up all chips and debris, misting protective sheeting, folding it dirty side inward, and taping it for removal.
- (B) Cleaning the work area surfaces and objects using a HEPA vacuum and/or wet cloths or mops (interiors).

~~(vii)~~(viii) The certified renovator performed the post-renovation cleaning verification (the results of which must be briefly described, including the number of wet and dry cloths used).

~~(e) — When test kits are used, the renovation firm must, within 30 days of the completion of the renovation, provide identifying information as to the manufacturer and model of the test kits used, a description of the components that were tested including their locations, and the test results to the person who contracted for the renovation.~~

(c) When the final invoice for the renovation is delivered or within 30 days of the completion of the renovation, whichever is earlier, the renovation firm must provide information pertaining to compliance with this rule as follows:

(1) In a regulated structure:

(i) The owner of the building; and, if different,

(ii) An adult occupant of the residential dwelling, if the renovation took place within a residential dwelling, or an adult representative of the child-occupied facility, if the renovation took place within a child-occupied facility.

(2) When performing renovations in common areas of multi-unit target

housing, renovation firms must post the information required by this rule or instructions on how interested occupants can obtain a copy of this information. This information must be posted in areas where it is likely to be seen by the occupants of all of the affected units.

(3) The information required to be provided by paragraph F.(3)(c) of this rule may be provided by completing the sample form titled “Sample Renovation Recordkeeping Checklist” or a similar form containing the test kit information and the training and work practice compliance information required by paragraph F.(3)(b)(6) of this rule.

~~(d) If dust clearance sampling is performed in lieu of cleaning verification as permitted by paragraph F.2.c. of this rule, the renovation firm must provide, within 30 days of the completion of the renovation, a copy of the dust sampling report to the person who contracted for the renovation.~~

(d) If dust clearance sampling is performed in lieu of cleaning verification as permitted by paragraph F.(2)(c) of this rule, the renovation firm must provide, when the final invoice for the renovation is delivered or within 30 days of the completion of the renovation, whichever is earlier, a copy of the dust sampling report to:

(1) The owner of the building; and, if different,

(2) An adult occupant of the residential dwelling, if the renovation took place within a residential dwelling, or an adult representative of the child-occupied facility, if the renovation took place in a child-occupied facility.

(3) When performing renovations in common areas of multi-unit target housing, renovation firms must post these dust sampling reports or information on how interested occupants of the housing being renovated can obtain a copy of the report. This information must be posted by the occupants of all of the affected units.

(4) Information distribution requirements.

(a) Renovations in dwelling units. No more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must:

(1) Provide the owner of the unit with the pamphlet Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools, and comply with one of the following:

- (i) Obtain, from the owner, a written acknowledgement that the owner has received the pamphlet.
 - (ii) Obtain a certificate of mailing at least 7 days prior to the renovation.
- (2) In addition to the requirements in paragraph F.(4)(a)(1) of this rule, if the owner does not occupy the dwelling unit, provide an adult occupant of the unit with the pamphlet, and comply with one of the following:
 - (i) Obtain, from the adult occupant, a written acknowledgement that the occupant received the pamphlet; or certify in writing that a pamphlet has been delivered to the dwelling and that the renovator has been unsuccessful in obtaining a written acknowledgement 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 persons delivering the pamphlet, reason for lack of acknowledgement (e.g., occupant refuses to sign, no adult occupant available), the signature of the renovator, and the date of signature.
 - (ii) Obtain a certificate of mailing at least 7 days prior to the renovation.
- (b) Renovations in common areas. No more than 60 days before beginning renovation activities in common areas of multi-unit target housing, the firm performing the renovation must:
 - (1) Provide the owner with the pamphlet Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools, and comply with one of the following:
 - (i) Obtain, from the owner, a written acknowledgement that the owner has received the pamphlet.
 - (ii) Obtain a certificate of mailing at least 7 days prior to the renovation.
 - (2) Comply with one of the following:
 - (i) 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 renovation activities; the expected starting and ending dates; and a statement of how the occupant can obtain the pamphlet, and a copy of the records required by paragraphs F.(3)(c) and F.(3)(d) of this rule, at no charge to the occupants, from the firm performing the renovation, or

- (ii) While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the occupants of all the affected units. The signs must 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 renovation firm at no cost to occupants. The signs must also include information on how interested occupants can review a copy of the records required by paragraphs F.(3)(c) and F.(3)(d) of this rule or obtain a copy from the renovation firm at no cost to the 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 planned renovation activities change after the initial notification, and the firm provided written initial notification to each affected unit, the firm performing the renovation must provide further written notification to the owners and occupants providing revised information on the ongoing planned activities. This subsequent notification must be provided before the firm performing the renovation initiates work beyond that which was described in the original notice.
- (c) Renovations in child-occupied facilities. No more than 60 days before beginning renovation activities in any child-occupied facility, the firm performing the renovation must:
- (1) ~~(i)~~ Provide the owner of the building with the pamphlet *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools*, and comply with one of the following:

- (A*i*) Obtain, from the owner, a written acknowledgement that the owner has received the pamphlet.
 - (B*ii*) Obtain a certificate of mailing at least 7 days prior to the renovation.
- (#2) If the operator of a 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*i*) Obtain, from the adult representative, a written acknowledgement that the adult representative has received the pamphlet; or certify in writing that a pamphlet has been delivered to the facility and that the firm performing the renovation has been unsuccessful in obtaining a written acknowledgement from an adult representative. Such certification must 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 acknowledgment (e.g., representative refuses to sign), the signature of a representative of the firm performing the renovation, and the date of signature.
 - (B*ii*) Obtain a certificate of mailing at least 7 days prior to the renovation.
- (23) 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 and the anticipated completion date and information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the records required by paragraphs F.(3)(c) and F.(3)(d) of this rule or obtain a copy from the renovation firm at no cost to the occupants by complying with one of the following:
- (i) Mail or hand-deliver the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility; or
 - (ii) While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or guardians of children frequenting the child-occupied facility can review a copy of the pamphlet or

obtain a copy from the renovation firm at no cost to the parents or guardians. The signs must also include information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the records required by paragraphs F.(3)(c) and F.(3)(d) of this rule or obtain a copy from the renovation firm at no cost to the parents or guardians.

(34) The renovation firm must prepare, sign, and date a statement describing the steps performed to notify all parents and guardians of the intended renovation activities and to provide the pamphlet.

(d) Written acknowledgment. The written acknowledgements required by paragraphs F.(4)(a)(1)(i), (a)(2)(i), (b)(1)(i), (c)(1)(i)(A), and (c)(1)(ii)(A) of this rule must:

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

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

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

G. *Collection and Laboratory Analysis of Samples.* Any paint chip, dust, or soil samples collected pursuant to the work practice standards contained in this ~~section~~ **rule** shall be:

(1) Collected by persons certified by the Commission as an inspector, risk assessor, or dust sampling technician; and

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

H. *Composite Dust Sampling.* Composite dust sampling may only be conducted in the situations specified in paragraphs C. through E. of this rule. If such sampling is conducted, the following conditions shall apply:

(1) Composite dust samples shall consist of at least two subsamples;

- (2) Every component that is being tested shall be included in the sampling; and
- (3) Composite dust samples shall not consist of subsamples from more than one type of component.

I. *Recordkeeping.* All reports or plans required in this rule shall be maintained by the certified firm or individual who prepared the report for a minimum of 3 years. The certified firm or individual also shall provide copies of these reports to the building owner who contracted for its services and the occupant of the building.

J. *Project Notifications.*

- (1) **General Provision.** The Department shall be notified in writing on a form provided by the Department of any lead-based paint abatement or renovation activity in target housing or child-occupied facility no less than six (6) working days prior to commencement of the activity. Abatement or renovation notifications involving one or more units at the same address may be submitted on a single notification form; however, only one address per each notification form submitted to the Department. The Department notification form must be filled out completely and properly. Blanks which do not apply shall be marked "N/A". The designation of "N/A" will not be accepted for references requiring identification of the work site, building description, building owner, abatement and ~~transportation~~ renovation companies, and individuals required to be identified on the notification form. An original signature is required of the certified firm's owner or an authorized agent of the firm on each notification form. A copied signature is not acceptable. The notification shall be considered invalid if it does not contain an original signature.
- (2) **Responsibility.** It is the responsibility of the certified firm's owner or an authorized agent of the firm to notify the Department under this ~~section~~ rule.
- (3) **Timeliness of Notification.** Written notifications of lead-based paint abatement or renovation activity must be hand delivered, express mailed, or postmarked at least six (6) working days (not calendar days) before the start of lead-based paint abatement or renovation. Notifications must be delivered by United States Postal Service, commercial delivery, or by hand delivery. Telephone facsimile (FAX) is not permitted. The start date is considered to be the date when lead-based paint abatement or renovation begins.
- (4) **Start-Date Change to Later Date.** When lead-based paint abatement or renovation activity will begin later than the date contained in the notice, the certified firm's owner or an authorized agent of the firm shall:
 - (a) Notify the Department of the changed start date by telephone as soon as possible but prior to the original start date. An amended notification is required in writing immediately following the foregoing notification; and

- (b) Provide the Department with a written notice of the new start date as soon as possible, but no later than the original start date. Delivery of the updated notice by the United States Postal Service, commercial delivery service, ~~or~~ hand delivery, or electronically is acceptable.
- (5) Start-Date Change to Earlier Date. When lead-based paint abatement or renovation will begin on a date earlier than the date contained in the notice, the certified firm's owner or an authorized agent of the firm shall provide the Department with a written notice of the new start date at least six working days before the start of work.
- (6) Start-Date/Stop-Date (completion date) requirement. In no event shall lead-based paint abatement or renovation activity, as covered by this rule, begin or be completed on a date other than the date contained in the written notice. Amendments to start date changes are to be submitted as required in J.(4) and J.(5) of this rule. An amendment is required for any stop dates which change by more than one work day for each week (seven calendar day period) for which the project has been scheduled and notification submitted. The certified firm shall provide schedule changes to the Department no less than 24 hours prior to the change or completion of the project. Emergency notification can be confirmed with the Department telephonically and followed up in writing.
- (7) Provision for Emergency. In the event lead-based paint abatement or renovation activity is required due to an unexpected or unplanned lead-based paint incident, notification shall be made as soon as practicable, but not later than the following work day after the occurrence of the incident. Initial notification can be made by telephone, followed by formal notification on the Department's notification form. Emergencies shall be documented to the extent that the need for the emergency is evident. An emergency lead-based paint abatement or renovation activity means a lead-based paint abatement or renovation activity that was not planned, but results from a sudden, unexpected event which if not immediately attended to, presents a public health or safety hazard, and is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden. This term includes activities necessitated by non-routine failures of equipment. This term does not include immediate abatement or renovation work solely from a lack of adequate planning for foreseeable lead-based paint abatement activity.
- (8) Lead-based Paint Abatement ~~and Renovation~~ Notification Fees. ~~(a) Applicability.~~ The certified firm's owner or an authorized agent of the firm shall remit to the Department a fee that is based on each individual and separate residential dwelling or multi-family dwelling or child-occupied facility at the same address to be abated or renovated as listed in this paragraph. Current fees are listed on the Department's schedule of fees for lead-based paint activities.

K. Lead-Based Paint Activities Requirements.

Lead-based paint activities, as defined in these regulations, shall only be conducted according to the procedures and work practice standards contained in this rule. No individual or firm may offer to perform or perform any lead-based paint activity as defined in these regulations, unless certified to perform that activity according to the procedures in Rule 9.4.

Source: Miss. Code Ann. §§ 49-17-501, et seq., 49-2-1, et seq. and 49-17-1, et seq.

Rule 9.6 Compliance Monitoring and Enforcement.

A. *Compliance Inspections and Investigations*

- (1) The Department may inspect or investigate the practices of any person involved in lead-based paint activities in target housing or child-occupied facilities as defined in these rules.
- (2) Advance notice of inspections or investigations by the Department is not required.
- (3) Department representatives shall not be impeded or refused entry in the course of their official duties in accordance with these regulations by reason of any regulatory or contractual specification.
- (4) All persons engaged in lead-based paint activities must have the Commission-issued certificate or required training records present at the worksite.

B. *Enforcement - Penalties, Reprimands, Suspensions, Revocation of Certificates, Proceedings and Hearings before the Commission and Appeals.*

Penalties, reprimands, suspensions and revocations of certificates shall be governed by Section 49-17-529, Mississippi Code Annotated. All proceedings and hearings before the Commission regarding violations of Section 49-17-501, et seq. Mississippi Code Annotated, or any rule or regulation, written order of the Commission, emergency order of the Executive Director or certificates issued or renewed by the Commission pursuant to Section 49-17-501, et seq., Mississippi Code Annotated and all appeals therefrom shall be conducted in accordance with Section 49-17-31 through 49-17-41, Mississippi Code Annotated.

C. *Severability.*

If any rule, paragraph, subparagraph, provision, section, subsection, sentence, clause or phrase of any of these regulations, or the application of same to any person or set of circumstances is for any reason challenged or held to be invalid or void, the validity of the remaining regulations and/or portions thereof or their application to other persons or sets of circumstances shall not be affected thereby.

Source: Miss. Code Ann. §§ 49-17-501, et seq., 49-2-1, et seq. and 49-17-1, et seq.