

VIRGINIA LEAD-BASED PAINT ACTIVITIES REGULATIONS

CHAPTER 30.

VIRGINIA LEAD-BASED PAINT ACTIVITIES REGULATIONS.

PART I.

SCOPE.

18 VAC 15-30-10. Scope.

This chapter contains procedures and requirements for the accreditation of lead-based paint activities training programs *and providers*, procedures and requirements for the ~~certification~~ *licensure* of individuals and firms engaged in lead-based paint activities *in target housing and child-occupied facilities*, and standards for performing such activities. This chapter is applicable to all individuals and firms who are engaged in lead-based paint activities as defined in 18 VAC 15-30-20, except persons who perform these activities within residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being conducted *or a child residing in the building has been identified as having an elevated blood-lead level*.

PART II.

DEFINITIONS AND GENERAL REQUIREMENTS.

18 VAC 15-30-20. Definitions.

The following words and terms, when used in this chapter, shall have the following ~~meaning~~ *meanings* unless the context clearly indicates otherwise:

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"Abatement" or "abatement project" means any measure or set of measures designed to eliminate ~~[with the expressed purpose of reducing or to]~~ permanently ~~[eliminating eliminate]~~ lead-based paint ~~[or lead-based paint]~~ hazards in accordance with standards proposed by the United States Environmental Protection Agency under Title IV of TSCA. Such term

1. "Abatement" includes, but is not limited to:

~~1. a.~~ The removal of ~~[lead-based] paint~~~~[-lead-contaminated soil]~~ and ~~[lead-contaminated] dust~~, the ~~[permanent containment enclosure]~~ or encapsulation of lead-based paint, the replacement of ~~[lead-painted painted]~~ surfaces or fixtures, ~~[and] the removal or [covering of lead-contaminated or the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust or] soil;~~; and

~~2. b.~~ All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures. ~~Abatement shall be presumed for projects:~~

~~a.~~ For which there is a written contract stating that a firm will be conducting activities in or to a dwelling unit that will eliminate lead-based paint hazards.

~~b.~~ Involving the elimination of lead-based paint or lead-contaminated soil.

~~c.~~ Involving the elimination of lead-based paint or lead-contaminated soil and conducted by firms or individuals who, through their company name, promotional literature, or otherwise advertise or hold themselves out to be a certified firm.

~~3.~~ Abatement shall include activities where an inspection has determined that lead-based paint is present and that sanding, scraping or abrading of lead-contaminated surfaces is likely to occur.

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2. Specifically, "abatement" includes, but is not limited to:

a. Lead-based paint activities for which there is a written contract or other documentation that provides that an individual or firm will be conducting activities in or to a residential dwelling or child-occupied facility that:

(1) Shall result in the permanent elimination of lead-based paint hazards; or

(2) Are designed to permanently eliminate lead-based paint hazards and are described in subdivision 1 of this definition;

b. Lead-based paint activities resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals licensed in accordance with this chapter, unless such projects are covered by subdivision 3 of this definition;

c. Lead-based paint activities resulting in the permanent elimination of lead-based paint hazards, unless such projects are covered by subdivision 3 of this definition; or

d. Lead-based paint activities resulting in the permanent elimination of lead-based paint hazards that are conducted in response to state or local abatement orders.

4. 3. Abatement does not include renovation ~~and~~, remodeling, ~~or~~ landscaping or other activities ~~whose primary intent is~~ when such activities are not designed to permanently eliminate lead-based paint hazards, but ~~is~~ instead are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction ~~in~~ or elimination of lead-based paint hazards. 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. Furthermore, federally

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assisted housing and community development programs conducted in compliance with the U.S. Department of Housing and Urban Development Lead-Safe Final Rule 24 CFR Part 35 shall be considered to meet the requirements of this chapter.

"Accredited lead training program" means a ~~course of instruction which~~ training program that has been approved by the ~~department~~ board to provide training for individuals ~~pertinent to~~ engaged in lead-based paint activities.

"Accredited lead training provider" means a firm, individual, state or local government, or nonprofit training program that has met the requirements of this chapter and has been approved by the board to offer an accredited lead training program.

"Applicant" means any person, ~~as defined by § 54.1-500 of the Code of Virginia, in this chapter~~ who has applied for but has not been granted an interim ~~certification~~ license, a ~~certification~~ license or approval as an accredited lead training program [~~or~~ , approval as an accredited lead training] provider [or approval as a training manager or principal instructor] by the ~~department~~ board.

"Area" means a portion of a unit such as a room, closet, pantry, hall, or portion of a room (such as the dining area of a kitchen/dining room).

~~"Available" means reachable by telephone, either directly or through a pager or answering service, at all times when abatement activities are being conducted and able to be present at the work site in no more than two hours.~~

"Board" means the Virginia Board for Asbestos ~~and~~, Lead, and Home Inspectors.

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~~"Certified contractor" means a firm which has been issued an authorization by the department permitting the firm to enter into contracts to perform abatement activities.~~

~~"Certified inspector/risk assessor for target housing and public buildings" means an individual who has been issued a certification by the department to perform inspections and risk assessments for target housing and public buildings.~~

~~"Certified inspector technician for target housing and public buildings" means an individual who has been issued a certification by the department to perform inspections in target housing and public buildings.~~

~~"Certified lead worker for commercial buildings and superstructures" means an individual who has been issued a certification by the department to perform deleading, lead removal, and demolition activities under the supervision of a certified supervisor on commercial buildings and superstructures.~~

~~"Certified lead worker for target housing and public buildings" means an individual who has been issued a certification by the department to perform deleading, lead removal, and demolition activities under the supervision of a certified supervisor on target housing and public buildings.~~

~~"Certified planner/project designer for target housing and public buildings" means an individual who has been issued a certification by the department to plan and design abatement projects in target housing and public buildings.~~

~~"Certified supervisor for commercial buildings and superstructures" means an individual who has been issued a certification by the department to supervise lead based paint abatement, to~~

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~~identify the presence of lead-based paint, and to design abatement projects on commercial and superstructures.~~

~~"Certified supervisor for target housing and public buildings" means an individual who has been issued a certification by the department to supervise lead-based paint abatement projects on target housing and public buildings, and to design abatement projects involving fewer than 10 units on target housing and public buildings.~~

~~"Child-occupied facility" means a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, six 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 three hours and the combined weekly visit lasts six 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.~~

~~"Clearance levels" means values that indicate the maximum amount of lead permitted in dust on a surface following completion of an abatement activity [as identified by EPA, pursuant to Toxic Substances Control Act (TSCA) section 403].~~

~~"Commercial building" means any building used primarily for commercial or industrial activity, which is generally not open to the public, or occupied or visited by children including, but not limited to, warehouses, factories, storage facilities, aircraft hangers, garages, and wholesale distribution facilities.~~

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

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"Component or building component" means specific design or structural elements or fixtures of a building or residential dwelling *or child-occupied facility* which 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, ~~and~~ 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, facias, 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, casings, sashes ~~and~~ wells, *stools and troughs*~~[, and air conditioners]~~.

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

"Course agenda" means an outline of the key topics to be covered during a training course, including the time allotted to teach each topic.

"Course test" means an evaluation of the overall effectiveness of the training which shall test the trainees' knowledge and retention of the topics covered during the course.

"Course test blue print" means written documentation ~~of~~ identifying the proportion of course test questions devoted to each major topic in the course curriculum.

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~~"Deleading" means activities conducted by a person who offers to eliminate lead-based paint or lead-based paint hazards or to plan such activities in commercial buildings, bridges, or other structures or superstructures.~~

~~"Demolition" means the act of pulling down or destroying any building or structure.~~

"Department" means the Department of Professional and Occupational Regulation or any successor agency.

"Deteriorated paint" means paint ~~which~~ that is cracking, flaking, chipping, or peeling or otherwise separating from a the [~~underlying~~ substrate] building component.

"Discipline" means one of the specific types or categories of lead-based paint ~~activity~~ ~~enumerated~~ activities established in this chapter for which individuals must receive training from accredited lead training providers, as defined in this chapter, and become ~~certified~~ licensed by the ~~department~~ board. For example, "lead abatement worker ~~in commercial buildings and superstructures~~" is a discipline.

"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 ~~of a~~ ~~building structure~~ or room.

"Documented methodologies" means methods or protocols used to sample for the presence of lead in paint, dust, and soil.

"Elevated blood-lead level (EBL)" means an excessive absorption of lead that is a confirmed concentration of lead in whole blood of 20 µg/dl (micrograms of lead per deciliter of whole

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blood) for a single venous test or of 15-19 µg/dl in two consecutive tests taken three to four months apart.

"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.

"Encapsulation" means ~~a process that makes lead based paint inaccessible, by providing a barrier between the lead based paint and the environment, with this barrier being formed using a liquid applied coating or an adhesively bonded material, and when the primary means of attachment is by the bonding of the product to the surface either by itself or through the use of an adhesive. This excludes painting unless abrasive surface preparation is performed~~ the application of an encapsulant.

"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.

["Environmental remediation activity" means any activity planned or carried out for the purpose of reducing or eliminating any environmental hazard, including activities necessary to train individuals in the proper or lawful conduct of such activities, which are regulated by federal or state law or regulation.]

"EPA" means the United States Environmental Protection Agency.

"Financial interest" means financial benefit accruing to an individual or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the

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ownership exceeds 3.0% of the total equity of the business; (ii) annual gross income that exceeds, or may be reasonably anticipated to exceed[?] \$1,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or a combination thereof, paid or provided by a business that exceeds or may reasonably be expected to exceed \$1,000 annually; or (iv) ownership of real or personal property if the interest exceeds \$1,000 in value.

"Firm" means any company, partnership, corporation, sole proprietorship, association, or other business entity.

"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.

"Hands-on skills assessment" means an evaluation ~~which~~ that tests the trainees' ability to satisfactorily perform ~~specified~~ the work practices and procedures ~~satisfactorily~~ identified in this chapter, as well as any other skills taught in a training course.

"Hazardous waste" means any waste as defined in 40 CFR 261.3.

~~*"Historical records" means documentation which identifies the material make up (including brand, color type, lead content) and dates of application of paint and other surface coatings used in target housing, public and commercial buildings, and superstructures.*~~

"HUD" means the United States Department of Housing and Urban Development.

"Individual" means a single human being, not a firm or other group or organization.

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"Initial course" or "~~initial training program~~" means the course of instruction established by this chapter to prepare an individual for ~~certification~~ licensure in a single discipline.

"Inspection" means a surface-by-surface investigation ~~for~~ to determine the presence of lead-based paint ~~conducted by a certified inspector technician or inspector/risk assessor according to the procedures in this chapter~~ and the provision of a report explaining the results of the investigation.

~~*"Interim certification"* means an authorization issued by the department to an individual who has applied to the department and been found qualified but has not passed the required examination.~~

"Interim controls" means a set of measures designed to ~~reduce~~ 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.

"Interim license" means the status of an individual who has successfully completed the appropriate training program in a discipline from an accredited lead training provider, as defined by this chapter, and has applied to the board, but has not yet received a formal license in that discipline from the board. Each interim license expires six months after the completion of the training program, and is equivalent to a license for the six-month period.

~~*"Lead-containing substance"* means any coating, paint, plaster or surface encapsulation material containing more than 0.5% lead by weight of dry film or more than one milligram of~~

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~~lead per square centimeter of dry film, or other materials meeting standards that are consistent with applicable federal regulations. (NOTE: OSHA regulations may have a different standard.)~~

"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.

"Lead-based paint activities" means (i) ~~in the case of target housing,~~ risk assessment, inspection, ~~planning,~~ project ~~designing~~ design and abatement and (ii) ~~in the case of any public building constructed before 1978, commercial building, bridge, or other structure or superstructure, identification of lead-based paint and materials containing lead-based paint, deleading, removal of lead from bridges, and demolition~~ as defined in this chapter that affects or relates to target housing and child-occupied facilities.

"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 EPA, pursuant to Toxic Substances Control Act (TSCA) section 403.

~~"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 EPA, pursuant to TSCA section 403.~~

~~"Lead-contaminated soil" means bare soil on residential or real property and on the property of a child-occupied real property facility that contains lead at or in excess of the levels determined to be hazardous identified by EPA, pursuant to Toxic Substances Control Act (TSCA) section 403.]~~

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"Lead-hazard screen" means a limited risk assessment activity that involves limited paint and dust sampling as defined in this chapter.

"Licensed lead abatement supervisor" or "lead supervisor" means an individual who has met the requirements of this chapter, and has been licensed by the board to supervise and conduct abatements, and to prepare occupant protection plans and abatement reports.

"Licensed lead abatement worker" or "lead worker" means an individual who has met the requirements of this chapter and has been licensed by the board to perform abatements under the supervision of a licensed lead supervisor.

"Licensed lead inspector" or "lead inspector" means an individual who has met the requirements of this chapter, and has been licensed by the board to conduct lead inspections. A licensed inspector may also sample for the presence of lead in dust and soil for the purposes of abatement clearance testing.

"Licensed lead abatement contractor" or "lead contractor" means a firm that has met the requirements of this chapter, and has been issued a license by the board to perform [~~lead-based paint activities~~ lead abatements].

"Licensed lead project designer" or "lead project designer" means an individual who has met the requirements of this chapter, and has been licensed by the board to prepare abatement project designs, occupant protection plans, and abatement reports.

"Licensed lead risk assessor" or "lead risk assessor" means an individual who has met the requirements of this chapter, and has been licensed by the board to conduct lead inspections

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and risk assessments. A licensed risk assessor may also sample for the presence of lead in dust and soil for the purposes of abatement clearance testing.

["Licensee" means any person, as defined by § 54.1-500 of the Code of Virginia, who has been issued and holds a currently valid license as a lead abatement worker, lead abatement supervisor, lead inspector, lead risk assessor, lead project designer, or lead abatement contractor under this chapter.]

"Living area" means ~~areas~~ any area of a ~~target housing unit most often frequented~~ residential dwelling used by one or more children ~~under the age of~~ six and under, including, but not limited to, living rooms, kitchen areas, dens, play rooms, and children's bedrooms.

"Multi-family dwelling" means target housing that contains more than one separate residential dwelling unit, in which one or more units 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.

"OSHA" means the ~~U.S.~~ United States Department of Labor, Occupational Safety and Health Administration.

"Paint in poor condition" means more than ten square feet of deteriorated paint on exterior components with large surface areas; or more than two square feet of deteriorated paint on interior components with large surface areas (e.g., walls, ceilings, floors, doors); or more than ten percent of the total surface area of the component is deteriorated on the interior or exterior components with small surface area (e.g., window sills, baseboards, soffits, trim).

"Permanently covered soil" means soil that has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable material, such as pavement

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or concrete. Grass, mulch and other landscaping materials are not considered permanent covering.

"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.

~~*"Personal protection equipment (PPE)" means specialized clothing and equipment including, but not limited to, respirators, masks and gloves designed to protect workers against chemical and physical hazards.*~~

"Principal instructor" means the individual who has the primary responsibility for organizing and delivering teaching a particular course.

"Project design" means any descriptive form written as instructions or drafted as a plan describing the construction or set-up of a lead abatement project area and work practices to be utilized during the lead abatement project.

~~*"Public building" means any building constructed prior to 1978, except target housing, which is generally open to the public or occupied or visited by children including, but not limited to, schools, daycare centers, museums, airport terminals, hospitals, stores, restaurants, office buildings, convention centers, and government buildings.*~~

"Recognized laboratory" means any environmental laboratory recognized by the EPA as being capable of performing an analysis for lead compounds in paint, soil, and dust.

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

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~~["Regulant" means any person, as defined by § 54.1-500 of the Code of Virginia, who is has been issued a certification and holds a currently valid license or an approval by the board as an accredited lead training program or accredited lead training provider under this chapter.]~~

"Refresher course" or "refresher training program" means the course of *accredited* instruction established by this chapter which must be periodically completed *as set out in this chapter* to maintain an individual's ~~certification~~ *license* in a single discipline.

"Residential dwelling" means (i) *target housing that is a detached* single-family dwelling, including attached structures such as porches and stoops or (ii) *target housing that is 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 individuals.*

~~"Risk assessment" means (i) an on-site investigation conducted by a certified inspector/risk assessor according to the procedures in this chapter to determine the existence, nature, severity and location of lead-based paint hazards, and (ii) the provision to the property owner/occupant of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and providing options for reducing lead-based paint hazards with a rationale for those options.~~

~~"Room" means an enclosed or semi-enclosed living space within a unit or dwelling unit.~~

~~"Student T test" means a statistical analysis used to determine if the difference between pre- and post-abatement soil lead levels are significantly different from each other.~~

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~~"Superstructure" means a large steel or other industrial structure including, but not limited to, bridges or water towers which may contain lead-based paint.~~

~~"Target housing" means any housing constructed prior to 1978[,] except for. [Housing except for housing] for the elderly or, [housing for or] persons with disabilities [(unless any one or more children age six years or under resides or is expected to reside in such housing for the elderly or persons with disabilities)] or any zero-bedroom dwelling [is not subject to these regulations, (unless any a child who is less than six years of age or under resides in or is expected to reside in such housing] for the elderly or persons with disabilities) or any 0-bedroom dwelling.~~

~~"Training curriculum" means an established set of course topics that provide specialized knowledge and skills that must be taught for instruction in an accredited lead training program for a particular discipline designed to provide specialized knowledge and skills.~~

~~"Training hour" means the number of hours spent in training activities in an accredited training program at least 50 minutes of actual instruction, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.~~

~~"Training manager" means the individual responsible for administering a training program and monitoring the performance of the principal instructors, work practice instructors, and guest instructors.~~

~~"Train-the-trainer course" means a 40-hour or longer course of study which provides instruction in the planning and teaching of adult education courses.~~

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"TSCA" means the federal Toxic Substances Control Act, 15 USC § 2601 et seq.

~~"Unit" means a room or connected group of rooms used or intended to be used by a single tenant or owner.~~

~~"Visual inspection for clearance testing" means the visual examination of the abatement site a residential dwelling or a child-occupied facility following an abatement action for evidence that to determine whether the abatement has been successfully completed as indicated by the absence of visible residue, dust and debris.~~

~~"Visual inspection for risk assessment" means the visual examination of a unit residential dwelling or a child-occupied facility to locate determine the existence of deteriorating deteriorated lead-based paint or other potential sources of lead-based paint hazards.~~

~~["Window sill" means the portion of the horizontal window ledge that protrudes into the interior of the room and is adjacent to the window sash when the window is closed.~~

~~"Window stool" means the flat, horizontal molding fitted over the window sill, on the window interior, between jambs, which comes in contact with the bottom of the rail of the lower operating sash and the window sill.~~

~~"Window well" means the portion of the horizontal window sill that receives the window sash when the window is closed, often located between the storm window and the interior window sash.]~~

~~"Work practice instructor" means the individual who is responsible for teaching particular skills in a specific course.~~

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18 VAC 15-30-30. Certification ~~Licensure~~ required.

A. ~~It shall be unlawful for any~~ *Each* person, ~~as defined by § 54.1-500 of the Code of Virginia,~~
~~to engage who engages in or offer offers to engage in any lead-based paint activities as defined~~
~~in 18 VAC 15-30-20 without first possessing a valid certification issued by activity shall first~~
obtain a license from the department board.

B. All ~~certifications~~ *licenses* must be specific for the discipline being performed.

C. The ~~department~~ *board* shall issue a ~~certification~~ *license* as a lead abatement firm, *lead*
abatement supervisor, *lead abatement* worker, *lead* inspector ~~technician, inspector/~~ *lead* risk
assessor, or ~~planner/~~ *lead* project designer to any person who applies and meets the
qualifications specified in this chapter *and who is not otherwise in violation of this chapter.*

18 VAC 15-30-40. Accreditation required.

A. ~~It shall be unlawful for any~~ *Each* person, ~~as defined by § 54.1-500 of the Code of Virginia,~~
~~to provide who provides a training program or offer offers to provide a training program for~~
any discipline of lead-based paint activity ~~without shall first possessing an interim approval or~~
obtain an approval from the department board as an accredited lead training program provider.

B. Accredited *lead* training ~~programs~~ *providers* shall offer and provide ~~only~~ *training only* for
the disciplines for which they are approved.

C. The ~~department~~ *board* shall approve an accredited *lead* training program[, training manager
and principal instructor] for any firm which applies and meets the qualifications specified in
this chapter *and who is not otherwise in violation of this chapter.*

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18 VAC 15-30-41. Waiver of the requirements of this chapter.

Except as required by law, the board may, in its reasonable discretion, waive any of the requirements of this chapter when in its judgment it finds that the waiver in no way lessens the protection provided by this chapter and Title 54.1 of the Code of Virginia to the public health, safety and welfare. The burden of proof that demonstrates continued public protection rests with the party requesting the waiver. Documents referenced are in effect as they existed as of the date the act or action has occurred.

PART III.

APPLICATION AND RENEWAL REQUIREMENTS.

18 VAC 15-30-50. General.

A. ~~Individuals and firms~~ *Each person* desiring to be issued a ~~certification~~ license or accreditation shall apply on forms ~~supplied~~ provided by the department. ~~All requests for applications should be directed to:~~

~~Assistant Director~~

~~Virginia Board for Asbestos and Lead~~

~~Virginia Department of Professional and Occupational Regulation~~

~~3600 West Broad Street~~

~~Richmond, Virginia 23230-4917~~

B. Individual applicants shall be at least 18 years of age.

C. ~~The~~ *Each* application shall be completed according to the instructions provided with the application form and shall be accompanied by the fee established in 18 VAC 15-30-160.

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Incomplete applications ~~will be returned to the applicant;~~ fees shall not be *processed by the board. Application fees pay the board's costs to evaluate applications and shall not be* refunded.

D. The applicant shall disclose the following information about himself in the case of an individual, or about the firm and every member of the responsible management of the firm in the case of a firm:

1. A conviction in any jurisdiction of any felony.
2. A conviction in any jurisdiction of any misdemeanor~~[involving lying, cheating and stealing, or of any misdemeanor for activities carried out while engaged in the practice of environmental remediation].~~
3. Any disciplinary action taken in another jurisdiction in connection with the applicant's environmental remediation practice including, but not limited to, monetary penalties, fines, suspension, revocation, or surrender of a license in connection with a disciplinary action.
4. Any current or previously held [environmental remediation] certifications, *accreditations or licenses* issued by Virginia or any other jurisdiction.

Subject to the provisions of § 54.1-204 of the Code of Virginia, the board may deny any application for ~~certification licensure or accredited accreditation as a lead training program~~ provider when any of the parties listed in this subsection ~~has~~ have been convicted of any offense listed in this subsection or has been the subject of any disciplinary action listed in subdivision 3 of this subsection. Any plea of nolo contendere shall be considered a conviction for the purposes of this subsection. ~~The record of a conviction or a disciplinary action~~

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~~authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted or disciplined~~ A certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order shall be admissible as prima facie evidence of such conviction or discipline.

~~E. Incomplete applications shall be returned without action by the department. Application fees pay the department's costs to evaluate applications and shall not be refunded.~~

~~F. The~~ E. Each applicant shall disclose his physical address for all licenses or accreditations. A post office box shall not be acceptable.

~~G. F.~~ The receipt of an application and the deposit of fees in no way indicates by the board does not indicate approval by the ~~department~~ board.

G. Training requirements shall be verified by submittal to the board of the training certificate issued by the accredited lead training provider for that course.

H. Education requirements shall be verified by submittal to the board on the Education Verification Form sent directly from the school.

I. Experience requirements shall be verified by resumes, letters of reference, or documentation of work experience.

J. All persons seeking licensure or accreditation by the board shall have all necessary occupational or professional licenses as required by Virginia statute and local ordinance to transact the business of their profession and shall meet the requirements of this chapter.

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~~18 VAC 15-30-60. Entry requirements for lead worker and planner/project designer.~~
(Repealed.)

~~Each applicant for lead worker and planner/project designer in target housing and public buildings and lead worker in commercial buildings and superstructures shall submit a completed application and a certification issued by a department approved accredited training program documenting successful completion of all training as required in Part IV (18 VAC 15-30-170 et seq.) of this chapter.~~

~~18 VAC 15-30-70. Entry requirements for lead supervisor, inspector technician and inspector/risk assessor.~~ *(Repealed.)*

~~Each applicant for lead supervisor, inspector technician and inspector/risk assessor in target housing and public buildings and lead supervisor in commercial buildings and superstructures shall submit a completed application and documentation verifying experience and education as required in Part IV (18 VAC 15-30-170 et seq.) of this chapter in the following manner:~~

- ~~1. Education requirements shall be verified by the applicant's educational institution through an official transcript.~~
- ~~2. Experience requirements shall be verified as meeting the work experience requirements of this chapter through a letter describing the tasks performed signed by the employer or employers where the experience was obtained, a letter of reference from individuals with competent knowledge of the applicant's experience, copies of inspection reports prepared by the applicant, or a copy of a certification issued by another jurisdiction whose experience requirements are substantially equivalent to those required by this chapter.~~

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~~3. Lead specific training courses shall be verified through a certificate issued by a department accredited training program.~~

~~4. Other forms of verification may be considered when it is impossible to obtain the above required documents. In no case shall a diploma be accepted for verification of education.~~

18 VAC 15-30-80. Entry requirements for certified contractors. (Repealed.)

~~Each applicant for certified contractor shall have all occupational and professional licenses as required by Virginia statute and local ordinance to transact the business of a lead abatement contractor and shall meet the requirements established by 18 VAC 15-30-250.~~

18 VAC 15-30-90. Entry requirements for accredited training programs. (Repealed.)

~~Lead training providers shall have all occupational or professional licenses as required by state statute and local ordinance to transact the business of a training provider and shall meet the requirements of Parts VI (18 VAC 15-30-260 et seq.), VII (18 VAC 15-30-330 et seq.) and VIII (18 VAC 15-30-440 et seq.) of this chapter.~~

18 VAC 15-30-100. Expiration.

A. ~~Interim certifications licenses shall expire six months after the date of completion of the department from the last day of the month during which the individual completed the board approved initial or refresher accredited lead training program required by Part IV (18 VAC 15-30-170 et seq.) of this chapter and shall not be renewable regardless of the date on which the board received the application for initial licensure or the date the board issued the license.~~

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B. ~~The board may extend the expiration date of interim certifications for up to an additional six months if the required examination is not available.~~ *Interim licenses shall not be renewed or extended.*

C. Individual ~~certifications~~ *licenses* shall expire 12 months from the last day of the month wherein the *individual completed the* initial training program or refresher training program required by Part IV (18 VAC 15-30-170 et seq.) of this chapter ~~was completed~~, regardless of the date on which the *board received the* application for individual ~~certification was received~~ *licensure* or the date the ~~certification was~~ *board issued by the department license*. In no case shall an individual ~~certification~~ *license* expire later than the last day of the month which is 36 months after the date *the individual completed* the initial training program or most recent refresher training program ~~was completed~~.

D. Contractor ~~certifications~~ *licenses* shall expire 12 months from the last day of the month wherein issued.

E. Accredited *lead training program programs* approval shall expire 24 months from the last day of the month in which ~~interim approval or the board granted~~ approval ~~by the department was granted~~.

18 VAC 15-30-110. Refresher training and individual ~~certification~~ license renewal.

A. [~~Regulants~~ Licensees] desiring to maintain an individual ~~certification~~ *license* shall satisfactorily complete the refresher training program established by this chapter and assure that the ~~department~~ *board* receives documentation of satisfactory completion no later than *the last day of the month that is* 36 months after the date of completion of the initial training program or refresher training program established by Part IV (18 VAC 15-30-170 et seq.) of this chapter

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and not less often than once each 36 months thereafter. *In the case of a proficiency-based course completion, refresher training is required every 60 months instead of 36 months.*

B. The ~~department~~ board shall renew an individual ~~certification~~ license for an additional 12 months upon receipt of a renewal application and fee in compliance with 18 VAC 15-30-140 and 18 VAC 15-30-160, provided that the [~~regulant~~ licensee] has complied with subsection A of this section. In no case shall an individual ~~certification~~ license expire later than the last day of the month ~~which~~ that is 36 months, or in the case of proficiency-based course 60 months, after the initial training program or most recent refresher training program was completed.

18 VAC 15-30-120. ~~Certified~~ Licensed contractor renewal.

The ~~department~~ board shall renew a contractor ~~certification~~ license for an additional 12 months upon receipt of a renewal application and the renewal fee in compliance with 18 VAC 15-30-140 and 18 VAC 15-30-160.

18 VAC 15-30-130. Accredited training program renewal.

A. Accredited lead training ~~programs~~ providers desiring to maintain ~~their~~ approval of their accredited lead training program shall cause the ~~department~~ board to receive the ~~statement~~ provided for in 18 VAC 15-30-320 A following no later than ~~36~~ 48 months after the date of initial approval and not less often than once each ~~36~~ 48 months thereafter.:

1. The training provider's name, address, and telephone number.
2. A list of courses for which it is applying for re-accreditation.
3. A statement signed by the training program manager which certifies that:

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- a. *The course materials for each course meet the requirements of Part VIII (18 VAC 15-30-440 et seq.) of this chapter.*
- b. *The training manager and principal instructors meet the qualifications listed in 18 VAC 15-30-340.*
- c. *The training program manager complies at all times with all requirements of this chapter.*
- d. *The quality control program meets the requirements noted in 18 VAC 15-30-410.*
- e. *The recordkeeping requirements of this chapter will be followed.*

B. ~~The department board shall renew an accredited lead training program for an additional 24 months or until the date on which the statement provided for in 18 VAC 15-30-320 A is due, whichever is soonest, upon receipt of a renewal application and fee, provided that the accredited lead training provider is in compliance with 18 VAC 15-30-140 subsection A of this section.~~

C. ~~When an accredited training program is renewed for less than 24 months because the statement provided for in 18 VAC 15-30-320 A has not been received, the department shall issue an accredited training program authorization valid for the remainder of the 24 month renewal period upon receipt of the statement provided for in 18 VAC 15-30-320 A. An audit by a board representative may be performed to verify the certified statements and the contents of the application before relicensure is granted.~~

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18 VAC 15-30-140. Renewal application.

A. The ~~department~~ *board* shall mail a renewal notice to the [~~regulant~~ licensee or accredited lead training provider] at the last known address. The notice shall outline the procedures for renewal and the renewal fee amount. Failure to receive the notice shall not relieve the [~~regulant~~ licensee or accredited lead training provider] of the obligation to renew.

B. Prior to the expiration date shown on the ~~certification~~ *license or approval*, each [~~regulant~~ licensee or accredited lead training provider] desiring to renew the ~~certification~~ *license or approval* shall return to the ~~department~~ *board* the renewal notice and the renewal fee. Documentation of refresher training programs for individuals and of the ~~statement required requirements~~ in ~~18 VAC 15-30-320~~ *18 VAC 15-30-130 A* for accredited *lead* training programs shall be sent to the ~~department under separate cover~~ *board*.

C. Should the [~~regulant~~ licensee or accredited lead training provider] fail to receive the renewal notice, a ~~copy~~ *photocopy* of the current ~~certification~~ *lead license* or accredited *lead* training program *approval* may be substituted for the renewal notice and mailed with the required fee to the ~~department~~ *board*.

D. Interim ~~certification~~ *licensure* shall not be ~~renewable~~ *renewed or extended*. Each applicant who wishes a second interim license must provide to the board evidence of having retaken and satisfactorily completed the initial training requirements and make a new application to the board.

E. If the renewal fee is not received by the ~~department~~ *board* within 30 days after the expiration date printed on the ~~certification~~ *license* or accredited *lead* training program approval, a late renewal fee shall be required in addition to the renewal fee.

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F. Any ~~regulant~~ licensee or accredited lead training provider who fails to renew his ~~certification~~ *license or [accredited lead] training program approval* within six months after the expiration date on the ~~certification~~ *license or approval* shall not be permitted to renew and shall apply as a new applicant.

18 VAC 15-30-150. Change of address or name.

Each ~~regulant~~ *licensed individual, licensed firm, and accredited lead training provider* shall notify the ~~department~~ *board*, in writing, of any change of address or name. This notification shall be sent to the ~~department~~ *board* within 30 days of such relocation or name change.

18 VAC 15-30-160. Fees.

A. The fee for an initial or a renewal of a *lead abatement worker, lead abatement supervisor, lead inspector technician, inspector/ lead risk assessor, or planner/ lead project designer* ~~certification~~ *license* shall be \$25.

B. The renewal fee for an individual ~~certification~~ *license* not renewed within 30 days after the expiration date on the ~~certification~~ *license* shall be \$50, *which consists of the \$25 renewal fee and a \$25 late renewal fee.*

C. The fee for an initial or a renewal of ~~[renewed license for]~~ a ~~certified~~ [renewal of a] *lead abatement contractor* ~~certification~~ [license] shall be \$40.

D. The renewal fee for a ~~certified~~ [licensed] *lead abatement contractor* [license] not renewed within 30 days after the expiration date shall be \$65, *which consists of the \$40 renewal fee and a \$25 late renewal fee.*

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E. The application fee for *approval of an accredited lead training program* shall be \$400 for each eight hours of course duration required by 18 VAC 15-30-380.

F. The application fee for *approval of an accredited lead refresher [training] program* shall be \$400, *except for the project designer refresher, which shall be \$200.*

G. The renewal fee for an accredited *lead training program [and an accredited lead refresher training program]* shall be \$100 *per course.*

H. *The renewal fee for an accredited lead training program [and an accredited lead refresher training program] not renewed within 30 days after the expiration date shall be \$125 per course, which consists of the \$100 renewal fee and a \$25 late renewal fee.*

~~H.~~ I. Fees for *approval of an accredited lead training program [and an accredited lead refresher training program]* shall not be imposed on any state, local government, or nonprofit training program.

~~I.~~ J. The examination fee shall consist of the administration expenses of the ~~department~~ *board* ensuing from the board's examination procedures and contract charges. Examination service contracts shall be established through competitive negotiations in compliance with the Virginia Public Procurement Act (§ ~~41-35~~ 2.2-4300 et seq. of the Code of Virginia). The ~~current~~ examination shall not exceed a cost of \$75 to the candidate.

~~J.~~ K. Applicants who submit a dishonored check will be charged a \$25 service fee in addition to the required application fee.

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PART IV.

INDIVIDUAL ~~CERTIFICATION~~ *LICENSURE* REQUIREMENTS.**18 VAC 15-30-170. ~~Certified Licensed lead abatement worker for target housing, superstructures and public and commercial buildings.~~**

~~A. Applicants~~ *Each applicant* for lead abatement worker certification in target housing, steel structures and public and commercial buildings licensure shall provide comply with the application requirements established in 18 VAC 15-30-50 and include evidence of: ~~1.~~ successful completion of a ~~department~~ board-approved initial lead abatement worker course; ~~or.~~

~~2.~~ Successful completion of a lead worker training course between October 1, 1990, and January 1, 1996, that is equivalent to a department-approved lead worker course and successful completion of a department approved lead worker refresher course.

~~B.~~ The following lead worker course shall be deemed equivalent if completed between October 1, 1990, and January 1, 1996:

~~1.~~ Courses given by an EPA Model Training Institution.

~~2.~~ Courses that were at least two days in length and covered the required topics outlined in the EPA proposed lead regulations.

~~3.~~ The mandatory eight hour OSHA training for lead and 200 hours of lead abatement work experience.

~~4.~~ Courses given by the Steel Structures and Painting Counsel (SSPC).

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18 VAC 15-30-180. ~~Certified planner/ Licensed lead project designer for target housing and public buildings.~~

~~A. Applicants~~ *Each applicant for ~~planner/ lead project designer certification in target housing and public buildings~~ licensure shall ~~provide~~ comply with the application requirements established in 18 VAC 15-30-50 and include evidence of:*

- ~~1. successful completion of a department board-approved initial lead ~~planner/project designer~~ course; or and successful completion of a board-approved initial lead abatement supervisor course and one of the following:~~

- ~~2. Successful completion of a lead ~~planner/project designer~~ training course between October 1, 1990, and January 1, 1996, that is equivalent to a department approved lead ~~planner/project designer~~ course and successful completion of a department approved lead ~~planner/project designer~~ refresher course for target housing and public buildings.~~

~~B. Equivalency shall be determined on a case by case basis.~~

- ~~1. A bachelor's degree in engineering, architecture, or a related profession, and one year experience in building construction and design or a related field; or~~
- ~~2. Four years of experience in building construction and design or a related field.~~

18 VAC 15-30-190. ~~Interim certified supervisor for target housing, superstructures and public and commercial buildings. (Repealed.)~~

~~A. Applicants for interim supervisor certification for target housing, steel structures and public and commercial buildings shall provide evidence of:~~

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- ~~1. One year experience as a lead abatement worker or two years experience in a related field or in the building trades, and successful completion of a department approved initial lead supervisor course; or~~
 - ~~2. Successful completion of a lead supervisor training course between October 1, 1990, and January 1, 1996, that is equivalent to a department approved lead supervisor course or verification of on the job training equivalent, and successful completion of a department approved lead supervisor refresher course.~~
- ~~B. The following lead supervisor courses shall be deemed equivalent if completed between October 1, 1990, and January 1, 1996:~~
- ~~1. Courses given by an EPA Model Training Institution.~~
 - ~~2. Courses that were at least two days in length and covered the required topics outlined in the EPA proposed lead regulations.~~
 - ~~3. The mandatory eight hour OSHA training for lead and 200 hours of lead abatement work experience.~~
 - ~~4. Courses given by the Steel Structures and Painting Counsel (SSPC).~~

18 VAC 15-30-200. ~~Certified supervisor for target housing, steel structures and public and commercial buildings. (Repealed.)~~

~~Applicants shall comply with 18 VAC 15-30-190 and shall pass a department approved certification examination for supervisor in target housing and public buildings before the expiration of their interim certification.~~

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18 VAC 15-30-205. Licensed lead abatement supervisor.

A. Each applicant for lead abatement supervisor licensure shall comply with the application requirements established in 18 VAC 15-30-50 and include evidence of:

1. Successful completion of a board approved initial lead abatement supervisor course; and
2. One year experience as a licensed lead abatement worker or two years experience in a related field (e.g., lead, asbestos or environmental remediation) or in the building trades.

B. Each applicant shall pass a board-approved licensing examination for supervisors within 36 months after completion of the board-approved lead abatement supervisor initial training course or the board-approved lead supervisor refresher course.

C. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.

D. A licensed lead abatement supervisor may perform the duties of a licensed lead abatement worker.

18 VAC 15-30-210. ~~Interim certified inspector technician for target housing and public buildings.~~ (Repealed.)

~~A. Applicants for interim inspector technician certification in target housing and public buildings shall provide evidence of:~~

- ~~1. Successful completion of a department approved initial lead inspector technician course; or~~

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~~2. Successful completion of a lead inspector technician course between October 1, 1990, and January 1, 1996, that is equivalent to a department approved inspector technician course, and successful completion of a department approved lead inspector technician refresher course.~~

~~B. The following shall be deemed equivalent if completed between October 1, 1990, and January 1, 1996:~~

~~1. Courses given by an EPA Model Training Institution.~~

~~2. Lead inspector training courses that were at least three days in length and covered the necessary topics outlined in the EPA proposed lead regulations.~~

18 VAC 15-30-220. Certified inspector technician for target housing and public buildings.

(Repealed.)

~~Applicants shall comply with 18 VAC 15-30-210 and shall pass a department approved certification examination for inspector technician for target housing and public buildings before the expiration of their interim certification.~~

18 VAC 15-30-225. Licensed lead inspector.

A. Each applicant for lead inspector licensure shall comply with the application requirements established in 18 VAC 15-30-50 and include evidence of successful completion of a board-approved initial lead inspector course.

B. Each applicant shall pass a board approved licensing examination for lead inspector within 36 months after completion of the board-approved lead inspector initial training course or the board-approved lead inspector refresher course.

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C. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.

18 VAC 15-30-230. ~~Interim certified inspector/risk assessor for target housing and public buildings. (Repealed.)~~

~~A. Applicants for interim inspector/risk assessor certification in target housing and public buildings shall provide evidence of:~~

- ~~1. Successful completion of a department approved initial lead inspector/risk assessor course; or successful completion of a lead inspector/risk assessor training course between October 1, 1990, and January 1, 1996, that is equivalent to a department approved lead inspector/risk assessor course, and successful completion of a department approved lead inspector/risk assessor refresher course; and~~
- ~~2. One year experience in a related field (e.g., lead, asbestos, or environmental remediation work), or 25 inspections over at least a three-month period as a lead inspector technician, and one of the following:~~
 - ~~a. A bachelor's degree and one year experience in a related field.~~
 - ~~b. A certification as an industrial hygienist, an engineer, a registered architect, or an environmentally related field, such as an environmental scientist.~~
 - ~~e. A high school diploma or its equivalent, and two years experience in a related field.~~

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~~B. The following lead inspector/risk assessor course shall be deemed equivalent if completed between October 1, 1990, and January 1, 1996:~~

- ~~1. Courses given by an EPA Model Training Institution.~~
- ~~2. Lead inspector training courses that were at least three days in length and covered the topics outlined in the EPA proposed lead regulations.~~

18 VAC 15-30-240. ~~Certified inspector/risk assessor for target housing and public buildings. (Repealed.)~~

~~Applicants shall comply with 18 VAC 15-30-230 and shall pass a department approved certification examination for inspector technician and a department approved certification examination for risk assessor in target housing and public buildings before the expiration of their interim certification.~~

18 VAC 15-30-245. *Licensed lead risk assessor.*

A. Each applicant for lead risk assessor licensure shall comply with the application requirements established in 18 VAC 15-30-50 and include evidence of successful completion of a board-approved initial lead risk assessor training course and successful completion of a board-approved initial lead inspector training course that was at least three days in length and one of the following:

- ~~*1. A bachelor's degree in engineering, architecture, or a related profession and one year of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction);*~~

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~~2.~~ 1.] Certification or licensure as an industrial hygienist, a professional engineer, a registered architect or licensure in a related engineering/health/environmental field;

[2. A bachelor's degree in engineering, architecture, or a related profession and one year of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction);]

3. An Associate's degree in engineering, architecture, or a related profession and two years experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction); or

4. A high school diploma or its equivalent, and at least three years experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction).

B. Each applicant shall pass a board-approved licensure examination for risk assessor within 36 months after completion of the board-approved lead risk assessor initial training course or the board-approved lead risk assessor refresher course.

C. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.

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PART V.

~~CERTIFIED~~ LICENSED CONTRACTOR REQUIREMENTS.**18 VAC 15-30-250. Requirements for ~~certification~~ licensure.**

A. Each applicant for *lead* contractor ~~certification~~ licensure shall hold a valid Virginia contractor license with a lead specialty issued by the Virginia Board for Contractors, and shall comply with the provisions of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia governing the regulation of contractors.

B. Firms seeking contractor ~~certification~~ licensing shall certify that:

1. Only properly ~~certified individuals~~ licensed lead abatement supervisors and workers will be employed to conduct lead-based paint activities; ~~and~~

2. A licensed lead abatement supervisor is present at each job site [~~while a lead abatement project is in progress~~ during all work site preparation and during post-abatement cleanup, and shall be on-site or available by telephone, pager or answering service, and able to be present at the work site in no more than two hours when abatement activities are being conducted];
and

~~2.~~ 3. The standards for conducting lead-based [paint] activities established in this chapter and standards established by the EPA and OSHA shall be followed at all times during the conduct of lead-based paint activities; *and*

4. *The company is in compliance with all other occupational and professional licenses and standards as required by Virginia statute and local ordinance to transact the business of a lead abatement contractor.*

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PART VI.

TRAINING PROGRAM ACCREDITATION.

18 VAC 15-30-260. General.

A. Each applicant for *approval as an accredited lead training program provider* shall meet the requirements established by this chapter before being granted approval *to offer an accredited lead training program*. Applicants requesting approval of a lead training program to prepare participants for ~~certification~~ *licensure* shall apply on a form provided by the ~~department~~ *board*. The application form shall be ~~complete~~ *completed* in accordance with the instructions supplied and shall include the following:

1. The course for which it is applying for accreditation.
2. A statement signed by the training program manager, which certifies that the training program and each [principal] instructor meets the minimum requirements established in this chapter.
3. A copy of the student manuals and instructor manuals *or other materials* to be used.
4. A copy of the course agenda which includes the time allocation for each course topic.
5. A copy of the test and answer sheet.
6. A description of the facilities and equipment ~~available~~ *to be used* for lecture and hands-on training.
7. A description of the *activities and procedures that will be used* for conducting the assessment of hands-on skills.

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8. A copy of the quality control plan as described in this chapter.
 9. An example of a certificate that will be issued to students who successfully complete the course.
 10. A proposed course date for auditing purposes.
 11. The application fee required by ~~18 VAC 15-30-140~~ *18 VAC 15-30-160*.
- ~~B. After November 1, 1995, The completed application form with attachments and fee shall be received by the department board no later than 45 days before the desired audit date.~~
- ~~C. Receipt of application and deposit of fees by the department in no way indicates approval of a training program.~~
- ~~D. C. An applicant may seek approval for as many initial and refresher courses as it chooses, but shall submit a separate application and fee for each program.~~
- ~~E. Effective June 1, 1996, training programs shall have accreditation for the corresponding initial training program before approval shall be granted to the refresher training program. Applications for initial and refresher training programs may be filed concurrently. D. Applicants may seek accreditation to offer lead-based paint activities initial or refresher courses in any of the following disciplines: lead abatement worker, lead project designer, lead abatement supervisor, lead inspector, and lead risk assessor.~~
- ~~F. E. Each training program shall be conducted in compliance with this chapter to qualify for and maintain approval as an accredited lead training program.~~

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18 VAC 15-30-270. ~~Department~~ Board review and audit procedures.

A. Upon receipt of an application, the ~~department~~ board shall conduct a preliminary review and shall notify the applicant, in writing, of any deficiencies in the submittal packages. Applicants will have one year from the ~~department's~~ board's receipt of the application to correct any problems noted in the review.

B. After the application has been found to be complete and in compliance with this chapter, an on-site audit of the training program shall be conducted. The ~~department~~ board shall conduct an additional on-site audit, grant approval or deny approval based on the ~~department's~~ board's evaluation of the level of compliance with this chapter found during the *initial* on-site audit.

C. Applicants denied approval shall have one year from the date of receipt of the application by the ~~department~~ board to correct any deficiencies and notify the ~~department~~ board in writing.

~~D. The department may grant interim approval allowing the applicant to act as an accredited training program until an on-site audit can be conducted.~~

~~E. D.~~ An accredited training provider shall have been ~~given interim approval or approval~~ approved by the ~~department~~ board before its training ~~certifications~~ certificates shall be accepted by the ~~department~~ board as evidence that an individual has completed an accredited *lead* training program.

18 VAC 15-30-280. Accreditation approval.

Each accredited *lead* training program which is granted ~~interim approval or~~ approval shall be sent a form indicating the discipline approved and an expiration date which shall be maintained at the business address listed on the application.

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18 VAC 15-30-290. Changes to an approved course.

Once a training course has been approved, substantial changes in *any of the approved items listed below* must be submitted to the ~~department~~ *board* for review and approval prior to the continuation of the training course. *These items include, but are not limited to:*

1. Course curriculum.
2. Course examination.
3. Course materials.
4. Training manager and principal instructor *or instructors*.
5. Certificate of completion.

The ~~department~~ *board* shall communicate its approval or disapproval in the same manner as for initial applications for accreditation approval.

18 VAC 15-30-300. Change of ownership.

When [an accredited lead training provider offering] an accredited *lead* training program has a change of ownership, the new owner shall apply anew.

18 VAC 15-30-310. Access by department representatives. (Repealed.)

~~Training course sponsors shall admit department representatives for the purpose of monitoring, an on-site audit or any other purpose necessary to evaluate compliance with this chapter and other applicable laws and regulations.~~

VIRGINIA LEAD-BASED PAINT ACTIVITIES REGULATIONS

18 VAC 15-30-320. Reaccreditation of training programs. (Repealed.)

~~A. Firms desiring to maintain an approval for an accredited training program shall cause the department to receive a statement signed by the training program manager which certifies the following no later than 36 months after the date of initial approval and not less often than once each 36 months thereafter:~~

- ~~1. The course materials for each course meet the requirements of Part VIII (18 VAC 15-30-440 et seq.) of this chapter.~~
- ~~2. The training manager and principal instructors meet the qualifications listed in 18 VAC 15-30-340.~~
- ~~3. The training program manager complies at all times with all requirements of this chapter.~~
- ~~4. The quality control program meets the requirements noted in 18 VAC 15-30-410.~~
- ~~5. The record keeping requirements of this chapter will be followed.~~

~~B. An audit by a department representative may be performed to verify the certified statements and the contents of the application before recertification is granted.~~

PART VII.

REQUIREMENTS FOR THE ACCREDITATION OF TRAINING PROGRAMS.

18 VAC 15-30-330. General.

For a training program to obtain accreditation from the ~~department~~ *board* to teach lead-based paint activities, the program shall demonstrate through its application material that it meets the minimum requirements for [principal] instructor qualifications, required topic review, length of

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training, and recordkeeping for each discipline for which the program is seeking accreditation. Training programs shall offer courses which teach the standards for conducting lead-based paint activities contained in this chapter, and other such standards adopted by the EPA and OSHA.

18 VAC 15-30-340. ~~Instructor requirements~~ *Qualifications of [training] managers and [principal] instructors.*

~~1.~~ A. The training program shall employ a training manager who:

~~a. 1.~~ Has at least two years ~~classroom~~ experience, *education, or training* in teaching workers/ or adults; has a bachelor's or graduate level degree in building construction technology, engineering, industrial hygiene, safety, ~~or~~ public health, *education, business administration, program management, or a related field*; or has ~~four~~ two years experience in managing an ~~occupational health and safety~~ a training program that specialized in environmental hazards; and

~~b. At least one year~~ 2. *Has demonstrated* experience ~~specializing,~~ *education, or training* in a ~~relevant~~ *the construction trade industry* including, ~~but not limited to,:~~ lead or asbestos abatement, painting, carpentry, ~~or~~ renovation ~~and,~~ remodeling, *occupational safety and health,* or ~~one year of experience or education in teaching workers/adults~~ *industrial hygiene.*

~~2.~~ B. The training program shall employ a qualified principal instructor, *designated by the training manager,* for each course who:

~~a. 1.~~ Demonstrates experience, education or training in teaching workers/ or adults,;

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~~b. 2. Successfully completed at least 24 a minimum of 16 hours of any EPA-accredited or board-approved lead-specific training;~~; and

~~e. Has two years of 3. Demonstrated experience, education or training in the construction trade including, but not limited to, lead or asbestos abatement, painting, carpentry, or renovation and, remodeling, occupational safety and health, or industrial hygiene.~~

[C. Documentation of all principal instructor qualifications shall be reviewed and approved by the board prior to the principal instructor teaching in an accredited lead training program.]

18 VAC 15-30-350. Designation of instructors Responsibilities of the training manager.

A. The training program shall employ a training ~~program~~ manager who shall be responsible for ensuring that the training program complies at all times with the requirements of this chapter: *and who is responsible for maintaining:*

1. The validity and integrity of the hands-on skills assessment or proficiency test to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with the course topics.

2. The validity and integrity of the course test to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics.

B. The training ~~program~~ manager shall, for each course offered, designate a principal instructor. Principal instructors are responsible for the organization of the course and oversight of the teaching of all course material. ~~Additional instructors may be designated as needed to provide instruction specific to the lecture, hands-on activities or work practice components of a course.~~

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C. Guest instructors may be designated by the training manager as needed to provide instruction specific to the lecture, hand-on activities, or work practice components of a course.

D. Any training manager who intends to also serve as a principal instructor shall meet the requirements of subsection B of 18 VAC 15-30-340 and provide documentation to the board prior to instructing.

18 VAC 15-30-360. [Training Manager and Principal] Instructor documentation.

The following documents shall be recognized by the ~~department~~ board as proof that training managers and principal instructors meet the relevant educational, work experience, and training requirements specifically listed in 18 VAC 15-30-340:

1. Official academic transcripts *or diplomas* as proof of meeting the educational requirements.
2. Resumes, letters of reference, ~~lead certification in another state~~, or documentation of work experience as proof of meeting the work experience requirements.
3. Certificates from ~~train-the-trainer courses and~~ lead-specific training courses as proof of meeting the training requirements.

18 VAC 15-30-370. Training facilities.

The training program shall provide adequate facilities for *the delivery of the lecture and, 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.

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18 VAC 15-30-380. Length of training ~~programs~~ courses.

A. The length of training [~~programs~~ courses] is as follows:

1. ~~For inspector technician for target housing and public buildings, The training course for lead inspector shall last a minimum of 24 training hours, with a minimum of eight hours devoted to hands-on training activities.~~

2. ~~For inspector/risk assessor course for target housing and public buildings, a minimum of 40 training hours, which shall include the 24 training hours provided for in subdivision 1 of this subsection for inspector technician for target housing and public buildings. Sixteen training hours of the required 40 training hours shall be devoted to inspector/risk assessor for target housing and public buildings training, with a minimum of eight hours devoted to hands-on training which includes site visits The training course for lead risk assessor shall last a minimum of 16 training hours with a minimum of four hours devoted to hands-on training activities. As a prerequisite, the 24 training hours provided for in [subsection subdivision] 1 of this [section subsection] for lead inspector shall be required.~~

3. ~~The training course for planner/ lead project designer for target housing and public buildings, shall last a minimum of 40 eight training hours, with a minimum of eight hours devoted to hands-on training which includes site visits. As a prerequisite, the 32 training hours provided for in subdivision 4 of this subsection for lead abatement supervisor shall be required.~~

4. ~~The training course for lead abatement supervisor for target housing, superstructures and public and commercial buildings, shall last a minimum of 40 32 training hours, with a minimum of eight hours devoted to hands-on training activities.~~

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5. ~~The training course for lead abatement worker for target housing, superstructures and public and commercial buildings,~~ shall last a minimum of 16 training hours, with a minimum of eight hours devoted to hands-on ~~training~~ activities.

6. ~~For All lead refresher courses,~~ shall last a minimum of ~~one day (seven hours) for all disciplines~~ eight training hours, except the project designer refresher course which shall last a minimum of four training hours.

B. In no case shall actual training exceed eight hours during any single 24-hour period, exceed four hours when conducted during evening hours (after 5 p.m. and before 8 a.m.) *except training that is conducted during the student's normal second or third shift working hours*, or exceed 16 hours during any weekend (Friday after 5 p.m. to Monday 8 a.m.).

18 VAC 15-30-390. Course examination.

A. For each course, the accredited *lead* training program shall conduct a monitored, written course test at the completion of ~~each the~~ course and a hands-on skills assessment, *or as an alternative, a proficiency test*. ~~The hands-on assessment and the course test will evaluate trainee competency and proficiency. The hands-on assessment and a course test must be successfully completed for an individual to pass any course. Each individual must successfully complete the hands-on skills assessment and receive a passing score on the course test to pass any course, or successfully complete a proficiency test.~~ [Refresher training programs are not required to conduct a hands-on skills assessment.]

B. The course test is 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. An oral course test may be administered in lieu of a written course test for lead *abatement* worker only.

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C. Seventy percent shall be ~~considered~~ the passing score on the course test.

D. The hands-on skills assessment is an evaluation of the effectiveness of the hands-on training which shall test the ability of the trainees to demonstrate satisfactory performance of work practices and procedures specified in Part VIII (~~18 VAC 5-30-440~~ 18 VAC 15-30-440 et seq.) of this chapter, as well as any other skills demonstrated in the course.

E. ~~The training manager is responsible for maintaining the validity and integrity of the course test and hands-on assessment to ensure that it accurately evaluates the trainee's performance of these work practices and procedures.~~ *The use of a proficiency test in lieu of a hands-on assessment and course test may be considered by the training provider. An accredited lead training program that offers a proficiency test shall assure that the test consists primarily of an evaluation of the effectiveness and reliability of a student's ability to conduct a particular lead-based paint activity. The proficiency test must also cover all of the topics and skills addressed in a particular course. For instance, a proficiency-based course in inspection could involve a mix of lecture material with students conducting a mock inspection in a residential dwelling with known lead-based paint concentrations. The student would be evaluated on the accuracy of the results of their inspection. For a training program to make use of a proficiency-based course, that course must be approved by the board in the same manner as approval for any other course, including fees.*

18 VAC 15-30-400. Certificates of completion.

Accredited *lead* training programs shall issue unique course completion certificates to each individual who successfully completes the course requirements. The course completion certificate shall include:

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1. A unique certificate number.
2. The name, a unique identification number, and address of the individual.
3. The name of the particular course that the individual completed.
4. Dates of course completion/test passage.
5. Expiration date. ~~In the case of supervisors, inspector technicians and risk assessors, interim certification~~ *Training certificates shall expire six months from the date of course completion.* ~~In the case of workers and planner/project designers, certification shall expire three years from the date of course completion. If the accredited lead training program offers a proficiency test, the training certificates shall expire five years from the date of course completion.~~
6. Name, address, and telephone number of the training [~~program~~ provider].
7. *Name and signature of the* [training manager and] *principal instructor.*

18 VAC 15-30-410. Quality control plan.

The training manager shall develop and implement a quality control plan. The plan shall be used to maintain ~~or~~ *and* improve the quality of the accredited *lead* training program over time.

This plan shall contain at least the following elements:

1. Procedures for periodic revision of training materials and course test to reflect innovations in the field.
2. Procedures for the training manager's annual review of *principal* instructor competency.

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18 VAC 15-30-420. Record keeping.

[A.] Each accredited *lead* training program shall maintain and make available upon request from the ~~department~~ *board* the following records:

1. All documents specified in 18 VAC 15-30-360 that demonstrate the qualifications listed in 18 VAC 15-30-340 of the training manager and principal instructors.
2. Current curriculum/course materials and documents reflecting any changes made to these materials.
3. Course examination.
4. Information on how the hands-on assessment is conducted including, but not limited to, who conducts the assessment, how the skills are graded, what facilities are used, and the pass/fail rate.
5. The quality control plan described in 18 VAC 15-30-410.
6. Results of the student's hands-on skills assessments and course examination and a copy of each student's course completion certificate.
7. Any other material not listed in this chapter that ~~is~~ *was* submitted to the ~~department~~ *board* as part of the application for accreditation.

The accredited *lead* training ~~program~~ *provider* shall retain these records at the location specified on the training program application for a minimum of three years and six months.

[B. The training program participant list shall be completed by the training provider and training program participants daily.

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C. The training program participant list shall be retained by the training provider for three years following the date of completion of the training program.

D. The training provider shall provide to the board the training program participant list within 24 hours of training program completion.

E. The training provider shall retain all examinations completed by training program participants for a period of three years.

F. Training providers shall notify the department no less than 48 hours prior to conducting an accredited lead training program.

G. The department will not recognize training certificates from approved training providers that fail to notify or fail to provide a training program participant list.]

18 VAC 15-30-430. Change of address.

The accredited *lead training program provider* shall notify the ~~department~~ *board* 30 days prior to relocating its business or transferring the records.

PART VIII.

TRAINING COURSE CURRICULA REQUIREMENTS.

18 VAC 15-30-440. General.

~~To become accredited,~~ Training programs shall ensure that their courses of study for various lead-based paint activities disciplines cover the mandatory subject areas. Requirements listed in this part ending in an asterisk (*) indicate areas that require hands-on training as an integral component of the course. All training courses shall be discipline specific.

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18 VAC 15-30-450. Initial training criteria for lead *abatement* worker ~~for target housing, superstructures and public and commercial buildings.~~

The lead abatement workers course ~~for target housing, superstructures and public and commercial buildings~~ shall last a minimum of 16 hours with a minimum of eight hours devoted to hands-on training. The training course shall address the following topics:

1. Role and responsibilities of an abatement worker.

~~1.~~ *2. Background information and health effects of lead.*

~~2. Sources of environmental lead contamination (paint, surface dust, soil, water, air, food, or other sources)~~ *3. Background information on federal, state and local regulations and guidance that pertains to lead-based paint activities.*

~~3. Regulatory background, federal, state and local.~~

*4. Lead-based paint hazard recognition and control methods.**

~~5. Respiratory protection.*~~

~~6. Medical monitoring.~~

~~7. Personal hygiene.*~~

~~8. Exposure monitoring.~~

~~9.~~ *5. Lead-based paint abatement and lead hazard reduction methods, including restricted work practices.**

~~10.~~ *6. Interior dust abatement methods/clean-up or lead hazard reduction.**

~~11.~~ *7. Soil and exterior dust abatement methods or lead hazard reduction.**

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~~12. Paint removal operations:~~

~~a. Power tools and miscellaneous.~~

~~b. Abrasive blasting.~~

~~13. Welding, burning and torch cutting.~~

~~14. Mechanical disturbance of lead.~~

~~15. Waste disposal.*~~

~~16. Record keeping.~~

~~17. 8. Course review.~~

~~18. 9. Examination.~~

18 VAC 15-30-460. Initial training criteria for *lead abatement* supervisor for ~~target housing, superstructures and public and commercial buildings.~~

The lead abatement supervisor course ~~for target housing, superstructures and public and commercial buildings~~ shall last a minimum of ~~40~~ 32 hours with a minimum of eight hours devoted to hands-on training. The training course shall address the following topics:

1. Role and responsibilities of an abatement supervisor.

~~1.~~ 2. Background information on lead and the adverse health effects ~~associated with excessive lead exposure.~~

~~2. Regulatory~~ 3. Background, *information on federal, state and local regulations and guidance that pertains to lead-based paint activities including distribution and thorough review of the Virginia Lead-Based Paint Activities Regulations.*

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~~3. 4. Liability and insurance issues relating to lead-based paint abatement.~~

~~4. Sources of environmental contamination (paint, surface dust, soil, water, air, food, or other sources). 5. Risk assessment and inspection report interpretation.*~~

~~5. Identification of lead-based paint.* 6. Development and implementation of an occupant protection plan and abatement report.~~

~~a. Historical information.~~

~~b. Limited sampling procedures.~~

~~c. Laboratory analysis.~~

~~6. Development and implementation of a project design plan.*~~

~~7. Lead-based paint hazard recognition and other safety and health hazards and control methods.*~~

~~8. Exposure monitoring and control.*~~

~~9. The purpose of OSHA's medical surveillance program, including employee information, training and the specific nature of operations which could result in exposure to lead above OSHA's action level (30 micrograms per cubic meter).~~

~~10. Project management and supervisory techniques.~~

~~11. Work preparation procedures and proper engineering controls and work practices, including prohibited work practices.*~~

~~12. Contract specifications and cost estimation.~~

~~13. Medical monitoring.~~

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~~14. Environmental monitoring.~~

~~15. Respiratory protection.*~~

~~16. 8. Lead-based paint abatement or lead hazard reduction methods, including restricted work practices.*~~

~~17. 9. Interior dust abatement/clean-up or lead hazard reduction.*~~

~~18. 10. Soil and exterior dust abatement or lead hazard reduction.*~~

~~19. Paint removal operations pertaining to superstructures and commercial buildings, including:~~

~~a. Power tools.~~

~~b. Abrasive blasting.~~

~~20. Mechanical disturbance of lead.~~

~~21. Soil, dust, and air sampling.~~

~~22. 11. Clearance standards and testing.~~

~~23. 12. Clean-up and waste disposal.~~

~~24. Community relations process.~~

~~25. 13. Recordkeeping.~~

~~26. Risk assessment/inspection report interpretation.*~~

~~27. Integration with modernization and rehabilitation.~~

~~28. 14. Course review.~~

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~~29-~~ 15. Examination.

18 VAC 15-30-470. Initial training criteria for *lead inspector technician* for ~~target housing and public buildings~~.

The lead inspector ~~technician~~ course shall last a minimum of 24 hours with a minimum of eight hours devoted to hands-on training. The training course shall address the following topics:

1. Background information on lead.
2. Health effects of lead.
3. Regulatory review. This entails a discussion of applicable federal, state and local regulations that ~~pertain~~ *pertains* to lead-based paint, *including distribution and thorough review of this chapter*.
4. Roles and ~~responsibility~~ *responsibilities* of the lead-based paint inspector.
5. Lead-based paint inspection methods, including ~~visual inspections~~ *selection of rooms and components for sampling or testing*.*
6. Paint, dust, and soil sampling methodologies.*
7. ~~Formulation and implementation~~ *Preparation* of the final inspection report.*
8. Clearance standards and testing, including random sampling.*
9. Recordkeeping.
10. *Course review*.
11. *Examination*.

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18 VAC 15-30-480. Initial training criteria for ~~inspector~~ lead risk assessors for ~~target housing and public buildings~~.

The ~~inspector~~ lead risk assessor course shall last a minimum of ~~40 hours, 24 hours of which shall constitute the inspector technician course established by 18 VAC 15-30-470, and 16 hours of which~~ and shall address the following topics, with a minimum of ~~eight~~ four hours devoted to hands-on training, which includes site visits:

1. ~~All information provided for in 18 VAC 15-30-470~~ *Role and responsibilities of a risk assessor.*
2. *Regulatory review. This entails a discussion of applicable federal, state and local regulations that pertain to lead-based paint, including distribution and thorough review of this chapter.*
- ~~2.~~ 3. *Collection of background information to perform risk assessment.*
- ~~3.~~ 4. *Visual inspection for the purpose of identifying potential sources of lead-based hazards.**
- ~~4.~~ *Risk assessment report form.** 5. *Sources of environmental lead contamination such as paint, surface dust, water, air, packaging, and food.*
- ~~5.~~ *Sampling and inspection guidelines.** 6. *Lead hazard screen protocol.*
- ~~6.~~ 7. *Sampling for other sources of lead exposure.**
- ~~7.~~ 8. *Interpretation of lead-based paint and other sampling results.*
9. *Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards.*

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- ~~8. 10. Preparation of a final risk assessment report.²~~
- ~~9. Recommendations to abate or reduce lead-based paint hazards, including instructions on when interim controls are appropriate.~~
- ~~10. Development of an interim control plan.~~
- ~~11. Record keeping.~~
- ~~12. Identification of the lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil.~~
11. *Course review.*
12. *Examination.*

18 VAC 15-30-490. Initial training criteria for ~~planner/~~ lead project designer for ~~target housing and public buildings.~~

The *lead* project designer course shall ~~consist of all information required in 18 VAC 15-30-460.~~ last a minimum of eight hours and shall address the following topics:

1. *Role and responsibilities of a project designer.*
2. *Development and implementation of an occupant protection plan for large scale abatement projects.*
3. *Lead-based paint abatement and lead-based paint hazard reduction methods for large scale abatement projects.*
4. *Interior dust abatement/clean-up or lead hazard control and reduction methods for large scale abatement projects.*

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5. *Clearance standards and testing for large scale abatement projects.*
6. *Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large scale abatement projects.*
7. *Course review.*
8. *Examination.*

18 VAC 15-30-500. Refresher training criteria.

The refresher course for all disciplines shall address the following topics:

1. An overview of ~~key~~ *current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.*
2. ~~An update on~~ *Current federal, state, and local laws and regulations relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline including distribution and thorough review of the Virginia Lead-Based Paint Activities Regulations.*
3. ~~An update on~~ *Current technologies related relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.*

PART IX.

STANDARDS FOR CONDUCTING LEAD-BASED PAINT ACTIVITIES.

18 VAC 15-30-510. General requirements.

- A. This part establishes ~~the procedures~~ *work practice standards* for conducting lead-based ~~inspections, risk assessments and abatement for~~ *paint activities in target housing;*

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~~superstructures and public and commercial buildings or specific portions thereof and child-occupied facilities.~~

B. Notification shall be sent by the licensed lead abatement contractor to the Virginia Department of Labor and Industry prior to the commencement of any lead-based paint abatement activities. The notification shall be sent in a manner prescribed by the Virginia Department of Labor and Industry.

C. No licensed lead abatement contractor shall enter into a contract to perform a lead abatement project if the lead inspection, [or] project design, [~~or post-abatement clearance procedures~~] are to be performed by individuals with an employer/employee relationship with, or financial interest in, the lead abatement contractor unless the contractor provides the building owner with a "Virginia Lead Consumer Information and Disclosure Sheet," which is available from the board. [Persons licensed to perform post-abatement clearance procedures shall be independent of, and have no financial interest in or an employer/employee relationship with the licensed lead abatement contractor.]

D. The relationships described in subsection [~~B~~ C] must be disclosed and the disclosure form must be signed and dated by the building owner, or his agent, and the contracting entity prior to the signing of any contract to conduct lead-based paint activities. The contractor must provide the disclosure form to all parties involved in the lead abatement project. The disclosure form shall be kept on the lead abatement project site and available for review.

E. When performing a lead-based paint inspection, lead-hazard screen, risk assessment or abatement, a licensed individual must perform that activity in compliance with documented

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methodologies. Documented methodologies that are appropriate for this chapter include the following:

1. The U.S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, June 1995 edition[, including the 1997 Revision to Chapter 7: Lead-Based Paint Inspection].

[2. The EPA 40 CFR Part 745: Lead; Identification of Dangerous Levels of Lead; Final Rule; January 5, 2001.]

~~[2. 3.]~~ *The EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-Contaminated Soil.*

~~[3. 4.]~~ *The EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling (EPA Report number 7474-R-95-001).*

~~[4. 5.]~~ *Any future EPA or HUD guidance that may replace the above methodologies.*

~~[5. 6.]~~ *Regulations, guidance, methods or protocols authorized by the board.*

F. Individuals conducting lead-based paint activities shall comply with the work practice standards enumerated in this chapter.

G. Any lead-based paint activities, as described in this chapter, shall be performed only by individuals licensed by the board to perform such activities.

H. All reports and plans required by 18 VAC 15-30-520 through 18 VAC 15-30-651 shall be maintained by the licensed firm or individual who prepared the report for at least three years. The licensed firm or individual also shall provide copies of these reports to the building owner or person who contracted for its services.

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[18 VAC 15-30—511. Determination of the presence of lead-based paint, a paint-lead hazard, a dust-lead hazard, and a soil-lead hazard.]**A. Lead-based paint is present:**

1. On any surface that is tested and found to contain lead equal to or in excess of 1.0 milligrams per square centimeter or equal to or in excess of 0.5% by weight; and
2. On any surface like a surface tested in the same room equivalent that has a similar painting history and that is found to be lead-based paint.

B. A paint-lead hazard is present:

1. On any friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill or floor) are equal to or greater than the dust hazard levels identified by EPA, pursuant to Toxic Substances Control Act (TSCA) section 403;
2. On any chewable lead-based paint surface on which there is evidence of teeth marks;
3. Where there is any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against its door frame); and
4. If there is any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

C. A dust-lead hazard is present in a residential dwelling or child-occupied facility:

1. In a residential dwelling on floors and interior window sills when the weighted arithmetic mean lead loading for all single surface or composite samples of floors and interior window

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sills are equal to or greater than identified by EPA, pursuant to Toxic Substances Control Act (TSCA) section 403 for floors and interior window sills;

2. On floors or interior window sills in an unsampled residential dwelling in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled residential unit on the property; and

3. On floors or interior window sills in an unsampled common area in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled common area in the same common area group on the property.

D. A soil-lead hazard is present:

1. In a play area when the soil-lead concentration from a composite play area sample of bare soil is equal to or greater than identified by EPA, pursuant to Toxic Substances Control Act (TSCA) section 403; or

2. In the rest of the yard when the arithmetic mean lead concentration from a composite sample (or arithmetic mean of composite samples) of bare soil from the rest of the yard (i.e., non-play areas) for each residential building on a property is equal to or greater than identified by EPA, pursuant to Toxic Substances Control Act (TSCA) section 403.]

18 VAC 15-30-520. Inspections ~~in target housing~~.

A. Inspections shall be conducted only by persons ~~certified~~ *licensed* by the ~~department~~ *board* *as an inspector or risk assessor*.

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

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1. ~~All component surfaces with visible distinct painting histories in every room, of every residential dwelling chosen for inspection, as well as all exterior components with distinct painting histories of every residential dwelling chosen for testing~~ *In a residential dwelling or child-occupied facility, each [component testing combination] with a distinct painting history and each exterior [component testing combination] with a distinct painting history shall be tested for lead-based paint, except those [components testing combinations] that are known to the inspector technician or inspector/ risk assessor determines to have been replaced after 1980 1978, or do not contain lead-based paint.*
 2. ~~All components with distinct visible painting histories~~ *In a multi-family dwelling or child-occupied facility, each [component testing combination] with a distinct painting history in every common area, except those [components testing combinations] that are known to the inspector technician or inspector/ risk assessor determines to have been replaced after 1980 1978, or do not contain lead-based paint.*
- C. ~~Testing for the presence of lead based paint shall be conducted by documented methodologies which incorporate adequate quality control procedures. Paint shall be sampled in the following manner:~~
1. *The analysis of paint to determine the presence of lead shall be conducted using documented methodologies that incorporate adequate quality control procedures; and/or*
 2. *Collected paint chips shall be sent to a laboratory recognized by EPA as being capable of performing the analysis.*
- D. ~~Paint chips taken during inspections shall:~~

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- ~~1. Be collected according to the procedures found in the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, June 1995.~~
- ~~2. Be sent for analysis to a laboratory recognized by EPA as being capable of performing the analysis.~~

18 VAC 15-30-530. Use of x-ray fluorescence spectroscopy. (Repealed.)

~~Inspectors using an x-ray fluorescence spectroscopy (XRF) to test for the presence of lead-based paint shall use the XRF in accordance with the manufacturer's instructions and the procedures found in the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, June 1995.~~

18 VAC 15-30-540. Written inspection report.

~~The following information shall be recorded in a written~~ *The licensed inspector or risk assessor shall prepare an inspection report by an inspector technician or inspector/risk assessor that shall include the following information:*

1. Date of *each* inspection.
2. Address of buildings ~~and units~~.
3. Date of construction ~~of buildings and units~~.
4. ~~Unit~~ *Apartment* numbers (if applicable).
5. Name, address, and telephone number of the owner or ~~owner's agent of buildings and units~~ *owners of each residential dwelling or child-occupied facility.*

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- ~~6. Name and, signature, and license number of the certified each licensed inspector technician or inspector/ risk assessor conducting testing, including certification or license number.~~
 - ~~7. Name, address, and telephone number of the certified [licensed] firm employing each inspector technician or inspector/ risk assessor.~~
 - ~~8. Name, address and telephone number of each recognized laboratory conducting an analysis of collected samples.~~
 - ~~9. 8. Each testing method and device and/or sampling procedure employed or both for paint analysis, including quality control data, and, if used, the serial number of any X-Ray Fluorescence Spectroscopy (XRF) device.~~
 - ~~10. Precise 9. Specific locations of all components and surfaces on components each painted [component testing combination] tested and sampled for the presence of lead-based paint.~~
 - ~~11. Data pertinent to lead collected using on-site testing devices.~~
 - ~~12. A list of all tested surfaces (components) found, either through on site testing or laboratory analysis, to contain lead-based paint, as defined in this chapter, and those surfaces that did not contain lead-based paint.~~
 - ~~13. Any recommendation by an inspector technician or inspector/risk assessor regarding the need for additional testing or assessment.~~
- ~~Reports and plans required by this section shall be maintained by the regulant who conducted the inspection for no less than three years.~~

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~~The above information is subject to 40 CFR Part 745, Subpart F, Disclosure of Known Lead-Based Paint and/or Lead Based Paint Hazards upon Sale or Lease of Residential Property.~~

10. The results of the inspection expressed in terms appropriate to the sampling methods used.

18 VAC 15-30-541. Lead Hazard Screen.

A. A lead hazard screen shall only be conducted by individuals licensed by the board as a risk assessor.

B. If conducted, a lead hazard screen shall be conducted as follows:

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

2. A visual inspection of the residential dwelling or child-occupied facility shall be conducted to:

a. Determine if any deteriorated paint is present; and

b. Locate at least two dust sampling locations.

3. If deteriorated paint is present, each surface with deteriorated paint, which is determined to be in poor condition by using documented methodologies and to have a distinct painting history, shall be tested for the presence of lead.

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

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5. *In multi-family dwellings and child-occupied facilities, in addition to the floor and window samples required in 18 VAC 15-30-550 B 4, the risk assessor shall also collect composite dust samples from common areas where children, age six and under, are most likely to come into contact with dust.*

C. Dust samples shall be collected in the following manner:

1. *All dust samples shall be taken using documented methodologies that incorporate adequate quality control procedures.*

2. *All dust samples shall be sent to a laboratory recognized by EPA as being capable of performing the analysis to determine if they contain detectable levels of lead that can be quantified numerically.*

18 VAC 15-30-542. Written lead hazard screen report.

After a lead hazard screen has been conducted, a written hazard screen report shall be prepared by the risk assessor. A lead hazard screen report shall contain the following minimum information:

1. *The information identified in a risk assessment report as specified in 18 VAC 15-30-610, including 18 VAC 15-30-610 1 through 18 VAC 15-30-610 14. Additionally, any background information collected pursuant to 18 VAC 15-30-541 B 1 of this chapter shall be included in the report.*

2. *Recommendations, if warranted, for a follow-up risk assessment, and as appropriate, any further actions.*

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18 VAC 15-30-550. Risk assessment ~~in target housing.~~

~~Risk assessments or other lead hazard assessment activity shall be conducted only by persons certified by the board as an inspector/risk assessor.~~

A. *A risk assessment shall only be conducted by individuals licensed by the board as risk assessors.*

B. *If conducted, a risk assessment shall be conducted as follows:*

1. *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 deterioration, and other potential lead-based paint hazards.*

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

3. ~~[Each surface with deteriorated paint that is~~ The following surfaces which are] ~~determined [to be in poor condition by using , using] documented methodologies[, 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. :]~~

[a. Each friction surface or impact surface with visibly deteriorated paint; and

b. All other surfaces with visibly deteriorated paint.]

4. *In residential dwellings, dust samples (either composite or single-surface samples) from the [interior] window [sill(s)] and floor shall be collected [and analyzed for lead*

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concentration] in ~~[at]~~ living areas where one or more children, age six and under, are most likely to come into contact with dust.

5. For multi-family dwellings and child-occupied facilities, the samples required in 18 VAC 15-30-550 B (3) shall be taken. In addition, [interior] window [sill] and floor dust samples (either composite or single-surface samples) shall be collected [and analyzed for lead concentration] in the following ~~[manner]~~ locations]:

a. Common areas adjacent to the sampled residential dwelling or child-occupied facility;
and

b. Other common areas in the building where the risk assessor determines that one or more children, age six and under, are likely to come into contact with dust.

6. For child-occupied facilities, [interior] window [sill] and floor dust samples (either composite or single-surface samples) shall be collected [and analyzed for lead concentration] in each room, hallway or stairwell utilized by one or more children, age six and under, and in [the other] common areas in the child-occupied facility where ~~[the risk assessor determines]~~ one or more children, age six and under, are likely to come into contact with dust.

7. 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. The rest of the yard (i.e., non-play areas) where bare soil is present; and]

~~[b. c.]~~ Dripline/foundation areas where bare soil is present.

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

9. Any collected paint chip, dust, or soil sample shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.

18 VAC 15-30-560. Background information. (Repealed.)

~~When conducting a risk assessment, background information regarding the physical characteristics of the unit and residential use patterns shall be collected, and shall contain the following information:~~

- ~~1. A schematic site plan showing each room within the unit or within every unit, its use and number of children under age six currently residing in the unit.~~
- ~~2. The age of the structure and any additions thereto.~~
- ~~3. A copy of any previous test results or inspections regarding lead based paint or other assessments for lead related hazards.~~
- ~~4. A description of any lead related health problems for either children or adults in the residence, provided such information is made available to the inspector/risk assessor by the residents.~~
- ~~5. Other available information that the risk assessor determines is necessary to characterize occupant use patterns that may generate or contribute to lead based paint hazards.~~

18 VAC 15-30-570. Visual inspection. (Repealed.)

~~A visual inspection to determine the condition of all painted surfaces shall be completed by the inspector/risk assessor.~~

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18 VAC 15-30-580. ~~Dust samples. (Repealed.)~~

~~A. Dust samples shall be collected within each selected unit according to the following procedures by an inspector technician or inspector/risk assessor:~~

- ~~1. Parts of the living area where children are most likely to come into contact with dust as determined by the risk assessor shall be sampled.~~
- ~~2. The samples shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.~~

~~B. Where applicable, dust samples shall be collected by an inspector technician or inspector/risk assessor in the following common areas:~~

- ~~1. In buildings three floors or less, collect samples from common areas adjacent to the sampled unit. Additional samples shall be collected in the following common areas:
 - ~~a. Entry area of building.~~
 - ~~b. First level landing above the ground floor.~~~~
- ~~2. In buildings containing four floors or more, collect samples from floor and window sills of common areas, if present.~~
- ~~3. The samples shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.~~

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18 VAC 15-30-590. ~~Paint samples. (Repealed.)~~

~~Any paint found to be deteriorated or any other area that the inspector/risk assessor, in his professional opinion, determines to be deteriorated shall be tested by an inspector technician or inspector/risk assessor according to the procedures outlined in this chapter.~~

18 VAC 15-30-600. ~~Soil samples. (Repealed.)~~

~~Randomly selected soils samples shall be collected by an inspector technician or inspector/risk assessor and analyzed in order to adequately characterize the lead concentrations. Samples shall be collected in the following areas:~~

- ~~1. Exterior play area.~~
- ~~2. Areas containing bare soil.~~
- ~~3. Dripline/foundation areas.~~

~~The samples shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.~~

18 VAC 15-30-610. Written *risk* assessment report.

~~A.~~ After an assessment has been conducted, a written assessment report shall be completed. A risk assessment report shall contain the following minimum information:

1. Date of assessment.
2. Address of ~~buildings and residents~~ *each building*.
3. Date of construction of ~~residences and buildings~~ *each building*.
4. ~~Unit~~ *Apartment* numbers (if applicable).

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~~5.~~ Name, address, and telephone number of ~~the each~~ owner of ~~residences and each~~ building.

~~6.~~ Name of each occupant of the residences and buildings at the time of assessment (if applicable).

~~7.~~ 6. Name ~~and~~, signature, and license number of ~~certified inspector/~~ the licensed risk assessor conducting the assessment, ~~including his certification number.~~

~~8.~~ 7. Name, address, and telephone number of the firm employing each ~~inspector/~~ risk assessor.

~~9.~~ 8. Name, address, and telephone number of each recognized laboratory conducting analysis of collected samples.

~~10.~~ Any background information collected.

~~11.~~ 9. Results of the visual inspection.

~~12.~~ 10. Testing method and sampling procedures for paint analysis employed.

~~13.~~ Precise 11. Specific locations of ~~all each~~ painted surfaces (components) [*component testing combination*] tested for the presence of lead-based paint.

~~14.~~ 12. All data collected from on-site testing, including quality control and, if used, the serial number of any XRF device.

~~15.~~ 13. All results of laboratory analysis on collected paint, soil, and dust samples.

~~16.~~ 14. Any other sampling results.

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~~17. An evaluation, to the extent that it is utilized as part of the hazard determination, of the adequacy of any previous inspections or analyses of the presence of lead based paint or other assessments of lead related hazards.~~

~~18. A detailed description of recommended control strategies for reducing lead based paint hazards and justification for the strategy selected, the locations where the recommended actions should take place, and a suggested prioritization for taking each action based on the immediacy of the hazard.~~

~~B. Reports and plans required by this section and 18 VAC 15-30-560 shall be maintained by the owner of the residence or building, and the certified individual or firm that conducted the risk assessment for no less than three years.~~

~~C. Reports and plans required by this section and 18 VAC 15-30-560 are subject 40 CFR Part 745, Subpart F, Disclosure of Known Lead Based Paint and/or Lead Based Paint Hazards upon Sale or Lease of Residential Property.~~

15. Any background information collected pursuant to 18 VAC 15-30-550 B 2.

16. 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.

17. A description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazard.

18. A description of interim controls or abatement options, or both, for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an

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encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

18 VAC 15-30-620. Abatement ~~in target housing~~.

A. Abatement shall be conducted only by individuals ~~certified~~ *licensed* by the ~~department board~~ as ~~a supervisor~~ *supervisors* or ~~worker~~ *workers* and employed by a ~~certified~~ *licensed* lead abatement contractor.

B. ~~A certified supervisor shall be assigned to~~ *A licensed lead abatement supervisor is required for each abatement project and shall be on-site during all work site preparation and during the post-abatement cleanup of work areas. At all other times when abatement activities are being conducted, the licensed supervisor shall be on-site or available by telephone, pager or answering service, and able to be present physically at the work site within in no more than two hours of where abatement activities are being conducted.*

C. The ~~certified~~ *licensed* lead abatement supervisor and the ~~certified firm~~ *licensed* lead abatement contractor employing the supervisor ~~are responsible for ensuring completion of~~ *shall ensure that all abatement activities are conducted according to the provisions requirements of this chapter and all other federal, state and local regulations.*

~~D. Notification shall be sent to the Virginia Department of Labor and Industry prior to the commencement of abatement activities. The notification shall be sent in a manner prescribed by the Virginia Department of Labor and Industry.~~

D. A written occupant protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures:

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1. The occupant protection plan shall be unique to each residential dwelling or child-occupied facility and be developed prior to the abatement. The occupant 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 hazard.

2. A licensed lead abatement supervisor or lead project designer shall prepare the occupant protection plan.

E. The following work practices shall be restricted during an abatement:

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

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

3. Dry scraping of lead-based paint is permitted only in conjunction with heat guns or around electrical outlets or when treating defective paint spots totaling no more than two square feet in any one room, hallway, or stairwell or totaling no more than 20 square feet on exterior surfaces.

4. Operating a heat gun on lead-based paint is permitted only at temperatures below 1100 degrees Fahrenheit.

F. [~~Soil abatement, if conducted, shall be conducted in one of the following ways~~ If the soil is removed]:

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1. ~~[If soil is removed, the lead-contaminated soil shall be replaced with soil that is not contaminated; or~~ The soil shall be replaced by soil with a lead concentration as close to local background as practicable, but no greater than 400 ppm.

2. The soil that is removed shall not be used as top soil at another residential property or child-occupied facility.]

~~[2. 3.]~~ *If soil is not removed, the ~~[lead-contaminated]~~ soil shall be permanently covered[,] as defined in 18 VAC 15-30-20.*

G. An abatement report shall be prepared by a licensed lead abatement supervisor or lead project designer. The abatement report shall include the following information:

1. Start and completion dates of abatement.

2. The name and address of each licensed lead abatement contractor conducting the abatements, and the name of each licensed lead abatement supervisor assigned to the abatement project.

3. The occupant protection plan prepared pursuant to subsection D of this section.

4. The name, address, and signature of each licensed risk assessor or inspector conducting clearance sampling and the date of clearance testing.

5. The results of clearance testing, the name of each recognized laboratory that conducted the analysis, and the name and signature of the person conducting the analysis.

6. A detailed written description of the abatement, including abatement methods used, locations of rooms and components where abatement occurred, and reason for selecting

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particular abatement methods for each component and any suggested monitoring of encapsulants or enclosures.

18 VAC 15-30-630. ~~Written project design. (Repealed.)~~

~~A. A written project design shall be developed for lead abatement firms by a certified planner/project designer.~~

~~B. Certified supervisors may develop the project design for projects with less than 10 units to be abated.~~

~~C. The written project design shall contain the following elements:~~

~~1. Measures taken to ensure worker protection which are consistent with all federal, state and local regulations, hazard recognition and control procedures, and information and training to be provided to abatement workers.~~

~~2. Measures taken to ensure compliance with all federal, state and local environmental regulations.~~

~~3. An occupant protection program, unique to each unit and developed prior to abatement, that describes the measures that will be taken during abatement to protect the building occupants, the methods of verification that will be utilized to document this protection, and contains the following:~~

~~a. In plans which require the relocation of occupants, post-abatement dust clearance levels must be met as described in this chapter.~~

~~b. Duration of abatement activities.~~

~~e. Access to facilities and exits.~~

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~~d. Total area involved.~~

~~e. Specification of the use of containment.~~

18 VAC 15-30-640. Pre-abatement soil samples. (Repealed.)

~~A. Prior to exterior abatement of lead based paint, pre-abatement composite soil samples shall be taken. Soil samples shall consist of at least four subsamples taken next to the foundation or from the dripline below any exterior surfaces to be abated.~~

~~B. The samples shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.~~

~~C. This section shall not apply if the information is available from a current risk assessment.~~

18 VAC 15-30-650. Post-abatement clearance procedures.

The following post-abatement clearance procedures ~~for units that have been abated~~ shall be performed by a ~~certified~~ *licensed* inspector ~~/ or licensed~~ risk assessor:

1. Following an abatement, a visual inspection shall be performed by the *licensed* inspector ~~technician or inspector/ or licensed~~ risk assessor to determine if there are any deteriorated *painted* surfaces or visible amounts of dust, *debris, or residue still present*. If deteriorated *painted* surfaces or visible amounts of dust, *debris, or residue* are present, these conditions must be ~~corrected and re-cleaned~~ *eliminated* prior to the continuation of the clearance procedures.

2. ~~Surface dust samples shall be taken~~ *Following a successful visual inspection for clearance, but no sooner than one hour after completion of final post abatement clean-up activities, clearance sampling shall be conducted.*

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- ~~3. All dust samples shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.~~
- ~~4. The following locations shall be sampled for lead-containing dust by a certified inspector technician or inspector/risk assessor:~~
- ~~a. After removing lead-based paint from components throughout a unit, three dust samples shall be taken from each area in every unit abated. One sample shall be taken from one window sill, one window well, and one floor of each area, if available.~~
 - ~~b. After removing lead-based paint from components in a portion of the unit, procedures in subdivision 4 a of this section shall be followed and one sample from outside the containment area (within 10 feet) shall be taken.~~
 - ~~c. Following a complete replacement or encapsulation of surfaces coated with lead-based paint, samples shall be taken from each area in every unit abated. One sample each shall be collected from window wells, window sills, and floors.~~
 - ~~d. Following a partial replacement or encapsulation of surfaces coated with lead-based paint, the procedures established in subdivision 4 c of this section shall be followed and one sample from outside the work area (within 10 feet) shall be taken.~~
- ~~5. Following an exterior abatement, at least one sample shall be taken from an adjacent horizontal surface in the outdoor living area including, but not limited to, a patio, deck, porch, or stoop.~~

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3. Clearance sampling may be conducted by employing single-surface or composite sampling techniques, and shall be taken using documented methodologies that incorporate adequate quality control procedures.

4. 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.

a. After conducting an abatement with containment between abated and unabated areas, one dust sample shall be taken from one [interior] window [sill and from one window trough] (if [~~available~~ present]) and one dust sample shall be taken from the [~~floor~~ floors of each] 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.

b. After conducting an abatement with no containment, two dust samples shall be taken from [each of] no less than four rooms, hallways, or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one [interior] window [sill and window trough] (if [~~available~~ present]) 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.

c. Following an exterior paint abatement, a [~~visible~~ visual] inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surfaces shall be

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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.

5. *The rooms, hallways, or stairwells selected for sampling shall be selected according to documented methodologies.*

6. ~~In each area within an individual unit,~~ The licensed inspector ~~+~~ or licensed risk assessor shall compare the residual lead [~~dust levels level~~] (as determined by the laboratory analysis) from each [~~single surface~~] dust sample with the [~~applicable~~] clearance levels[, as established in 40 CFR Part 745 (Lead; Identification of Dangerous Levels of Lead; Final Rule; January 5, 2001),] for lead in dust on floors[, interior window sills, and window troughs or from each composite dust sample with the applicable clearance levels for lead in dust on floors, interior window sills, and window troughs divided by half the number of subsamples in the composite sample] , ~~window sills, window wells, and exterior surfaces, as established in the HUD Guidelines for the Evaluation and Controls of Lead-Based Paint Hazards in Housing, June 1995, unless superseded by any other clearance levels [and windows].~~ If any of the area's residual ~~dust lead~~ [~~levels level~~] in a [~~single surface~~] dust sample [~~equals or exceed exceeds~~] ~~these~~ the [~~applicable~~] clearance [~~levels level~~ or if the residual lead level in a composite dust sample equals or exceeds the applicable clearance level divided by half the number of subsamples in the composite sample], [~~all~~] the ~~area~~ components represented by the failed sample shall be ~~cleaned again~~ *re-cleaned* and retested [~~until the clearance levels are~~

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~~met]. If dust levels continue to exceed the clearance levels, alternate hazard control strategies should be considered for use. Until all applicable clearance levels for lead in dust are met, the area shall not be cleared for reoccupancy.~~

~~7. Once all residual lead levels for an area meet or fall below the clearance levels for lead in dust and there is no deteriorated paint or visible dust present, the area shall be cleared for reoccupancy by the certified inspector/risk assessor.~~

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

a. The licensed 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 dwellings (whichever is less) 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 this chapter.

18 VAC 15-30-651. Composite dust sampling.

Composite dust sampling may be used in situations specified in 18 VAC 15-30-520 through 18 VAC 15-30-610. If such sampling is conducted, the following conditions shall apply:

1. Composite dust samples shall consist of at least two aliquots;

2. Every component that is being tested shall be included in the sampling; and

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3. *Composite dust samples shall not consist of aliquots taken from more than one type of component.*

18 VAC 15-30-660. Soil clearance lead levels. (Repealed.)

~~The following procedures for determining whether soil clearance lead levels have been met shall be performed by a certified inspector technician or inspector/risk assessor:~~

~~1. Composite soil samples consisting of at least four subsamples shall be taken after all exterior abatement work from the dripline or next to the foundation below any exterior surfaces abated.~~

~~2. Samples shall be sent for analysis to a laboratory recognized by EPA as being capable of performing these activities.~~

~~3. A statistical analysis such as, but not limited to, a paired student T test shall be used to determine if the post abatement soil lead level had increased at a statistically significant level (significant at the 95% confidence limit) from the pre abatement soil lead level following exterior abatement activities.~~

~~a. If soil lead levels do not show a statistically significant increase in lead concentrations based on a statistical analysis at the 95% confidence limit after abatement, no remediation is required.~~

~~b. If soil lead levels do show a statistically significant increase, above any applicable federal or state standard for lead in residential soil, based on the statistical analysis at the 95% confidence limit, the measured level of lead in the soil shall be remediated back to the~~

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~~pre-abatement level or abatement of the soil shall be conducted according to the provisions of this chapter.~~

18 VAC 15-30-670. Waste disposal. (Repealed.)

~~All waste generated from a lead-based paint abatement project shall be disposed in accordance with the requirements of the Resource Conservation and Recovery Act (42 USC § 6901 et seq.) and any other applicable federal, state and local laws and regulations.~~

18 VAC 15-30-680. Supervisor's report. (Repealed.)

~~A. The following information shall be recorded in a written report by the certified supervisor when conducting abatement for lead-based paint:~~

- ~~1. Start and completion dates of abatement.~~
- ~~2. The name and address of each certified firm conducting the abatements, and the name of each supervisor assigned to the abatement project.~~
- ~~3. The name, address and signature of each certified inspector/risk assessor or inspector technician conducting clearance sampling and the date of clearance testing.~~
- ~~4. The results of clearance testing, the name of each recognized laboratory that conducted the analysis, and the name and signature of the person conducting the analysis.~~
- ~~5. A detailed written description of the abatement, including abatement methods used, locations of rooms or components or both where abatement occurred, and reason for selecting particular abatement methods for each component.~~
- ~~6. Information on the storage, transport and disposal of any hazardous waste generated during abatement.~~

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~~B. The report described in subsection A of this section and the written abatement plan noted in 18 VAC 15-30-630 shall be maintained by the building owner and certified firm conducting the abatement activity for no less than three years and are subject to 40 CFR Part 745, Subpart F, Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards upon Sale or Lease of Residential Property.~~

18 VAC 15-30-690. Identification of lead-based paint in public buildings. (Repealed.)

~~A. The procedures, requirements and standards in 18 VAC 15-30-520, 18 VAC 15-30-530, and 18 VAC 15-30-540 shall be followed when identifying lead-based paint in public buildings.~~

~~B. All information collected from the identification of lead-based paint in public buildings as described in subsection A of this section shall be maintained by the regulant for not less than three years.~~

18 VAC 15-30-700. Risk assessment for public buildings. (Repealed.)

~~A. The standards in 18 VAC 15-30-550, 18 VAC 15-30-560, 18 VAC 15-30-570, subdivision 2 of 18 VAC 15-30-580, 18 VAC 15-30-590, 18 VAC 15-30-600, and 18 VAC 15-30-610, as applicable, shall be followed when conducting a risk assessment in public buildings.~~

~~B. All information collected from a risk assessment in public buildings as described in subsection A of this section shall be maintained by the owner of the building and certified firm responsible for the risk assessment for not less than three years.~~

18 VAC 15-30-710. Abatement in public buildings. (Repealed.)

~~A. The standards in 18 VAC 15-30-620 through subdivision 4 of 18 VAC 15-30-650 and 18 VAC 15-30-670 shall be followed when abating a public building.~~

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~~B. All reports required in 18 VAC 15-30-680 shall be maintained by the building owner and the certified firm conducting the abatement activity for a period of not less than three years.~~

18 VAC 15-30-720. Demolition in public and commercial buildings and superstructures. (Repealed.)

~~The following standards shall be followed when conducting demolition in public and commercial buildings and steel structures:~~

- ~~1. A certified supervisor shall, through a review of available documents, obtain any relevant historical information on use of lead-based paint on the building or structures.~~
- ~~2. Whenever deleading is conducted as part of a demolition, such as welding, burning, or torch cutting of lead-based paint, the standards and procedures prescribed in 18 VAC 15-30-740 shall be followed.~~

18 VAC 15-30-730. Standards for identification of lead-based paint in commercial buildings and superstructures. (Repealed.)

~~The following standards shall be followed when conducting lead-based paint identification in commercial buildings and superstructures:~~

- ~~1. A certified supervisor shall, through a review of available documents, obtain any relevant historical information on use of lead-based paint on the building or structure.~~
- ~~2. If the presence of lead-based paint cannot be established as specified in subdivision 1 of this section for the portion of the building or structure or the entire building or structure, a visual inspection and limited sampling shall be conducted at the rate of one sample per 1,000~~

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~~square feet of surface with a distinct painting history, including any distinct finish color and maintenance painting, within the area that the historical review was not conclusive.~~

~~3. Samples shall be analyzed by a laboratory recognized by EPA as being capable of performing these activities.~~

~~4. The following information shall be recorded in a written report by the certified supervisor when conducting lead identification activities:~~

~~a. Date of identification activity.~~

~~b. Name and signature of each person making the identification.~~

~~c. Determination of existence of lead based paint based on the results of testing.~~

~~d. The name and address of each recognized laboratory doing paint analysis, date of analysis, results of analysis, and name of person performing the analysis.~~

~~5. All reports required under this section shall be maintained by the owner or operator of such structure or building until such time that the structure or portion of the structure that was involved in the identification is repainted.~~

18 VAC 15-30-740. ~~Deleading of lead-based paint in commercial buildings and superstructures. (Repealed.)~~

~~A. Deleading shall only be conducted by persons certified by the department.~~

~~B. A supervisor, certified by the department for deleading on superstructures and commercial buildings, shall be assigned to the deleading project and available at all times when deleading activities are being conducted.~~

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~~C. The supervisor and the certified firm are responsible for ensuring completion of all deleading activities conducted on superstructures and commercial buildings according to the provisions of this chapter.~~

~~D. A written deleading plan shall be prepared by a certified supervisor and shall contain the following elements:~~

~~1. Measures taken to ensure worker protection which are consistent with all federal, state and local regulations, hazard recognition and control procedures, and information and training to be provided to deleading workers.~~

~~2. Measures taken to ensure compliance with all federal, state, and local environmental regulations.~~

~~E. All waste shall be disposed of in accordance with the appropriate requirements of the Resource Conservation and Recovery Act (42 USC § 6901 et seq.) and any applicable federal, state, and local requirements.~~

~~F. A report containing the following information shall be maintained by a certified firm when conducting deleading activities on superstructures and commercial buildings:~~

~~1. Start and completion dates of deleading.~~

~~2. Names and addresses, as well as signatures of each supervisor of the deleading activity and their certification number.~~

~~3. The name and address of each certified firm and the recognized laboratory doing any analysis, date of analysis and name and signature of each person performing the analysis.~~

~~4. A detailed written description of the deleading methods used.~~

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~~5. Identification of storage and disposal sites of all hazardous waste.~~

~~6. Reports required under this section shall be maintained by the owner or oversight agency of such structure until the structure or portion of that structure is repaired.~~

18 VAC 15-30-750. Soil abatement procedures. (Repealed.)

~~A. Abatement shall only be conducted by persons certified by the department.~~

~~B. A supervisor, certified by the department, shall be assigned to the abatement project and available at all times when abatement activities are being conducted.~~

~~C. The supervisor and the certified firm are responsible for ensuring that all soil abatement activities are conducted according to the provisions of this chapter.~~

~~D. Soil abatement shall be conducted in one of the following ways:~~

~~1. If soil removal is to be conducted, the lead-contaminated soil shall be removed to a depth determined by the inspector/risk assessor until the EPA promulgates a regulation pursuant to § 403 of TSCA (15 USC § 2683) defining lead-contaminated soil.~~

~~2. If, after removal, the soil is to be replaced, the soil shall be replaced with noncontaminated soil, to prevent any recontamination that would pose a lead hazard.~~

~~3. If the contaminated soil is not removed, it shall be permanently covered.~~

~~E. Soil abatement shall be conducted in a way that minimizes the likelihood that significant amounts of lead-contaminated soil and dust will be blown from the site or carried away by water run-off.~~

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~~F. The following information shall be recorded in a written report by a certified firm when conducting soil abatement:~~

- ~~1. Start and completion dates of deleading.~~
- ~~2. Names and addresses, as well as signatures of each supervisor of the deleading activity and their certification number.~~
- ~~3. The name and address of each certified firm and the recognized laboratory doing any analysis, date of analysis, and name and signature of each person performing the analysis.~~
- ~~4. The results of clearance or monitoring analysis, or both, conducted by recognized laboratories.~~
- ~~5. A detailed written description of the abatement, including abatement methods used, locations of abatement, and reason for selecting each abatement method.~~
- ~~6. Identification of storage and disposal sites of all hazardous waste.~~

~~G. Notification of the commencement of the soil abatement shall be submitted to the Virginia Department of Labor and Industry according to the procedures established by the Department of Labor and Industry.~~

~~H. All reports required by this section shall be maintained by the owner or the oversight agency of the site where soil abatement occurred and the certified firm which performed the abatement for not less than three years.~~

VIRGINIA LEAD-BASED PAINT ACTIVITIES REGULATIONS

PART X.

STANDARDS OF PRACTICE AND CONDUCT.

18 VAC 15-30-760. Responsibility to the public.

The primary obligation of the [~~regulant~~ licensee] is to the public. If the [~~regulant's~~ licensee's] judgment is overruled under circumstances when the safety, health, property, and welfare of the public are endangered, the [~~regulant~~ licensee] shall inform the employer or client of the possible consequences and notify appropriate authorities if the situation is not resolved. The [~~regulant~~ licensee] shall take such action only when his authority to correct a problem has been ignored or overruled.

18 VAC 15-30-770. Public statements.

A. The [~~regulant~~ licensee] shall be truthful in all matters relating to the performance of lead abatement or lead consulting services.

B. When serving as an expert or technical witness, the [~~regulant~~ licensee] shall express an opinion only when it is based on an adequate knowledge of the facts in issue and on a background of technical competence in the subject matter. Except when appearing as an expert witness in court or an administrative proceeding when the parties are represented by counsel, the [~~regulant~~ licensee] shall issue no statements, reports, criticisms, or arguments on matters relating to practices which are inspired or paid for by an interested party or parties, unless one has prefaced the comment by disclosing the identities of the party or parties on whose behalf the [~~regulant~~ licensee] is speaking, and by revealing any self-interest.

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C. [~~Regulants~~ Licensees] or applicants shall not knowingly make a materially false statement, submit falsified documents, or fail to disclose a material fact requested in connection with an application submitted to the board by any individual or business entity for ~~certification~~ *licensure* or renewal.

18 VAC 15-30-780. Solicitation of work.

In the course of soliciting work:

1. The [~~regulant~~ licensee] shall not bribe.
2. The [~~regulant~~ licensee] shall not falsify or permit misrepresentation of the [~~regulant's~~ licensee's] work or an associate's academic or professional qualifications, nor shall the [~~regulant~~ licensee] misrepresent the degree of responsibility for prior assignments.
3. Materials used in the solicitation of employment shall not misrepresent facts concerning employers, employees, associate joint ventures, or past accomplishments of any kind.
4. Materials used in the solicitation of services shall not misrepresent facts of approval, federal, or state requirements.

18 VAC 15-30-790. Professional responsibility.

A. The [~~regulant~~ licensee or accredited lead training provider] shall, upon request or demand, produce to the board, or any of its representatives, any plan, document, book, record or copy thereof in his possession concerning a transaction covered by this chapter, and shall cooperate in the investigation of a complaint filed with the board [against a licensee or accredited lead training provider].

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B. A ~~regulant~~ [~~licensee or approved entity~~] shall not use the design, plans, or work of another ~~regulant~~ [~~licensee or approved entity~~] with the same type of license without the ~~original professional's original's~~ knowledge and consent, and after consent, a thorough review to the extent that full responsibility ~~may~~ shall be assumed by the user.

C. Accredited lead training providers shall admit board representatives for the purpose of conducting an on-site audit, or any other purpose necessary to evaluate compliance with this chapter and other applicable laws and regulations.

18 VAC 15-30-800. Good standing in other jurisdictions.

A. [~~Regulants~~ Licensees, accredited lead training providers, training managers, or principal instructors] ~~certified to practice planning/~~ who perform lead project designs, lead inspections, lead risk assessments, lead-based paint abatement training, ~~contractual~~ lead contracting or lead abatement supervisor work in other jurisdictions shall be in good standing in every jurisdiction where licensed, certified, or approved and shall not have had a license, certification, or approval suspended, revoked, or surrendered in connection with a disciplinary action.

B. [~~Regulants~~ Licensees, accredited lead training providers, training managers, or principal instructors] shall notify the ~~department~~ board in writing no later than 10 days after the final disciplinary action taken by another jurisdiction against their *license or approval* to conduct lead-based paint activities.

C. [~~Regulants~~ Licensees, accredited lead training providers, training managers, or principal instructors] may be subject to disciplinary action ~~against their Virginia certification or accredited removal of a lead training program accreditation~~ for disciplinary actions taken by another jurisdiction.

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18 VAC 15-30-810. Grounds for denial of application, denial of renewal, or discipline.

A. The board shall have the authority to ~~deny application for and to deny renewal of a certification or accredited training program as well as to discipline a certified individual, a certified firm, an accredited training program, or individual instructors~~ *fine any licensee or accredited lead training provider*[, training manager] *or* [principal] *instructor, and to deny renewal, suspend, revoke or deny application for any license or approval as an accredited lead training* [program, accredited lead training] *provider*[, training manager] *or* [principal] *instructor provided for under Chapter 5 of Title 54.1 of the Code of Virginia for the following reasons:*

1. ~~The certified individual, certified firm, accredited training program, training manager, principal instructor or work practice instructor violates~~ *Violating or induces inducing another person to violate any of the provisions of Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia, or any of the provisions of this chapter.*
2. ~~The regulant obtained his certification or accredited training program approved~~ *Obtaining a license* [~~or the~~ , approval as an accredited lead training program,] *approval as an accredited lead training provider* [or approval as a training manager or principal instructor] through fraudulent means.
3. ~~The regulant or applicant has altered~~ *Altering* [a , falsifying or issuing a fraudulent] *Virginia lead certification license* [~~issued by the~~ department [~~board~~] *or a training certificate issued by an accredited lead training program provider.*
4. ~~The certified individual, certified firm, accredited training program, training manager, principal instructor or work practice instructor violates any provision of this chapter.~~

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~~5. The regulant has~~ [4. Violating any provision of any federal or state regulation pertinent to lead-based paint activities.]

~~[4. 5.]~~ *Having been found guilty by the board, an administrative body another regulatory authority, or by a court, of any material misrepresentation in the course of performing his operating duties.*

~~6. The regulant has~~ [5. 6.] *Subject to the provisions of § 54.1-204 of the Code of Virginia, having been convicted or found guilty, regardless of adjudication in any jurisdiction of the United States, of any felony or of any misdemeanor involving lying, cheating, or stealing, or of any violation which while engaged in environmental remediation activity that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment, there being no appeal pending therefrom or the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. The record of a conviction authenticated in such form as to be admissible as evidence under the laws of the jurisdiction where convicted, A certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such conviction or discipline.*

~~7. [6. 7.]~~ *Failing to notify the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of any misdemeanor involving lying, cheating, or stealing or which of any violation while engaged in environmental remediation activity that resulted in the significant harm or the imminent threat of significant harm to human health or the environment.*

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8. [~~7.~~ 8.] Negligence, or a continued pattern of incompetence, in the practice of the discipline in which a ~~certification~~ *lead license* is held.

9. [~~8.~~ 9.] Failing or neglecting to send any information or documentation that was requested by the board or its representatives.

10. [~~9.~~ 10.] Refusing to allow state or federal representatives access to any area of an abatement site for the purpose of ~~warranted~~ *lawful* compliance inspections.

[11. Any unlawful act or violation of any provision of Chapter 5 of Title 54.1 of the Code of Virginia or of the regulations of the board by any lead abatement supervisor or lead abatement worker may be cause for disciplinary action against the lead abatement contractor for whom he works if it appears to the satisfaction of the board that the lead abatement contractor knew or should have known of the unlawful act or violation.]

B. Any individual or firm whose ~~certification license~~ [~~or~~ , approval as an accredited lead training program.] approval as an accredited *lead training program provider* [or approval as a training manager or principal instructor] is revoked under this section shall not be eligible to reapply for a period of one year from the effective date of the final order of revocation. The individual or firm shall meet all education, experience, and training requirements, complete the application, and submit the required fee for consideration as a new applicant.

18 VAC 15-30-820. Suspension or revocation of approval of an accredited *lead training program provider*.

A. The board may, ~~after notice and an opportunity for hearing,~~ suspend, revoke, or modify an accredited *lead training program* ~~program's~~ approval if an accredited *lead training program*

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provider, training manager, or other person with supervisory authority over the training program has:

1. Misrepresented the contents of a training course to the board or the student population.
2. Failed to submit required information or notification in a timely manner.
3. Failed to maintain required records.
4. Falsified accreditation records, [~~instructors~~] qualifications [of the training manager and principal instructors], or other accreditation information.
5. Failed to comply with the federal, state, or local lead-based paint statutes or regulations.

B. The board shall conduct disciplinary procedures in accordance with §§ 2.2-4019 and 2.2-4021 of the Administrative Process Act (~~§ 9-6.14:1 et seq. of the Code of Virginia~~).

~~PART XI.
FEE SCHEDULE.~~

18 VAC 15-30-830. Fees. (Repealed.)

CATEGORY	FEE AMOUNT
Lead Contractor Certification	\$40
Renewal	\$40
Late Renewal	\$65
Lead Worker Certification	\$25
Renewal	\$25
Late Renewal	\$50

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Lead Supervisor Certification ————— \$25

Renewal ————— \$25

Late Renewal ————— \$50

Inspector Technician Certification ————— \$25

Renewal ————— \$25

Late Renewal ————— \$50

Inspector/Risk Assessor ————— \$25

Renewal ————— \$25

Late Renewal ————— \$50

Planner/Project Designer ————— \$25

Renewal ————— \$25

Late Renewal ————— \$50

Dishonored check service fee ————— \$25

18 VAC 15-30-840. Evaluation of training courses. (Repealed.)

Lead Worker Course (16 hours) ————— \$800

Refresher Course (7 hours) ————— \$400

Renewal ————— \$100

Lead Supervisor Course (40 hours) ————— \$2,000

Refresher Course (7 hours) ————— \$400

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Renewal _____ \$100

Inspector Technician (24 hours) _____ \$1,200

Refresher Course (7 hours) _____ \$400

Renewal _____ \$100

Inspector/Risk Assessor (16 hours) _____ \$800

Refresher Course (7 hours) _____ \$400

Renewal _____ \$100

Planner/Project Designer (40 hours) _____ \$2,000

Refresher Course (7 hours) _____ \$400

Renewal _____ \$100