

TITLE 216 – DEPARTMENT OF HEALTH

CHAPTER 50 – ENVIRONMENTAL HEALTH

SUBCHAPTER 15 – HEALTHY ENVIRONMENT

Part 3 – Lead Poisoning Prevention

3.1 Authority and Purpose

3.1.1 Authority

- A. R.I. Gen. Laws Chapter 23-1 is the enabling legislation for the Department's overall authorities, powers, duties, and organization.
- B. R.I. Gen. Laws Chapter 23-24.6, the Lead Poisoning Prevention Act (Act), is the enabling legislation for this Part.
- C. In 1999, EPA delegated authority to the Department to enforce the provisions of the federal Lead-Based Paint Program (40 C.F.R. Part 745). In 2010, EPA delegated authority to the Department to enforce the provisions of the federal Lead Renovation, Repair, and Painting Program (40 C.F.R. Part 745).
- D. R.I. Gen. Laws Chapter 42-128.1, the Lead Hazard Mitigation Act, is the enabling legislation for the Department's shared functions with the Housing Resources Commission (HRC).
- E. R.I. Gen. Laws Chapter 23-23, the Clean Air Act, is the enabling legislation for the Department's shared functions with the Department of Environmental Management (DEM).
- F. The following regulations also provide procedures related to this Part:
 - 1. Rules and Regulations Pertaining to the Fee Structure for Licensing Laboratory and Administrative Services provided by the Department of Health (Part 10-05-2 of this Title);
 - 2. Rules and Regulations Pertaining to Reporting of Infectious, Environmental and Occupational Diseases (Part 30-05-2 of this Title);
 - 3. Rules and Regulations for Certifying Analytical Laboratories (Part 60-05-5 of this Title);
 - 4. Rules and Regulations for Licensing Clinical Laboratories and Stations (Part 60-05-4 of this Title);
 - 5. Rules and Regulations Pertaining to Practices and Procedures Before the Department of Health (Part 10-05-4 of this Title); and

6. Rules and Regulations Relating to Equal Access to Justice (Part 10-05-3 of this Title).

3.1.1 Purpose

A. The purpose of this Part is to:

1. Implement and enforce provisions, responsibilities and requirements of the Act and related laws of the State of Rhode Island;
2. Implement and enforce federally-delegated provisions, responsibilities, and requirements of the US Environmental Protection Agency (EPA);
3. Protect the public health and public interest by establishing rules and regulations to minimize public, occupant, and worker exposure to environmental lead and prevent childhood lead poisoning;
4. Define and implement systematic enforcement of requirements for the identification and reduction of environmental lead hazards at properties where lead poisoned children reside or resided;
5. Provide outreach and educational materials regarding the dangers of lead exposure and this Part as they relate to lead inspections, correcting lead hazards, and renovation activities;
6. Provide incentives for property owners to eliminate lead hazards, maintain their properties in a lead safe condition, and obtain appropriate lead certificates for residential rental units, foster homes, and child-occupied facilities;
7. Increase the use of evaluation data for continuous program improvement and define:
 - a. A lead safe environment for children;
 - b. Procedures for carrying out the goals and purposes of the Department's healthy communities, healthy homes, and lead poisoning prevention programs;
 - c. Guidelines for childhood blood lead screening and thresholds for case management and environmental intervention;
 - d. Approved lead testing methods;
 - e. Lead free, lead safe, and lead hazard standards for paint, interior dust, soil, and drinking water;
 - f. Lead hazard reduction and lead hazard control treatment options;
 - g. Lead safe work practices for renovation, repair, and painting (RRP) activities;
 - h. Lead disclosure requirements for property owners;

- i. Certification process for required training courses for environmental lead professionals;
- j. Licensing and/or certification requirements for environmental lead professionals; and
- k. Enforcement actions for non-compliance with this Part.

3.2 Applicability

3.2.1 Regulated Persons

A. The following persons are subject to the Requirements of this Part:

- 1. Parents.
 - a. Parents of children who are younger than six (6) years of age; and
 - b. Parents of children who exhibit the mouthing behavior of toddlers because of developmental delays.
- 2. Medical Providers.
 - a. Primary care physicians, pediatricians, or other health care providers licensed in Rhode Island;
 - b. Primary care physicians, pediatricians, or other health care providers of children residing in Rhode Island;
 - c. Rhode Island health care facilities, including but not limited to, hospitals, clinics and health maintenance organizations;
 - d. Health care programs funded in whole or in part with state funds or administered by any state agency and having child health components, including, but not limited to: Special Supplemental Food Program for Women, Infants & Children (WIC); Preventive Pediatric Services Program; Medicaid; General Public Assistance; and Rlte Care.
- 3. Administrators of Schools and Child Day Care Centers
 - a. Public and private kindergartens, preschools, early childhood education programs, child day care centers, or other child care programs shall require written verification of compliance with the blood lead screening requirements in this Section as a condition for initial enrollment.
 - b. The written verification must be completed by the child's health care provider, or other individual who conducted the screening, on forms approved by the Department.
- 4. Exemption to Childhood Lead Poisoning Screening Requirement.

- a. The blood lead screening requirements in § 3.4 of this Part do not apply if a child's parent signs a sworn statement indicating that blood lead screening is contrary to his/her religious tenets and practices.
5. Sellers and Lessors.
- a. The following persons are subject to the real estate notification and disclosure requirements in § 3.8 of this Part:
 - (1) All persons who sell or lease target housing;
 - (2) All persons who act as an agent for a seller or lessor of target housing; and
 - (3) Mortgagees selling target housing through a foreclosure process.
6. Exemptions to Real Estate Notification and Disclosure.
- a. The following transactions are exempt from the real estate notification and disclosure requirements in § 3.8 of this Part:
 - (1) Sales and leases of any residential dwelling constructed after January 1, 1978;
 - (2) Sales and leases of any residential premises which meet the lead free or lead safe thresholds in § 3.7 of this Part, provided that a Certification of Lead Free Status or Full Lead Safe Certificate (Form PBLC-21) is provided to the purchaser(s) or lessee(s), as applicable;
 - (3) Renewals of existing leases in which the lessor has previously complied with all requirements of this Section, provided that proof of disclosure is retained for at least three (3) years or the term of tenancy, whichever period is longer;
 - (4) Sales and leases of zero-bedroom dwelling units or dwelling units used exclusively to house the elderly or disabled in which no child resides; and
 - (5) Short-term leases of one hundred (100) days or less with no renewal option.
7. Property Owners and Managers.
- a. The following persons are subject to the owner responsibilities in § 3.2.4 of this Part:
 - (1) Owners of target housing;
 - (2) Owners of regulated facilities; and
 - (3) Owners in receipt of any notice or order from the Department.

8. Persons required to be Licensed or Certified.
- a. No person shall employ another person in Rhode Island to perform any activities subject to this Part, as specified in § 3.2.3 of this Part, and no person shall conduct such activities in Rhode Island unless that person is specifically licensed by the Department, or certified in accordance with this Part, to do that work.
 - b. Persons who offer or conduct any lead training course in Rhode Island for the purpose of certification as a Lead Renovator require a certification for each lead training course from the Department, in accordance with § 3.9 of this Part.
 - c. Persons who offer or conduct any lead training course for the purpose of licensure as a lead professional in Rhode Island require a certification from the Department, in accordance with § 3.9 of this Part, for each lead training course.
 - d. Persons who offer or conduct lead inspection services in Rhode Island require a license in accordance with §§ 3.10 and 3.13 or 3.14 of this Part, as applicable.
 - e. Persons who offer or conduct any activity in Rhode Island that will disturb lead-based paint for any reason at a regulated facility or for compensation at target housing require a license and/or certification, as applicable, in accordance with §§ 3.10 and 3.11 or 3.12 of this Part, as applicable.
 - f. Persons who offer or conduct blood lead analysis and/or environmental lead analysis require a certification, license, and/or approval from the Department in accordance with § 3.15 of this Part, as applicable.
 - g. Persons who advertise to provide any regulated activities in Rhode Island shall include their applicable Department license number in all advertisements for that work.

3.2.2 Regulated Facilities

- A. The following facilities are subject to the requirements of this Part:

- 1. Residential Facilities.
 - a. Non-exempt pre-1978 residential rental units, including single-family dwellings, multi-family dwelling units and common areas, whether occupied or vacant;
 - b. Non-exempt pre-1978 owner-occupied dwelling units, including single-family dwellings, multi-family dwelling units and common areas, in which a child resides or is expected to reside;
 - c. Any pre-1978 foster home where a child resides or is expected to reside;

- d. Any other pre-1978 property in which a child resides or is expected to reside; or
 - e. Any pre-1978 building or part of a building being converted into target housing.
- 2. Child-Occupied Facilities.
 - a. Family day care homes;
 - b. Group family day care homes;
 - c. Child day care centers;
 - d. Nursery schools, preschools, and Kindergarten classrooms; and
 - e. Any pre-1978 building or part of a building being converted into child-occupied facilities.
- 3. Exemptions.
 - a. Residential dwellings used exclusively to house the elderly or persons with disabilities provided that no child resides in such dwellings; or
 - b. Zero-bedroom dwelling units in which no child resides.

3.2.3 Regulated Activities

A. The following activities are subject to the requirements of this Part:

- 1. Real Estate Transactions.
 - a. Owners and their agents must comply with all applicable notification and disclosure requirements in § 3.8 of this Part.
- 2. Lead Training Courses.
 - a. Training courses offered or conducted in Rhode Island for the purpose of certification as a Lead Renovator must meet all requirements in § 3.9 of this Part and be certified by the Department.
 - b. Training courses offered or conducted in Rhode Island for the purpose of licensure as a lead professional must meet all requirements in § 3.9 of this Part and be certified by the Department.
- 3. Lead Inspections.
 - a. Lead inspection services performed at residential dwellings or child care centers in Rhode Island must be conducted by an appropriately licensed Lead Inspector or Lead Assessor in accordance with all applicable requirements of §§ 3.5, 3.6, and 3.7 of this Part.
- 4. Laboratory Analysis.

- a. Blood lead analysis and/or environmental lead analysis must be conducted by a laboratory certified, licensed, and/or approved by the Department in accordance with all applicable requirements in § 3.15 of this Part.
5. X-Ray Fluorescence (XRF) Analysis.
- a. On-site paint testing at a regulated facility or target housing must be conducted by a Lead Inspector or a supervised Lead Inspector-in-Training.
 - b. On-site soil testing at a regulated facility or target housing must be conducted by a Lead Inspector or supervised Lead Inspector-in-Training who is also ELPAT-accredited as being proficient for soil analysis.
 - c. XRF analysis of dust wipe or soil samples, for the purposes of this Part, must be conducted by a person who is ELPAT-accredited as being proficient for dust wipe or soil analysis, as applicable, provided that the samples were collected by a Lead Inspector or supervised Lead Inspector-in-Training, pursuant to §§ 3.5, 3.6, and 3.7 of this Part.
 - d. An XRF must be used in accordance with the manufacturer's operation and maintenance requirements and the most current version of the EPA/HUD Performance Characteristic Sheet (PCS) for that instrument.
 - e. An XRF must be operated under a currently valid specific or general radioactive materials license for that instrument in accordance with the Rules and Regulations for the Control of Radiation (Part 40-20-1 of this Title).
 - (1) Any XRF operated under a radioactive materials license issued by another jurisdiction must be in compliance with the reciprocity provisions of Subpart C.6 of the Rules and Regulations for the Control of Radiation (Part 40-20-1 of this Title).
6. Spot Removal or Minor Repair and Maintenance.
- a. Spot removal or minor repair and maintenance activities at a regulated facility or for compensation at target housing must be done in accordance with all applicable requirements in § 3.16 of this Part.
 - b. Spot removal or minor repair and maintenance activities do not include window replacement, demolition, or activities involving prohibited work practices specified in § 3.16.10(C)(1)(a) of this Part.
7. Renovation, Repair, and Painting (RRP).
- a. RRP activities at a regulated facility or for compensation at target housing must be conducted by a licensed Lead Renovation Firm in accordance with all applicable requirements in §§ 3.16 and 3.17 of this Part.
8. Lead Hazard Control (LHC).

- a. LHC activities must be conducted by a licensed Lead Renovation Firm in accordance with all applicable requirements in §§ 3.16 and 3.17 of this Part.
9. Lead Hazard Reduction (LHR).
 - a. LHR activities must be conducted by a licensed Lead Contractor in accordance with all applicable requirements in §§ 3.16 and 3.18 of this Part.

3.2.4 Responsibilities of Property Owners

- A. Owners of regulated facilities shall maintain their properties in a lead safe condition, free from lead hazards.
- B. Owners of pre-1978 residential rental units shall obtain a valid lead certificate for all non-exempt rental units by hiring a licensed Lead Inspector to perform a lead inspection.
- C. Owners of regulated facilities performing spot removal or minor repair and maintenance activities shall not use any work practices prohibited in § 3.16 of this Part.
- D. Owners of regulated facilities and target housing shall employ a licensed Lead Renovation Firm or Lead Contractor for:
 1. Any window removal/replacement;
 2. Demolition activities;
 3. Activities that disturb six square feet (6 ft²) or more of lead-based paint per interior room; and/or
 4. Activities that disturb twenty square feet (20 ft²) or more of exterior lead-based paint.
- E. Owners of regulated facilities and target housing shall employ a licensed Lead Contractor for any interior demolition or abrasive blasting on interior surfaces.
- F. Owners of any regulated facility in receipt of an Order to Correct Lead Hazards shall have all lead hazards identified in the lead inspection report corrected by a Lead Renovation Firm or Lead Contractor, pursuant to §§ 3.16 and 3.17 or 3.18 of this Part, as applicable, within ninety (90) days of receipt of the order, unless another time period is specified in the order or an extension is granted by the Department in writing. Exception: Exterior lead hazards identified between November 1st and March 31st, must be corrected by the following June 30th.
 1. Unless directed otherwise by the Department, owners shall hire a Lead Inspector to conduct a follow-up inspection to document that, as a minimum, all lead hazards identified in the order have been corrected.
 2. Documentation of compliance with the order (i.e. a Partial Lead Safe Certificate (Form PBLC-27), Certificate of Conformance (HRC LHM Form- 1), Conditional Lead Safe Certificate (Form PBLC-15), or Full Lead Safe Certificate (Form PBLC-

21)) must be submitted to the Department to avoid potential enforcement actions, pursuant to § 3.19 of this Part.

- G. Owners in receipt of a Notice of Violation from the Department are prohibited from obtaining Certificates of Conformance (HRC LHM Form-1) at any cited property during the time the Department notice remains in effect, regardless of occupancy or blood lead levels. Owners shall have all lead hazards corrected by a Lead Contractor, pursuant to §§ 3.16 and 3.18 of this Part within thirty (30) days of receipt of the notice, unless another time period is specified in the notice or an extension is granted by the Department in writing. Exception: Exterior lead hazards identified between November 1st and March 31st, must be corrected by the following June 30th.
1. Unless otherwise directed by the Department, the owner or Lead Contractor shall contact the Department to arrange for a clearance inspection.
 2. Documentation of compliance with the notice (i.e. a Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21)) must be submitted to the Department to close the case and to avoid a Second Notice of Violation and potential enforcement actions, pursuant to § 3.19 of this Part.
- H. Owners in receipt of a Second Notice of Violation from the Department are prohibited from obtaining Certificates of Conformance (HRC LHM Form-1) at any cited property during the time the Department notice remains in effect, regardless of occupancy or blood lead levels. Owners shall have all lead hazards corrected by a Lead Contractor, pursuant to §§ 3.16 and 3.18 of this Part, within thirty (30) days of receipt of the notice, unless another time period is specified in the notice or an extension is granted by the Department in writing. Exception: Exterior lead hazards identified between November 1st and March 31st, must be corrected by the following June 30th.
1. Unless otherwise directed by the Department, the owner or Lead Contractor shall contact the Department to arrange for a clearance inspection.
 2. Documentation of compliance with the notice (i.e. a Conditional Lead Safe Certificate (PBLC-15) or Full Lead Safe Certificate (Form PBLC-21)) must be submitted to the Department to remove the property from the public list mandated by the Act and to avoid potential enforcement actions, pursuant to § 3.19 of this Part.
- I. Owners in receipt of any other notice or order from the Department shall comply with all terms and conditions as directed in that notice or order to avoid potential enforcement actions, pursuant to § 3.19 of this Part.
- J. Owners in receipt of a notice or order from a Lead Assessor or other government enforcement authority, as applicable, shall:
1. Contact that enforcement authority to arrange a follow-up inspection for the property, as directed in the notice or order; or
 2. Hire a licensed Lead Inspector to perform the applicable follow-up inspection, as directed in the notice or order.

- K. Owners of any dwelling or dwelling unit that was the subject of any lead inspection shall notify the occupants of the results within seven (7) days of receiving those results and provide a complete copy of the lead inspection report upon request.
- L. Owners shall notify and disclose information about lead-based paint and/or environmental lead hazards to prospective tenants or buyers, as well as to each designated client representative, transaction facilitator, transaction coordinator, or dual facilitator, pursuant to § 3.8 of this Part.
- M. Owners and their agents who fail to comply with the requirements of this Part and any related state law or regulation shall be subject to the compliance and enforcement procedures, pursuant to § 3.19 of this Part.

3.3 Definitions

- A. If a word is not defined in this Section, ordinary United States dictionary definitions apply. Whenever used in this Part, the following terms must be construed as follows:
 - 1. “Abrasive blasting” means the procedure of removing paint from a surface by using mechanical force to apply an abrasive material (e.g. sand, grit, or other similar material) to the painted surface.
 - 2. “Accessory structure” means a detached or ancillary structure (e.g. garage, shed, or gazebo) which is not used or intended to be used for living or sleeping by human occupants, and which is located on the same premises with a dwelling.
 - 3. “Act” means R.I. Gen. Laws Chapter 23-24.6 entitled "Lead Poisoning Prevention.”
 - 4. “Agent” means any person authorized, in writing or otherwise, by an owner to act on behalf of or represent the interests of the owner. For purposes of § 3.8 of this Part, an agent is any designated client representative, transaction facilitator, transaction coordinator, or dual facilitator as defined by R.I. Gen. Laws § 5-20.6-2 who enters into a contract with a seller or lessor with the objective of selling or leasing real estate, but does not include designated client representative for the buyer.
 - 5. “Approved” means approved by the Department, state, or local authority having legal and administrative authority for such.
 - 6. “Bare soil” means soil or sand not covered by pavement, grass, sod, or other live ground covers, mulch, gravel, artificial turf, or similar covering, including the sand in sandboxes.
 - 7. “Blood lead level” means the laboratory analysis result of lead concentration in whole blood reported as micrograms per deciliter (µg/dL). According to CDC, no safe blood lead level in children has been identified.
 - 8. “CDC” means the United States Center for Disease Control and Prevention.
 - 9. “Cease Work Order” means an order issued by a State Inspector to immediately stop regulated activities, being conducted in violation of this Part, until the violator

can demonstrate their ability to comply with the Department. Any person who is subject to a Cease Work Order has the right to request an administrative hearing, in writing, within thirty (30) days of the order.

10. "Certificate of conformance" or "HRC LHM Form-1" means a certificate issued by a Lead Inspector or Lead Assessor which certifies that a single-family house, dwelling unit and common areas, or premises has passed an HRC Independent Clearance Inspection.
11. "Child or children" means, for the purposes of this Part, any individual younger than six (6) years of age.
12. "Child day care" means daily care and/or supervision offered commercially to the public for any part of a twenty-four (24) hour day to children away from their homes.
13. "Child day care center" means any person, firm, corporation, association, or agency who, on a regular or irregular basis, receives any child under the age of sixteen (16) years, for the purpose of care and/or supervision, not in a home or residence, apart from the child's parent for any part of a twenty-four (24) hour day irrespective of compensation or reward. It shall include childcare programs that are offered to employees at the worksite. It does not include nursery schools or other programs of educational services subject to approval by the commissioner of elementary and secondary education.
14. "Child-occupied facility" means any building and/or area whose primary purpose is or will be to educate or care for children younger than six (6) years of age, including, but not limited to, child day care centers, nursery schools, preschools, kindergarten classrooms, public and private elementary schools. Child-occupied facilities located in public or commercial buildings encompass only those common areas that are routinely used by children, such as restrooms and cafeterias. Common areas that children only pass through, such as hallways, staircases, and garages are not included. The child care center also encompasses the exterior sides of the building that are immediately adjacent to the child care center and the exterior common areas or play areas routinely used by children.
15. "Childhood lead poisoning" means, for the purposes of this Part, a confirmed blood lead level equal to or greater than 5 µg/dL. See "Blood lead level" and "Elevated blood lead level".
16. "Cleaning verification card" means a card developed and distributed, or otherwise approved, by EPA for the purpose of determining, through comparison of wet and dry disposable cleaning cloths with the card, whether post-renovation cleaning has been properly completed. See "Cleaning verification procedure".
17. "Cleaning verification procedure" means the EPA procedure for determining whether post-renovation cleaning has been properly completed through comparison of wet and dry disposable cleaning cloths with an EPA-approved cleaning verification card. See "Cleaning verification card".

18. “Clear and significant health risk” means damaged lead-based paint, lead-contaminated dust, lead-contaminated soil, and/or lead-contaminated drinking water at a regulated facility which constitute a clear and significant health risk to a child.
19. “Clearance inspection” means a visual assessment and lead testing, as applicable, done at the conclusion of a renovation, repair, and painting (RRP), lead hazard control (LHC), or lead hazard reduction (LHR) project to determine compliance with this Part.
20. “Common area(s)” means a portion of a residential property that is available for shared use by occupants of more than one dwelling unit, such as hallways, stairways, lobbies, community rooms, recreational rooms, laundry rooms, garages, playgrounds, and boundary fences; in general, any area not kept locked.
21. “Compensation” means money or something of economic value in exchange for goods or labor. For the purposes of this Part, an owner working on his/her own rental income property is considered to be working for compensation.
22. “Component or building component” means specific design or structural elements or fixtures of a building or residential dwelling that are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as: ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs, sills or stools and wells or 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, fascias, rake boards, corner boards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings, and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills or stools and wells or troughs, casings, sashes, and air conditioners.
23. “Composite soil sample” means a collection of more than one subsample of soil from a single side of a primary structure, a single accessory structure, a single play area, or mid-yard such that multiple samples can be analyzed as a single sample. Analysis of a composite sample produces the average result of all subsamples.
24. “Comprehensive environmental lead inspection” means a surface-by-surface investigation of a child care facility, single-family house, dwelling unit and common areas, or premises to determine the presence of lead in paint, dust, soil, and water in order to identify lead hazards or determine compliance with the lead standards in § 3.7 of this Part.
25. “Conditional lead safe certificate” or “Form PBLC-15” means a certificate issued by a Lead Inspector, typically at the conclusion of a lead hazard control (LHC) or lead hazard reduction (LHR) project, which certifies that a child care center, single-family house, dwelling unit and common areas, or premises had a Comprehensive Environmental Lead Inspection and meets the conditional lead

safe standards § 3.7 of this Part for paint, dust, soil, and water in § 3.7 of this Part. Routine maintenance and renewal inspections are required to re-certify conditional compliance. Formerly known as Certification of Lead Safe Status (Form PBLC-15).

26. “Conditionally lead safe” means intact lead-based paint and/or covered soil for which the lead concentration is above the lead safe threshold in § 3.7 of this Part. Routine maintenance and renewal inspections are required to maintain the lead safe conditions. See “Lead safe”.
27. “Confirmed blood lead level” means a single venous blood lead test, or two (2) capillary blood lead tests drawn within twelve (12) weeks of each other.
28. “Containment or containment barriers” means physical measures taken to ensure that a process for protecting workers, residents, and the environment by controlling lead exposures with a system of temporary barriers, typically plastic sheeting or other impenetrable material, used to isolate a work area so that no dust, paint chips, or other debris escapes while work that will disturb known or assumed lead-based paint is being performed.
29. “Corrective action” means lead hazard reduction, lead hazard control, spot removal or minor repair and maintenance undertaken to correct known or assumed lead hazards. See “Minor repair and maintenance” and “Spot Removal or de minimus”.
30. “Damaged paint or painted surface” means any paint or coating on a damaged or deteriorated component, or any surface which has loose, delaminating, flaking, peeling, chipping, chalking, blistering, or paint that is otherwise becoming separated from the substrate, or paint which is abraded by friction or impact, shows evidence of teeth marks, or is damaged by water. For the purposes of this Part, painted surfaces are not considered damaged if the paint is adhered to the substrate and the surface contains only minor impact damage (e.g. a nail hole), minor stress fractures, or other minor damage which is not related to deteriorated paint or substrate. See “Intact Paint”.
31. “DCYF” means the Rhode Island Department of Children, Youth and Families.
32. “DEM” means the Rhode Island Department of Environmental Management.
33. “Demolition” means, for the purposes of this Part, the removal of any structural member, architectural component, or fixture by destruction, as distinguished from removing the component whole or piece by piece.
34. “Department” means the Rhode Island Department of Health.
35. “Deregulated” means no longer licensed or certified by the Department.
36. “Director” means the Director of the Rhode Island Department of Health or his/her designee.
37. “DOT” means the Rhode Island Department of Transportation.

38. "Drip line" means three feet (3') out from the building foundation and/or surrounding the perimeter of a structure.
39. "Drip zone" means the area between the drip line and the building foundation or structure.
40. "Dry disposable cleaning cloth" means a commercially available dry, electrostatically charged, white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.
41. "Dust wipe sample" means a sample collected by wiping a representative surface of a measured area, as determined by ASTM E1728, Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques, or an equivalent method approved in writing by the Department.
42. "Dwelling" means a house or any enclosed space which is wholly or partially used or intended to be used for living or sleeping by human occupants as a place of residence.
43. "Dwelling unit" means an apartment, condominium, or any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one (1) family or household. For the purposes of this Part, a dwelling unit includes all relative interior and exterior common areas including soil.
44. "Elevated blood lead level" means a single blood lead test (capillary or venous) at or above 5 µg/dL. See "Blood lead level" and "Childhood lead poisoning".
45. "ELPAT" means the environmental lead proficiency analytical testing program process of accrediting laboratories and/or individuals who analyze environmental samples for lead in paint, dust, soil, water, and/or air filters to help ensure that their processes and protocols will produce accurate, repeatable, reliable results. It is a program created through a cooperative federal interagency group, including the American Industrial Hygiene Association (AIHA), National Institute for Occupational Safety and Health (NIOSH), EPA, and CDC.
46. "Emergency renovation operations" means any unplanned activity that disturbs lead-based paint at a regulated facility in response to a sudden, unexpected event (e.g. storm damage, non-routine failure of equipment) that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage.
47. "Employ" means to use or engage the services of someone.
48. "Encapsulation" means any covering or coating that acts as a barrier between lead-based paint and the environment which relies for its durability on adhesion between the encapsulant and the existing painted surface, and on the integrity of the bonds between the paint layers with each other and with the substrate. Encapsulation may be used as an abatement method only if it is designed and warranted to be "permanent".

49. "Enclosure" means the use of rigid, durable construction materials which are mechanically fastened to the substrate, and sealed or caulked, in order to act as a barrier between lead-based paint and the environment. Enclosure may be used as an abatement method only if it is designed to be "permanent".
50. "Environmental intervention blood lead level" means the confirmed blood lead level at which the Department provides a Comprehensive Environmental Lead Inspection. See "Blood lead level", "Elevated blood lead level", and "Childhood lead poisoning".
51. "Environmental lead" means, for the purposes of this Part, inorganic lead contained in paint, dust, soil, and/or water.
52. "EPA" means the United States Environmental Protection Agency.
53. "Evaluation" means a systematic determination to identify and/or characterize lead in paint, dust, soil, and/or water, using criteria governed by Department-approved standards, protocols, and policies.
54. "Expected to reside" means actual knowledge that a child will occupy a single-family house or dwelling unit within the next twelve (12) months for fourteen (14) or more consecutive or nonconsecutive days per year. If a resident woman is known to be pregnant, there is actual knowledge that a child will reside in her dwelling unit.
55. "Exterior work area" means any exterior building components, such as roofs, exterior walls, the exterior portions of window frames and doors; exterior stairways, fences; open porches, patios, and play areas; the safety perimeter; and access barriers, where work is being done, and the pathways and storage areas used to access those components.
56. "Family day care home" means any home other than the child's home in which child care, in lieu of parental care and/or supervision, is offered at the same time to four (4) or more children who are not relatives of the caregiver. Family child care homes located in residential buildings encompass the entire single-family house, dwelling unit and common areas, or premises, as applicable.
57. "Family member" means a spouse and any dependent children as well as a person who is related whether by blood, adoption, or marriage, as any of the following: father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, foster parent, or foster child.
58. "Feathering" means light sanding of interior surfaces, performed after damaged material has been removed by scraping, to soften abrupt transitions between: bare substrate and remaining intact paint; or exposed layers of intact paint; or patching materials and the surrounding surface. Proper feathering will produce a surface which, after painting, has no edges that can be lifted with a fingernail.

59. "Field blank" means a new, unused dust wipe that has been exposed to the on-site sampling conditions and analyzed to determine whether the sampling media is lead free or contaminated.
60. "First-draw water sample" means a sample of tap water collected after the household water has been unused for at least six (6) hours.
61. "Flushed water sample" means a sample of tap water collected after the tap has been allowed to run at its maximum flow rate until cold, or at least one (1) minute, before the sample collection.
62. "Foster home" means placement of a child in temporary custody or custody of DCYF in a foster family home or in a private or public child care facility which is licensed by the state. (See R.I. Gen. Laws § 40-11-12.1(h))
63. "Friction surface" means a surface that is subject to abrasion, such as certain door, window, floor, and stair surfaces, that may generate dust from abrasion during normal use.
64. "Full lead safe certificate" or "Form PBLC-21" means a certificate issued by a Lead Inspector which certifies that a child-occupied facility, single-family house, dwelling unit and common areas, or premises had a Comprehensive Environmental Lead Inspection and meets the lead free and/or lead safe thresholds in § 3.7 of this Part for paint, dust, soil, and water. Formerly known as Certification of Lead Free Status (Form PBLC- 21).
65. "Group family day care home" means a residence occupied by an individual of at least twenty-one (21) years of age, who provides care for not less than nine (9) and not more than twelve (12) children with the assistance of one or more approved adults, for any part of a twenty-four (24) hour day. The maximum of twelve (12) children shall include children under six (6) years of age who are living in the home, unrelated children under six (6) years of age received for care, and children related to the provider who are received for care.
66. "Hands-on training or activities" means a training activity that involves active participation; applied, as opposed to theoretical, i.e. the hands-on portion of a lead training course which allows the student to practice specific techniques in a simulated or actual setting with equipment and supplies typically used in the profession. Hands-on training, by definition, must be completed in person.
67. "Health care provider" means any person licensed by the State of Rhode Island to provide or lawfully providing health care services.
68. "Health care services" means acts of diagnosis, treatment, medical evaluation, counseling or any other acts that may be permissible under the health care licensing statutes of this state.
69. "Health insurance" means "health insurance coverage", as defined in R.I. Gen. Laws §§ 27-18.5-2 and 27-18.6-2, and "health benefit plan," as defined in R.I. Gen. Laws § 27-50-3.

70. "Health insurers" or "health insurer" shall have the same meaning as set forth in R.I. Gen. Laws § 27-38.1-1(1).
71. "HEPA filter" means a high-efficiency particulate air filter, used in respirators and vacuum systems, capable of capturing particles of 0.3 microns with 99.97% efficiency.
72. "HEPA vacuum" means a vacuum cleaner which has been designed with a HEPA filter as the last filtration stage. The vacuum cleaner must be designed so that all of the air drawn into the machine is expelled through the HEPA filter with none of the air leaking past it. HEPA vacuums must be operated and maintained in accordance with the manufacturer's instructions
73. "Housing for the elderly or persons with disabilities" means retirement communities and other housing reserved for households composed of one (1) or more persons sixty-two (62) years of age or older, or other age if recognized as elderly by a specific federal housing assistance program, or persons with disabilities, and is owned, managed by, or for which the rent is subsidized or paid by a federal, state or local government housing agency.
74. "HRC" means the Rhode Island Housing Resources Commission.
75. "HUD" means the United States Department of Housing and Urban Development.
76. "HVAC" means a heating, ventilation, and air conditioning system.
77. "Immediate Compliance Order" means an order issued by the Director to immediately stop specified activities which pose a threat to the health or safety of children, occupants, workers, or the public. No request for a hearing on an immediate compliance order can be made.
78. "Impact surface" means a surface that either moves or comes in contact with a moveable surface and is subject to damage by repeated sudden force, impact, or contact, such as doors and windows with certain parts of their frames.
79. "Impenetrable material" means an impermeable material that will not allow any spent abrasives, paint, dust and/or other debris, including all residues generated by paint removal operations, to penetrate through it.
80. "Independent Clearance Inspection" means an HRC inspection limited to a visual assessment of painted surfaces, within five feet (5') of a painted structure, or in a play area, and dust wipe sampling in the dwelling unit for the purpose of obtaining a Certificate of Conformance (HRC LHM Form- 1).
81. "Intact paint or intact painted surface" means a surface with no loose, peeling, flaking, chipping or chalking paint, which is not abraded by friction or impact, does not show evidence of teeth marks, or is not damaged by water. For the purposes of this Part, painted surfaces are considered intact if the paint is adhered to the substrate and the surface contains only minor impact damage (e.g. a nail hole), minor stress fractures, or other minor damage which is not related to deteriorated paint. See "Damaged paint".

82. "Interim controls" means a set of measures designed to temporarily reduce human exposure to lead hazards, including specialized cleaning, repairs, maintenance, painting, non-permanent encapsulation or enclosure, and ongoing monitoring of lead-based paint or potential lead hazards, and the establishment and operation of management and resident education programs.
83. "Interior work area" means the area inside of a building or room, or relating to that which is within where painted surfaces are disturbed for any reason. For the purposes of this Part, all window components within the inside of a storm window are considered interior surfaces.
84. "Lead abatement" means a measure or set of measures designed to permanently eliminate lead-based paint and/or lead hazards, including all preparation, cleanup, disposal, and post-abatement clearance inspection testing activities associated with such measures. Abatement strategies include the removal of lead-based paint, permanent encapsulation or enclosure of lead-based paint, replacement of building components; replacement of plumbing components; removal of lead-contaminated dust; and removal or permanent covering of lead-contaminated soil.
85. "Lead assessor" means a person, either authorized to act as an enforcing officer under the housing code or a designated employee of a federal, state or municipal agency with jurisdiction over housing, occupational health, child welfare and/or environmental standards who successfully completed a Lead Assessor training course and obtained a license, pursuant to this Part, to conduct lead inspections. Formerly known as Environmental Lead Assessor.
86. "Lead-based paint" means any paint or other surface coating that contains lead in excess of the lead safe thresholds specified in § 3.7 of this Part.
87. "Lead center" means a non-profit agency funded by Medicaid that offers comprehensive case management services to families of children with elevated blood lead levels. See "Elevated blood lead level".
88. "Lead contractor" means any person or organization engaged in lead hazard reduction as a business and licensed pursuant to this Part. Formerly known as Lead Hazard Reduction Contractor.
89. "Lead free" means paint, dust, soil, and/or water for which the lead concentration is below the lead free thresholds in § 3.7 of this Part. A lead free concentration does not require corrective action, and would be expected to persist indefinitely unless additional lead is added.
90. "Lead hazard" means a condition that presents a clear and significant health risk to occupants of a child care center, single-family house, dwelling unit and common areas, or premises, particularly where children reside. Lead concentrations in damaged paint, interior dust, bare soil, and/or drinking water which exceed the lead safe thresholds in § 3.7 of this Part are an immediate lead exposure hazard requiring corrective action at a regulated facility.
91. "Lead hazard control" or "LHC" means any window replacement and/or interim controls intended to correct lead hazards identified in a lead inspection report or

standard treatments to remove lead-based paint and/or minimize lead exposure, which may include measures to reduce the concentration of lead in paint, dust, soil and/or drinking water, using approved treatments and work methods specified in this Part.

92. "Lead hazard control project" or "LHC project" means a project being done by a Lead Renovation Firm for the purpose of controlling lead hazards. An LHC Clearance Inspection is required at the conclusion of an LHC project.
93. "Lead hazard mitigation" or "LHM" means spot removal or minor repair and maintenance activities by a property owner or designated person in a residential rental unit intended to correct lead hazards, which may include measures to reduce friction, stabilize paint, and cover bare soil for the purpose of obtaining a Certificate of Conformance.
94. "Lead hazard reduction" or "LHR" means lead abatement, interim controls, or a combination of both, intended to correct lead hazards identified in a lead inspection report or standard treatments to remove lead-based paint and/or minimize lead exposure, which may include measures to reduce the concentration of lead in paint, dust, soil or drinking water, using approved treatments and work methods specified in this Part. See "Lead Contractor".
95. "Lead hazard reduction project" or "LHR project" means a project being done by a Lead Contractor for the purpose of reducing lead hazards. An LHR Clearance Inspection is required at the conclusion of an LHR project.
96. "Lead inspection" means any type of physical investigation of a child care center, single-family house, dwelling unit, or premises to identify the presence of environmental lead, lead hazards, or compliance with the cleaning requirements and lead standards in § 3.7 of this Part for paint, dust, soil, and/or water.
97. "Lead inspection report" means a written report, on forms provided or approved by the Department, which documents the results of a lead inspection, conducted pursuant to this Part, and includes the visual assessment, field testing, sample analysis results, summary of findings, and, for regulated facilities and target housing, lead hazard reduction or lead hazard control requirements and site-specific recommendations, as applicable.
98. "Lead inspector" means an individual, who successfully completed a certified Lead Inspector training course, passed the Lead Inspector state examination, completed a supervised field apprenticeship, and obtained a license, pursuant to this Part, to conduct lead inspections. Formerly known as Environmental Lead Inspector.
99. "Lead inspector-in-training" means an individual who successfully completed a certified Lead Inspector training course, passed the Lead Inspector state examination, and obtained a license, pursuant to this Part, to conduct a supervised apprenticeship to meet the requirements for a Lead Inspector license. (New license type.)

100. "Lead professional" means an occupational grouping of individuals and organizations licensed or certified pursuant to this Part.
101. "Lead renovation firm" means any person or organization engaged in renovation, repair, and painting (RRP) or lead hazard control (LHC) as a business and licensed pursuant to this Part. Formerly known as Lead Hazard Control Firm.
102. "Lead renovator" means an individual who successfully completed a certified Lead Renovator training course and obtained a valid training certificate, pursuant to this Part, to perform renovation, repair, and painting (RRP) and lead hazard control (LHC) work. Formerly known as Lead-Safe Remodeler/Renovator.
103. "Lead safe" means paint, dust, soil, and/or water for which the lead concentrations are within the lead safe concentration ranges in § 3.7 of this Part. A lead safe concentration does not require corrective action, and would be expected to persist indefinitely unless additional lead is added. See "Conditionally lead safe".
104. "Lead screening" means a method for identifying an asymptomatic child at high risk of having childhood lead poisoning from a population of children not previously diagnosed as having lead poisoning or in a child not exhibiting signs or symptoms believed to be related to lead poisoning, including the obtaining of the necessary specimen(s) for a blood lead screening test, and specimen handling and preparation.
105. "Lead screening test(ing)" means a blood sample obtained, either by venipuncture or finger-stick (capillary), from an asymptomatic child not known to be lead poisoned in order to identify the child's risk of lead poisoning.
106. "Lead screening-related services" means materials and supplies used to obtain blood specimens for quantitative blood lead analysis; laboratory analysis of submitted samples for quantitative blood lead; and evaluation of results obtained from laboratory analysis of samples submitted for quantitative blood lead analysis, as well as related consultation, referral and follow-up of potentially lead poisoned children.
107. "Lead supervisor" means an individual who successfully completed a certified Lead Supervisor training course, passed the Lead Supervisor Department examination, and obtained a license, pursuant to this Part, to perform and/or supervise lead hazard reduction (LHR) work. Formerly known as Lead Hazard Reduction Site Supervisor.
108. "Lead training course" means a lead training course certified by the Department to meet the training prerequisite of a specific lead professional license issued by the Department or the certification requirement of a Lead Renovator.
109. "Lead worker" means an individual who successfully completed a certified Lead Worker training course and obtained a license, pursuant to this Part, to perform lead hazard reduction work. Formerly known as Lead Hazard Reduction Worker (LHW).

110. "Lead test kit" means a commercially available kit recognized by EPA as being capable of allowing a user to determine the presence of lead in paint.
111. "Lease" means any agreement, written or oral, between a lessor and lessee concerning the rent, use and occupancy of a residential dwelling, dwelling unit, or premises subject to the provisions of the Residential Landlord and Tenant Act (R.I. Gen. Laws Chapter 34-18).
112. "Lessee" means a person named as the renter in a rental agreement or occupancy agreement for a single-family house, dwelling unit, or premises. See "Occupant" and "Tenant".
113. "Lessor" means any person who offers to rent, lease, or sublease a single-family house, dwelling unit, or premises.
114. "License" means an authorization granted by the Department to engage in a business or occupation that is subject to regulation by the Department. For the purposes of this Part, a registration, certification, permit or similar authorization issued by the Department is also considered to be a license.
115. "*Lis pendens*" means "suit pending" in Latin. *Lis pendens* is taken as constructive notice of a pending lawsuit or an existing unsettled Department enforcement action and it serves to place a cloud on the title of the property in question until the enforcement action or suit is resolved and/or the *lis pendens* is released.
116. "Mechanical paint removal" means the use of any mechanical force to remove paint from a surface, including, but not limited to, electrical or other power equipment or abrasive blasting.
117. "Mid-yard" means an area of a residential yard approximately midway between the drip line of a residential building and the nearest property boundary or between the drip lines of a residential building and another building on the same property.
118. "Minor repair and maintenance" means work activities, including minor heating, ventilation, and air conditioning (HVAC) work, electrical work, or plumbing work that disturbs less than six square feet (6 ft²) of lead-based paint per room for interior activities or less than twenty square feet (20 ft²) of lead based-paint for exterior activities where none of the work practices prohibited or restricted by this Part are used and where the work does not involve window replacement or demolition of painted surfaces. For the purposes of this Part, the term minor repair and maintenance shall be synonymous with spot removal. See "Spot removal".
119. "Mobile training course" means a lead training course, certified pursuant to this Part, which is pre-approved to be offered at various temporary training facilities.
120. "Mortgagee" means a person or entity, usually a bank or financial institution, who is the party to a mortgage who makes a loan and holds mortgaged property as security for repayment of the loan. A mortgagee is not considered an owner unless such person has taken full legal title through foreclosure, deed in lieu of foreclosure, or otherwise.

121. "Noncompliance, nonconformance, failure to comply, and violation" means any act or failure to act which constitutes or results in or from:
- a. engaging in any activity prohibited by, or not in compliance with, any law administered by the Director or any rule, regulation, notice, license, certification, consent agreement or order adopted pursuant to the Director's authority;
 - b. engaging in any business or other activity without a necessary permit, license, certification, or approval that is required by law or regulation;
 - c. the failure to perform, or the failure to perform in a timely fashion, anything required by a law administered by the Director or by a rule, regulation, notice, license, certification, consent agreement or order adopted and/or issued pursuant to the Director's authority.
122. "Notice of noncompliance" means a legal notice issued by the Department to any person who violates this Part. The Notice of Noncompliance will state the violation, specify a time frame for correcting the violation, and may include fines or penalties sought.
123. "Notice of violation" means a legal notice issued by the Department to an owner of a property where a Department-initiated lead inspection identified lead hazards. A Notice of Violation requires corrective action, pursuant to §§ 3.16 and 3.18 of this Part, within thirty (30) days of receipt unless an extension is granted.
124. "Occupant" means a person who inhabits a single-family house, dwelling unit, or premises. See "Lessee" and "Tenant".
125. "Off-site paint removal" means the process of removing a component from a building and removing the paint from the component at an off-site paint stripping facility.
126. "Order" means the whole or a part of an action, finding, declaration or disposition by the Department, whether affirmative, negative, injunctive or declaratory in form, other than rulemaking but including notices of violation, orders to correct, compliance orders, permits, certifications, licenses, and approvals issued pursuant to the Director's authority.
127. "Order to correct lead hazards" means a lead inspection report which identifies lead hazards at a regulated facility and serves as an Order to Correct Lead Hazards to the owner. An Order to Correct Lead Hazards requires corrective action, pursuant to §§ 3.16 and 3.17 of this Part, within ninety (90) days of receipt by the owner.
128. "OSHA" means the United States Occupational Safety and Health Administration.
129. "Owner" means any person who alone, jointly, or severally with others has legal title to the premises with or without accompanying actual possession; or has charge, care, or control of the premises as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the owner; or the association of unit owners of a condominium or cooperative, which shall be considered an owner

solely with respect to common areas and exterior surfaces and fixtures of such condominium or cooperative. For purposes of publicly owned property only, the owner shall be defined to be the chief executive officer of the state or municipal agency which owns, leases, or controls the use of the property. For child care centers, owner means the person who owns the child care business regardless of whether that person owns the building in which the business operates.

130. "Paint" means any substance applied to a surface as a surface coating, including, but not limited to, household paints, varnishes and stains.
131. "Paint removal" means a method of abatement that permanently eliminates lead-based paint from surfaces; or surface preparation by stripping, scraping or sanding, as part of paint stabilization, or prior to encapsulation.
132. "Paint stabilization" means repairing any physical defects in the substrate of a painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint to achieve intact status.
133. "Paint stripper" means any chemical and/or caustic substance applied to a surface for the purpose of removing paint.
134. "Painted surface" means a component surface covered in whole or in part with paint or other surface coatings.
135. "Painted surface to be disturbed" means a painted surface that is to be stripped, scraped, sanded, cut, penetrated or otherwise affected by renovation or rehabilitation work in a manner that could potentially create a lead hazard by generating dust, fumes, or paint chips.
136. "Parent" means the parent(s) or legal guardian(s) of a child.
137. "Part" means Title 216 – Department of Health, Chapter 50 – Environmental Health, Subchapter 15 – Healthy Environment, Part 3 - Lead Poisoning Prevention [216-RICR-50-15-3] of the Rhode Island Code of Regulations, as amended.
138. "Partial lead inspection" means an initial or follow up inspection that does not provide the complete evaluations of a Comprehensive Environmental Lead Inspection and may be limited to certain rooms/areas or media. Formerly known as Limited Lead Inspection. See "Partial Lead Safe Certificate (Form PBLC-27)".
139. "Partial lead safe certificate" or "Form PBLC-27" means a certificate issued by a Lead Inspector or Lead Assessor which certifies the work area(s) were adequately cleaned and dust wipe clearance was achieved at the conclusion of a project. Form PBLC-27 may also be used when lead hazard reduction or lead hazard control is done in phases to document the specified areas, components, or media meet the lead free or lead safe standards in § 3.7 of this Part. Formerly known as Certification of Acceptable Clearance Status (Form PBLC-27).
140. "Permanent" means an expected design life of at least twenty (20) years. See "Lead abatement".

141. "Person" means any individual, partnership, firm, corporation, association, or organization, including municipal and state agencies.
142. "Personal protective equipment" means any equipment such as disposable gloves, eye, face, foot, head or hair coverings, respirators, as well as outerwear which is either disposable or which must be laundered separately, worn to protect workers from lead exposure.
143. "Play area" means an area of frequent soil contact by children, as indicated by, but not limited to, such factors as the presence of play equipment (e.g. sandboxes, swing sets, slides) and toys or other children's possessions, observations of play patterns, or information provided by parents, other residents, caregivers, or property owners.
144. "Premises" means a platted lot or part thereof, unplatted lot or parcel of land, or plot of land, occupied by a dwelling or structure and includes any building, accessory structure, or other structure thereon and includes soil.
145. "Private inspector" means any Lead Inspector other than a State Inspector or Lead Assessor.
146. "Prospective tenant(s)" means the person(s) entering into a written or oral agreement with an owner to rent, for the first time, a particular single-family house, dwelling unit, or residential premises.
147. "Purchaser" means any person who purchases or enters into a contractual agreement to gain legal title to a dwelling, condominium, or residential premises.
148. "Raze" means for the purposes of this Part, to completely demolish an entire free-standing building or whole structure.
149. "Real estate" means any property consisting of land and the buildings on it.
150. "Rehabilitation" means work to improve an existing structure through alterations, incidental additions or enhancements. Rehabilitation includes repairs necessary to correct the results of deferred maintenance, the replacement of principal fixtures and components, improvements to increase the efficient use of energy, and the installation of security devices.
151. "Regulated facility" means any child care facility, single-family house, dwelling unit and common areas, or premises, as specified in § 3.2.1 of this Part, which is subject to the requirements of this Part.
152. "Renewal inspection" means the combination of a visual assessment of painted surfaces and environmental lead sampling, when applicable, at premises where lead-based paint or lead-contaminated soil is still present, to determine if the dwelling, dwelling unit, or premises, including soil, has been maintained in a lead safe condition for renewing the Conditional Lead Safe Certificate (Form PBLC-15). Formerly known as Annual Re- inspection.
153. "Renovation" means the modification of any existing structure, or portion thereof that results in the disturbance of lead-painted surfaces, unless that activity is

performed as part of a lead hazard control (LHC) or lead hazard reduction (LHR) project. The term renovation includes, but is not limited to: the removal, modification or repair of painted surfaces or painted components (e.g. modification of painted doors, surface restoration, window repair); surface preparation activities such as sanding, scraping, or other such activities which may generate paint dust; the removal of building components (e.g. walls, ceilings, plumbing, windows); weatherization projects (e.g. cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planing thresholds to install weather-stripping); and interim controls that disturb lead-painted surfaces. A renovation performed for converting a building, or part of a building, into target housing or child care facilities is a renovation under this Part. The term renovation does not include minor repair and maintenance activities.

154. "Renovation, repair, and painting project" or "RRP project" means a project which is being done by a Lead Renovation Firm for purposes other than removing lead-based paint or correcting lead hazards (although it may result in this). The purpose of an RRP project is to ensure that that renovations performed at a regulated facility or for compensation at target housing are done safely and prevent lead exposure to owners, occupants and neighbors of the property where the work is performed.
155. "Respiratory protection program" means written worksite-specific procedures and elements for respirator use in accordance with the requirements of OSHA 29 C.F.R. 1910.134.
156. "Replacement" means an abatement strategy which entails the removal of building components that have surfaces coated with lead-based paint and the installation of new, lead free components.
157. "Representative surface" means a surface for which there is no evidence of a variable construction or painting history in a room or area. A Lead Inspector may apply a lead testing result to the like components that the tested surface represents.
158. "Requirement" means any law administered by the Director, or any rule, regulation, license, certification, or order adopted or issued pursuant to the Director's authority.
159. "Reside or resides" means to live permanently or for an extended period of time (i.e. not as a guest) in a dwelling. For the purposes of this Part, a child who occupies a dwelling unit for fourteen (14) or more consecutive or nonconsecutive days per year is considered to reside in that unit.
160. "Residential dwelling" means a building containing one (1) or more residential dwelling units.
161. "R.I. Gen. Laws" means the General Laws of the State of Rhode Island, 1956, as amended.

162. "Room" means any habitable area of a building, dwelling, dwelling unit used as living areas. Closets, cupboards and storage areas may be considered part of a room.
163. "RRP rule" means EPA's Renovation, Repair, and Painting Program Final Rule 40 C.F.R. Part 745 for which EPA granted the State of Rhode Island delegation of authority, effective April 22, 2010.
164. "Sample" means an individual sample collected at one time and in one place, such as a "grab" sample of soil or a single-surface dust wipe.
165. "Second notice of violation" means a legal notice issued by the Department to an owner who did not meet the requirements of the (first) Notice of Violation. The Department shall post the Second Notice of Violation at the property and record it as a *lis pendens* with the Recorder of Deeds in the city/town where the property is located. See "Notice of Violation".
166. "Seller" means any person who has the authority to transfer legal title to real estate.
167. "Soil sample" means a single or composite sample collected in a representative location using ASTM E1727 Standard Practice for Field Collection of Soil Samples for Lead Determination by Atomic Spectrometry Techniques, or an equivalent method approved in writing by the Department.
168. "Spot removal or de minimus" means minor repair and maintenance activities, which do not involve window replacement or demolition of painted surface areas, and disturb less than six square feet (6 ft²) of interior lead-based paint per room or less than twenty square feet (20 ft²) of exterior lead-based paint, and provided that no prohibited work practices are used. When removing painted components, or portions of painted components the entire surface area removed is the amount of lead-based paint being disturbed. Any work which disturbs lead-based paint, other than emergency renovation operations, performed in the same room or area within the same thirty (30)-day period must be considered the same project for the purpose of determining whether the work is spot removal or renovation, repair, and painting (RRP).
169. "Standard treatments" means a series of lead hazard control or lead hazard reduction measures designed to correct assumed lead hazards without the benefit of a lead inspection.
170. "State inspector" means the Director, his or her designee, or any Lead Inspector, Lead Assessor, or Industrial Hygienist employed by the Department who is authorized by the Director to conduct lead inspections and/or other compliance and enforcement inspections for the Department.
171. "Structural defects" means insect damage, dry rot, or leaks, deterioration or ruptures in structural components that permit the entry of water that causes the deterioration of paint, plaster or putty, dry rot, or insect damage, including, but not limited to, roof, soffit, plumbing, flashing, or gutter leaks.

172. "Structural repairs" means measures taken to correct structural defects that result in substrate and/or moisture problems which cause or contribute to the creation of lead hazards, including, but not limited to, roof repairs, plumbing repairs, and repairs to flashing and gutters. Structural repairs also include repairs to return windows to operable condition.
173. "Substrate" means the material directly beneath the painted surface out of which the components are constructed. The underlying surface which remains after paint is removed. Examples of substrates include wood, plaster, sheetrock, concrete, and metal.
174. "Supervised lead inspector-in-training" means a Lead Inspector-in-Training who is performing a field apprenticeship under the direct on-site supervision of a Department-approved Lead Inspector for the purpose of meeting the Lead Inspector licensing requirements of this Part.
175. "Target housing" means any pre-1978 residential dwelling, except housing for the elderly or persons with disabilities or zero-bedroom units in which no child resides.
176. "Temporary housing" means short term leases of one hundred (100) days or less with no renewal option.
177. "Temporary lead hazard control measures" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead hazards, including but not limited to, specialized cleaning, temporary containment (e.g. plastic sheeting and/or duct tape), ongoing monitoring, and the establishment and operation of lead management and resident education programs.
178. "Temporary training facility" means a non-permanent training location approved by the Department for a lead training course certified pursuant to this Part.
179. "Tenant" means any person, other than the owner, who enters into an agreement to rent, lease, or sublease a single-family house, dwelling unit, or premises. See Lessee or Occupant.
180. "Training hour" means at least fifty (50) minutes of actual learning, including, but not limited to, time devoted to lecture, learning activities, demonstrations, evaluations, and hands-on experience.
181. "Training provider" means a person offering or conducting a lead training course certified pursuant to this Part.
182. "Treatments" means any methods designed to control or reduce lead exposure hazards. Treatments include lead abatement, interim controls, or a combination of both. See "Standard treatments".
183. "Unconfirmed blood lead level" means a blood lead level greater than or equal to 5 µg/dL from either a single capillary blood lead test, or two (2) capillary blood lead tests drawn more than twelve (12) weeks apart. No confirmation is required for a blood lead level below 5 µg/dL. See "Blood lead level".

184. "Vertical containment" means a vertical barrier consisting of plastic sheeting or other impenetrable material over scaffolding or a rigid frame, or an equivalent system of containing the work area. Vertical containment is required for some exterior renovations but it may be used on any renovation.
185. "Visual assessment" means the visual examination of a residential dwelling or a child care facility following a lead hazard control (LHC) project or lead hazard reduction (LHR) project to determine whether or not the project has been successfully completed. Or, the visual examination of a residential dwelling or a child care facility to determine the existence of deteriorated paint or other potential sources of environmental lead exposure as part of a Risk Assessment.
186. "Wet disposable cleaning cloth" means a commercially available, pre-moistened white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.
187. "Wet cleaning" means a process of eliminating lead contamination from surfaces and objects by using water or detergent solutions and rinsing with clean water.
188. "Window parting bead" means a long narrow strip between the upper and lower sashes in a double-hung window frame, enabling them to slide past each other. Also, called parting strip or parting stop.
189. "Window sash" means the portion of the window that is made up of one (1) or more movable panels or that form a frame to hold the glass.
190. "Window sill or window stool" means the portion of the horizontal ledge at the bottom of a window opening that protrudes into the interior of a room or the portion of the horizontal ledge on the exterior of the house adjacent to the window sash when the window is closed. For the purposes of this Part, the term window stool is synonymous with window sill.
191. "Window track" means the side areas where the upper and lower sashes, separated by the parting bead, slide up and down, in a typical double-hung window.
192. "Window well or window trough" means the area between the interior window sill and the frame of the storm window. If there is no storm window, the window well is the area that receives both the upper and lower window sashes when they are both lowered. For the purposes of this Part, the term window trough is synonymous with window well.
193. "Work area" means the area established by an appropriately licensed or certified lead professional to contain the dust and debris generated by activities that disturb painted surfaces.
194. "X-ray fluorescence analyzer" or "XRF analyzer" means a portable instrument that measures lead concentration using the principle of x-ray fluorescence.
195. "Zero-bedroom dwelling" means any residential dwelling unit in which the living area is not separated from the sleeping area, including, but not limited to,

efficiencies, studio apartments, dormitory or single room occupancy housing, and military barracks.

3.4 Childhood Lead Poisoning Screening

3.4.1 General Requirements

- A. Health care providers shall ensure that childhood lead poisoning screening is conducted either by venipuncture or by capillary blood lead sampling in accordance with the following requirements:
1. Screening Schedule.
 - a. Rhode Island children shall be screened for lead poisoning at least twice, at least twelve (12) months apart, and before the age of thirty-six (36) months in accordance with the Screening and Referral Guidelines available on the Department's website.
 2. Screening Samples.
 - a. All blood lead screening and blood lead confirmatory samples submitted to the Department's laboratory for analysis must be accompanied by a completed laboratory requisition form, including all data necessary for reimbursement by health insurers, and must be packaged in accordance with procedures established by the Department's laboratory.
 - b. All blood lead screening samples must be submitted to the Department's laboratory for analysis, unless the Department has approved the use of another laboratory.
 - c. All results of blood lead screening performed by any other laboratory must be reported to the Department in an electronic format specified by the Department.
 3. Confirmatory Samples.
 - a. All blood lead confirmatory samples must be sent to a clinical laboratory licensed by the Department to perform routine chemistry analysis of blood.
 - b. All results of confirmatory blood lead testing must be reported to the Department in an electronic format specified by the Department.
 4. Samples Submitted to Department Laboratory.
 - a. All blood lead screening and blood lead confirmatory samples submitted to the Department's laboratory for analysis must be accompanied by a completed laboratory requisition form, including all data necessary for reimbursement by health insurers, and must be packaged in accordance with procedures established by the Department's laboratory.

3.4.2 Childhood Lead Poisoning Screening as a Covered Health Benefit

- A. Pursuant to the authority conferred by R.I. Gen. Laws § 23-1-3(c), the clinical tests listed in the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services provided by the Department of Health (Part 10-05-2 of this Title) have been designated by the Director as a covered benefit and are reimbursable by all health insurers, as defined in R.I. Gen. Laws § 27-38.1-1(2), providing health insurance coverage in Rhode Island, except for supplemental policies which only provide coverage for specific diseases, hospital indemnity, Medicare supplements, or other supplemental policies.
- B. The Rhode Island Department of Human Services shall pay for blood lead screenings and lead screening-related services required by this Part, as well as confirmatory evaluations for childhood lead poisoning, including confirmatory blood lead testing, for any child who is eligible for medical assistance under the provisions of R.I. Gen. Laws Chapter 40-8.
- C. The Department shall provide the following services for children who are not covered by any health insurance, as funding allows: blood lead screenings, lead screening-related services required by this Part, and confirmatory evaluations for childhood lead poisoning including confirmatory blood lead testing. The Department shall not be required to reimburse third parties for these services.

3.4.3 Fees for Childhood Lead Poisoning Screening

- A. The Department may charge for blood lead screening and lead screening-related services required by this Part, as well as confirmatory evaluations for lead poisoning for children, including confirmatory blood lead testing, performed by the Department's laboratory.
- B. The fee for any lead poisoning screening or lead-screening related services provided by the Department's laboratory shall be determined on the basis of rates paid by health insurers to private laboratories for blood lead analysis.
- C. Fees for blood lead screening are included in the Department's Rules and Regulations pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services provided by the Department of Health (Part 10-05-2 of this Title).
- D. Payment for all clinical laboratory services, including all screening for lead poisoning and lead- screening related services, performed by the State Health Laboratories must be submitted to the Department within thirty (30) days of receipt of the invoice or other period of time agreed to by the Department.
- E. Payment for all laboratory services performed by the Department are non- refundable and must be in the form of a check or money order made payable to "General Treasurer, State of Rhode Island".

3.4.4 Reporting of Cases of Childhood Lead Poisoning

- A. Any person employed as or by a health care provider who makes the diagnosis of childhood lead poisoning shall report such diagnosis to the Department within ten (10) days of the diagnosis using a reporting method approved by the Department.

- B. Use of the Department's laboratory, or other Department-approved laboratory, shall constitute compliance with these reporting requirements.

3.5 Environmental Lead Inspections

3.5.1 General Requirements

A. Initiation of a Lead Inspection.

1. A lead inspection may be initiated by any of the following persons:
 - a. A property owner or agent;
 - b. A tenant;
 - c. A child care provider;
 - d. A buyer under a contract for the purchase and sale of real estate;
 - e. A mortgagee or property and casualty insurer;
 - f. A funding agency;
 - g. A municipality or public housing authority;
 - h. A lead center; or
 - i. The Department.

B. Purpose of a Lead Inspection.

1. A lead inspection may be initiated for a variety of reasons, including, but not limited to, the following:
 - a. To determine the applicability of the Renovation, Repair, and Painting (RRP) Rule.
 - b. To determine compliance with one (1) or more lead standards in § 3.7 of this Part;
 - c. To identify lead hazards and recommend treatment options to correct those hazards;
 - d. To determine that a child day care center, single-family house, dwelling unit and common areas, or work area(s), as applicable, are safe for re-occupancy after renovation, repair, and painting (RRP), lead hazard control (LHC), or lead hazard reduction (LHR) activities;
 - e. To satisfy a notice or order from the Department; and/or
 - f. To obtain one of the following lead certificates, as applicable:
 - (1) Partial Lead Safe Certificate (Form PBLC-27);

- (2) Certificate of Conformance (HRC LHM Form-1)
- (3) Conditional Lead Safe Certificate (Form PBLC-15); or
- (4) Full Lead Safe Certificate (Form PBLC-21).

C. Conflict of Interest.

1. A conflict of interest includes, but is not limited to the following:
 - a. Lead Inspectors, Lead Inspectors-in-Training, Lead Assessors, their employer, and/or employees shall not perform lead inspections or issue lead certificates at any property that is or will be owned or managed by the Lead Inspector, Lead Inspector-in-Training, their employer, employees, and/or family members.
 - b. Lead Inspectors, Lead Inspectors-in-Training, Lead Assessors, their employer, and/or employees shall not perform lead inspections or issue lead safe certificates at any property where the Lead Inspector, Lead Inspector-in-Training, their employer, employees, and/or family members performed or will perform any renovation, repair, and painting (RRP), lead hazard control (LHC), or lead hazard reduction (LHR) activities.
 - c. A clearance inspection must be performed by a Lead Inspector and/or supervised Lead Inspector-in-Training who is independent of the Lead Contractor or Lead Renovation Firm performing the work.
 - d. A Lead Inspector, Lead Inspector-in-Training, or their employer must disclose any current or potential financial interest in the analyzing laboratory to the person initiating the inspection as well as in the Lead Inspection Report.

D. Reporting Requirements.

1. All lead inspection reports and related lead certificates must be submitted, with delivery confirmation, to:
 - a. The property owner(s);
 - b. The tenants or occupants, if not the owner; and
 - c. The party who initiated the inspection, if not the owner or occupants.
2. A notification must be provided to the owner of the lead disclosure requirements in § 3.8 of this Part.
3. The lead Inspector shall provide copies of any requested lead inspection reports, laboratory reports, and lead certificates to the Department within seven (7) days of the request.

3.5.2 Independent Clearance Inspections

A. General Requirements.

1. Only a Lead Inspector or Lead Assessor shall conduct an HRC Independent Clearance Inspection.
2. The purpose of an HRC Independent Clearance Inspection is to obtain a Certificate of Conformance (HRC LHM Form-1), required for non-exempt residential rental units, as a minimum.
3. An Independent Clearance Inspection must be conducted pursuant to the HRC Rules and Regulations Governing Lead Hazard Mitigation (Lead Mitigation Regulations).

B. Exceptions.

1. When an owner is in receipt of a notice or order from the Department which requires a Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21), all dwelling units at the subject property are disqualified and prohibited from obtaining a Certificate of Conformance (HRC LHM Form-1) for as long as the notice or order remains in effect, regardless of occupancy or blood lead levels.

3.5.3 Comprehensive Environmental Lead Inspections

A. General Requirements.

1. Only a Lead Inspector shall conduct a Comprehensive Environmental Lead Inspection.
2. The purpose of a Comprehensive Environmental Lead Inspection is to:
 - a. Identify any lead hazards and determine the scope of work required to correct those hazards; or
 - b. Demonstrate compliance with this Part and obtain a Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21), as applicable, ideally prior to occupancy.
3. A Comprehensive Environmental Lead Inspection is a surface- by-surface investigation which includes a thorough evaluation of all interior and exterior paint, interior dust, drinking water, and soil within the entire lot using the approved lead testing methods in § 3.6 of this Part.
4. For the purposes of this Part, a Comprehensive Environmental Lead Inspection includes a single-family house or dwelling unit and common areas, as applicable.
5. Family day care homes or group day care homes located in residential buildings encompass the entire single-family house, dwelling unit and common areas, or premises, as applicable.
6. Child day care centers, nursery schools, preschools, Kindergarten classrooms, or other child care programs located in public or commercial buildings encompass

only those common areas that are routinely used by children, such as restrooms and cafeterias. Common areas that children only pass through, such as hallways, staircases, and garages are not included. The child care center also encompasses the exterior sides of the building that are immediately adjacent to the child care center and the exterior common areas or play areas routinely used by children.

B. Paint.

1. A Lead Inspector shall evaluate pre-1978 painted surfaces using one (1) or more approved testing methods in § 3.6.2 of this Part as follows:
 - a. Representative painted surfaces for each room or common area, including the building exterior and the exterior of any accessory structure within the lot, must be evaluated.
 - (1) Testing the basement, attic, interior of a garage or other accessory structure is only required if it contains living space or is used by children as an indoor play area.
 - (2) The exclusion of these areas should be noted in the inspection report.
 - b. Any pre-1978 painted surfaces not tested must be assumed to be lead-based paint.
 - c. All building components which are known or reasonably assumed to be present, but are inaccessible for evaluation, must be assumed to be lead-based paint, assumed to be in a damaged condition, and assessed as a lead hazard.
 - d. Carpeting, wallpaper, paneling, vinyl siding, etc., must be assumed to cover lead-based paint unless building records or physical evidence indicates that no paint is present under such coverings; and
 - e. All paint testing results and assumed lead-based paint must be recorded in a lead inspection report, including the condition of any painted surfaces known or assumed be lead-based paint.

C. Dust

1. A Lead Inspector shall collect interior dust wipe samples, pursuant to § 3.6.3 of this Part, which represent a "worst case" situation from areas nearest entries, in high traffic areas, under windows, and in areas frequently used by children.
2. Residential Dwellings.
 - a. For each single-family house or dwelling unit, a minimum of five (5) dust wipe samples must be collected, with at least one (1) sample from each of the following surfaces, as available:

- (1) Floors;
- (2) Window sills;
- (3) Window wells;
- (4) A sample in a child's bedroom, if present, or the smallest bedroom, if not present; and
- (5) A sample in a child's playroom, if present, or the living room, if not present.

3. Residential Common Areas.

- a. In addition to the dust wipe sampling required in § 3.5.3(C)(2) of this Part, a minimum of one (1) dust wipe sample must be collected from each of the following surfaces in each common area:
 - (1) Floors; and
 - (2) Window sills or window wells, if present.

4. Child Day Care Homes.

- a. For each residential family day care home or group day care home, dust wipe samples must be collected pursuant to the requirements in §§ 3.5.3(C)(2) and (3) of this Part, as applicable.

5. Child-Occupied Facilities.

- a. For each non-residential child day care center, nursery school, preschool, Kindergarten classroom, or other non-residential child care program, a minimum of one (1) dust wipe sample must be collected from each of the following surfaces:
 - (1) Floors, within one foot (1 ft) of each exterior door; and
 - (2) Floors, on each distinctive flooring type; and
 - (3) Representative window sills and/or window wells.

6. Additional Sampling.

- a. In addition to the minimum dust wipe sampling requirements in § 3.5.3(C), additional dust sampling may be collected:
 - (1) Wherever a Lead Inspector deems necessary to ensure that the premises are in compliance with the lead free or lead safe standards in § 3.7 of this Part;
 - (2) Pursuant to the EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling [EPA 747/R-95-001]; and/or

- (3) Pursuant to the HUD Guidelines for the Evaluation and Control of Lead Based Paint Hazards in Housing.

7. Exemption.

- a. A Lead Inspector may, in his/her discretion, choose to postpone dust sampling until the clearance inspection if any interior lead-based paint hazards were identified in:
 - (1) A single-family house or dwelling unit where no child resides or is expected to reside; or
 - (2) A multi-unit common area where no child resides or is expected to reside in any associated dwelling unit.

D. Soil.

1. A Lead Inspector shall collect the following soil samples pursuant to § 3.6.4 of this Part:
2. Primary Structure.
 - a. A minimum of one (1) sample of bare soil must be collected between the foundation and the drip line on each side of the primary structure, or from any other area that contains bare soil on a side of the primary structure where the soil in the drip zone is covered, pursuant to § 3.16.15 of this Part.
 - (1) A composite soil sample may only include representative subsamples collected on the same side of a primary structure.
3. Accessory Structure(s).
 - a. A minimum of one (1) sample of bare soil must be collected within the drip zone of each painted accessory structure, including, but not limited to, garages, sheds, play equipment, and fencing known or suspected to have been painted with lead-based paint.
 - (1) A composite soil sample may only include representative subsamples taken from the same accessory structure.
4. Play Area.
 - a. A minimum of one (1) sample of bare soil must be collected in each play area, or mid-yard if there is no play area. It should be noted in the lead inspection report if there is no area designated or suitable for play.
 - (1) A composite soil sample may only contain representative subsamples from the same play area.
 - (2) A separate sample must be collected from each sandbox, if present.

5. Additional Sampling.

- a. In addition to the minimum soil evaluation requirements of this Section, additional soil testing may be conducted:
 - (1) In any areas where paint chips or sanding residue are visible, including areas where the soil is otherwise covered;
 - (2) Wherever a Lead Inspector deems necessary to ensure that the premises are in compliance with the lead free or lead safe standards in § 3.7 of this Part;
 - (3) Pursuant to the EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling [EPA 747/R-95-001]; and/or
 - (4) Pursuant to the HUD Guidelines for the Evaluation and Control of Lead Based Paint Hazards in Housing.

6. Exemption.

- a. A Lead Inspector may delay soil sampling to a future date when the ground is frozen or covered with ice or snow.
 - (1) The reason for the delay must be noted in the lead inspection report.
 - (2) The samples must be collected as soon as weather permits, and no later than the following March 31st.

E. Water.

1. A Lead Inspector shall collect water samples pursuant to § 3.6.5 of this Part.

2. First Draw Sample.

- a. If feasible, a first draw sample of cold water should be collected from the tap(s) when the water has gone unused for six (6) hours or more. First draw water sampling is required for a lead free assessment.
- b. Residential Facility.
 - (1) The tap that serves as the main source of drinking water in a residential dwelling unit must be identified as the water sampling location. Secondary drinking water sources (e.g. bathroom sinks) are not required to be sampled.
- c. Non-Residential Facility.
 - (1) All taps that are used for food preparation, cooking, and/or drinking purposes at a non-residential facility must be identified as the sampling location(s). This includes all drinking fountains used by children. A minimum of one (1) tap must be sampled at a child care

center even if no tap is reportedly used for food preparation, cooking, or drinking purposes.

3. Flushed Sample.

- a. As a minimum, one (1) flushed sample of cold water must be collected by running the tap(s) for approximately one (1) minute, or until the water turns cold. A period of longer than one (1) minute may be required for the water to turn cold in a dwelling unit above the first floor of a multi-unit building or a child care center located in a large building. The exact flushing time should be recorded in the lead inspection report.
- b. Residential Facility.
 - (1) The tap that serves as the main source of drinking water in a residential dwelling unit must be identified as the water sampling location. Secondary drinking water sources (e.g. bathroom sinks) are not required to be sampled.
- c. Non-Residential Facility.
 - (1) All taps that are used for food preparation, cooking, and/or drinking purposes at a non-residential facility must be identified as the sampling location(s). This includes all drinking fountains used by children. A minimum of one (1) tap must be sampled at a child care center even if no tap is reportedly used for food preparation, cooking, or drinking purposes.

F. Lead Safe Certificate.

- 1. The Lead Inspector who conducted the Comprehensive Environmental Lead Inspection shall issue the following lead certificate, as applicable:
 - a. A Full Lead Safe Certificate (Form PBLIC-21) when all paint, dust, soil, and water results are below the lead free thresholds or within the lead safe concentration ranges in § 3.7 of this Part; or
 - b. A Conditional Lead Safe Certificate (Form PBLIC-15) when all paint, dust, soil, and water results at least meet the conditional lead safe standards in § 3.7 of this Part (e.g. intact lead-based paint, covered soil); or
 - c. An Interior Conditional Lead Safe Certificate (Form PBLIC-15-I) when at least the interior paint, dust, and water meet the conditional lead safe standards in § 3.7 of this Part between November 1st and March 31st; the exterior paint and/or soil hazards must be corrected by the following June 30th.
 - (1) The expiration date of the new Conditional Lead Safe Certificate (Form PBLIC-15), which includes the exterior and soil, will be two (2) years from the date of achieving interior dust wipe clearance.

G. Reporting Requirements.

1. The Lead Inspector who conducted the Comprehensive Environmental Lead Inspection shall include all applicable information specified in § 3.5.7 of this Part in the inspection report.
2. If lead hazards are identified at a regulated facility, the Lead Inspector shall indicate that the lead inspection report serves as an Order to Correct Lead Hazards.
3. If lead hazards are identified by a Department-initiated Comprehensive Environmental Lead Inspection, the State Inspector or Department- designee shall indicate that the lead inspection report serves as a Notice of Violation.
4. The Lead Inspector shall submit the Comprehensive Environmental Lead Inspection Report and any lead certificates into the Department's electronic lead inspection reporting system within seven (7) days of the inspection date, or within seven (7) days of receipt of all laboratory results provided that all environmental lead samples were received for laboratory analysis within seven (7) days of being collected.

3.5.4 Partial Lead Inspections

A. General Requirements.

1. A Partial Lead Inspection does not provide the complete evaluations of a Comprehensive Environmental Lead Inspection and cannot serve to determine lead safe compliance with this Part for a child care center, single-family house, or dwelling unit and common areas.
 - a. Only a Lead Inspector or Lead Assessor shall conduct a Partial Lead Inspection to identify lead hazards or determine compliance with one or more lead standards in § 3.7 of this Part.
 - b. A Partial Lead Inspection may be an initial or follow-up inspection.
 - c. A Partial Lead Inspection may be limited to certain rooms/areas or media.

B. Testing Methods.

1. A Lead Inspector or Lead Assessor shall use the approved testing methods for paint, dust, soil, and/or water in § 3.6 of this Part.

C. Lead Certificate.

1. A Lead Inspector or Lead Assessor may issue a Partial Lead Safe Certificate (Form PBLC-27) for any rooms/areas or media that meet the lead free or lead safe standards in § 3.7 of this Part, but is not required to do so.

D. Reporting Requirements.

1. Lead Inspector.

- a. The Lead Inspector who conducted a Partial Lead Inspection shall include all applicable information specified in § 3.5.7 of this Part in the inspection report.
 - b. If lead hazards are identified at a regulated facility, the Lead Inspector shall indicate that the Partial Lead Inspection Report serves as an Order to Correct Lead Hazards.
 - c. The Lead Inspector is not required to enter a Partial Lead Inspection Report or Partial Lead Safe Certificate (Form PBLIC-27) into the Department's electronic lead inspection reporting system.
2. Lead Assessor.
- a. The Lead Assessor who conducted a Partial Lead Inspection shall report all testing results in accordance with the reporting requirements in § 3.5.1(D) of this Part.

3.5.5 Clearance Inspections

A. General Requirements.

- 1. The purpose of a clearance inspection is to ensure that lead hazard reduction (LHR), lead hazard control (LHC), or renovation, repair, and painting (RRP) activities:
 - a. Were performed using lead safe work practices;
 - b. Appropriate cleanup was completed;
 - c. Paint, dust, soil, and/or water testing, as applicable, are performed pursuant to § 3.6 of this Part;
 - (1) The Lead Inspector or Lead Assessor, as applicable, shall wait at least one (1) hour after final cleanup is completed before collecting any dust samples.
 - d. Paint, dust, soil, and/or water test results, as applicable, meet the lead free or lead safe standards in § 3.7 of this Part; and
 - e. The child care center, single-family house, dwelling unit and common areas, or work area(s), as applicable, are safe for re- occupancy.
- 2. A lead Inspector, who performed a clearance inspection where the visual assessment or environmental lead sample results failed to meet the requirements of §§ 3.5.5 and 3.7 of this Part, shall inform the owner and Lead Supervisor or Lead Renovator, as applicable, of the failure(s) and additional work required prior to repeating the clearance inspection.

B. Lead Hazard Reduction (LHR) projects.

- 1. General Requirements.

- a. A Lead Inspector shall conduct an LHR Clearance Inspection pursuant to §§ 3.5.5(B) and 3.18.14 of this Part.
 - b. Surfaces containing lead-based paint which were made intact, covered, removed or replaced as well as lead in dust, soil, or water treatments must all be documented in a lead inspection report.
2. The LHR Clearance Inspection must include:
 - a. A visual assessment to verify that all lead-based paint is intact with no friction or impact surfaces and no visible dust or paint chips remain in the clearance area;
 - b. Interior dust wipe samples, collected pursuant to §§ 3.5.3(C) and 3.6.3 of this Part;
 - c. Soil samples, collected, pursuant to §§ 3.5.3(D) and 3.6.4 of this Part, in any areas of bare soil not previously determined to meet the lead free or lead safe standards in § 3.7 of this Part; and
 - d. Water sample(s), collected, pursuant to §§ 3.5.2(A)(5) and 3.6.5 of this Part, in all instances in which lead hazard reduction included repairs or modifications to the plumbing system.
3. For a Conditional Lead Safe Certificate (PBLC-15) or Full Lead Safe Certificate (Form PBLC-21):
 - a. The LHR clearance area must include the entire single-family house or dwelling unit and common areas, as applicable; or
 - b. If the LHR scope of work is done in phases (e.g. dwelling unit interior; common area; exterior; soil), a Partial Lead Safe Certificate (Form PBLC-27) may be issued at the conclusion of each phase to certify that the specified area is safe for re-occupancy.
 - (1) The Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21), as applicable, may be issued only after passing the final LHR Clearance Inspection; and
 - (2) The date of the final Certificate of Full Compliance (Form PBLC-21), which will not expire, will be the date of the final LHR Clearance Inspection; or
 - (3) The expiration date of the final Conditional Lead Safe Certificate (Form PBLC-15) will be two (2) years from the date of achieving interior dust wipe clearance.
4. For LHR projects done in phases, all interim clearance inspection reports and Partial Lead Safe Certificates (Form PBLC-27), must be submitted into the Department's electronic lead inspection reporting system with the final LHR Clearance Inspection Report and Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21), as applicable.

5. If an initial Comprehensive Environmental Lead Inspection was not performed prior to the LHR project, a Comprehensive Environmental Lead Inspection must be performed at the conclusion of the project, in lieu of an LHR Clearance Inspection, to obtain a Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21), as applicable.
6. A Lead Inspector who performed an LHR Clearance Inspection must also provide a signed copy of any related lead certificates to the Lead Contractor who performed the work.

C. Lead Hazard Control (LHC) Projects.

1. General Requirements.
 - a. A Lead Inspector shall conduct an LHC Clearance Inspection pursuant to and §§ 3.5.5 and 3.17.17 of this Part.
 - b. Surfaces containing lead-based paint which were made intact, covered, removed or replaced as well as lead in dust, soil, or water treatments must all be documented in a lead inspection report.
2. An LHC Clearance Inspection must include:
 - a. A visual assessment to verify that all lead-based paint is intact with no friction or impact surfaces and no visible dust or paint chips remain in the clearance area;
 - b. Interior dust wipe samples, collected pursuant to §§ 3.5.3(C) and 3.6.3 of this Part;
 - c. Soil samples, collected pursuant to §§ 3.5.3(D) and 3.6.4 of this Part, in any areas of bare soil not previously determined to meet the lead free or lead safe standards in § 3.7 of this Part; and
 - d. Water sample(s), collected pursuant to §§ 3.5.3(E) and 3.6.5 of this Part, in all instances in which lead hazard control included repairs or modifications to the plumbing system.
3. If the LHC scope of work is limited to certain rooms/areas, components, or media, a Partial Lead Safe Certificate (Form PBLC-27) may be issued at the conclusion of the work to certify that the work area(s) specified on Form PBLC-27 are safe for re-occupancy.
4. For a Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21):
 - a. The LHC clearance area must include the entire child day care center, single-family house, or dwelling unit and common areas, as applicable.
 - b. If the LHC scope of work is done in phases (e.g. dwelling unit interior; common area; exterior; soil), a Partial Lead Safe Certificate (Form PBLC-

27) may be issued at the conclusion of each phase to certify that the specified area is safe for re-occupancy.

- (1) The Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21), as applicable, may be issued only after passing the final LHC Clearance Inspection; and
 - (2) The date of the final Certificate of Full Compliance (Form PBLC-21), which will not expire, will be the date of the final LHC Clearance Inspection; or
 - (3) The expiration date of the final Conditional Lead Safe Certificate (Form PBLC-15) will be two (2) years from the date of achieving interior dust wipe clearance.
5. If an initial Comprehensive Environmental Lead Inspection was not performed prior to the LHC project, a Comprehensive Environmental Lead Inspection must be performed at the conclusion of the LHC project, in lieu of an LHC Clearance Inspection, to obtain a Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21), as applicable.
 6. Alternatively, an HRC Independent Clearance Inspection may be performed by a Lead Inspector or Lead Assessor, in lieu of an LHC Clearance Inspection, to obtain a Certificate of Conformance (HRC LHM Form-1).
 7. For LHC projects done in phases, all interim clearance inspection reports and Certificates of Partial Lead Compliance (Form PBLC-27), must be submitted with the final LHC Clearance Inspection Report and Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21), as applicable.

D. Renovation, Repair, and Painting (RRP) projects

1. A Lead Inspector or Lead Assessor shall conduct an optional RRP Clearance Inspection pursuant to §§ 3.5.5(D) and 3.17.16 of this Part.
2. For a Partial Lead Safe Certificate (Form PBLC-27), the RRP clearance area(s) must include the contained work area(s), which should be at least six feet (6') beyond where any lead-based paint was disturbed, plus two feet (2') beyond the containment area(s), as well as pathways used to access the work area(s), and pathways used to remove waste.
3. The RRP Clearance Inspection must include a visual assessment and sufficient dust wipe sampling to verify that the work area(s) were adequately cleaned. As a minimum, three (3) dust wipes and one (1) field blank must be collected, pursuant to §§ 3.6.3 and 3.17.16(A)(1) of this Part.
4. The clearance area(s) and scope of work must be clearly specified on the Partial Lead Safe Certificate (Form PBLC-27).

E. Spot Removal.

1. A clearance inspection is not required for spot removal or minor repairs and maintenance activities provided that the work did not include any:
 - a. Prohibited work practices;
 - b. Window removal or replacement; or
 - c. Demolition activities.

3.5.6 Renewal Inspections

A. General Requirements.

1. A Lead Inspector shall perform a Renewal Inspection pursuant to § 3.5.6 of this Part.
2. The purpose of a Renewal Inspection is to determine that a child day care center, single-family house, or dwelling unit and common areas, as applicable, are maintained in a lead safe condition, free of lead hazards, in order to renew a Certification of Lead Safe Status or Conditional Lead Safe Certificate (Form PBLC-15).
 - a. A Conditional Lead Safe Certificate (Form PBLC-15) expires two (2) years from the date of achieving interior dust wipe clearance, as specified on Form PBLC-15.
 - b. A Renewal Inspection is required every two (2) years, regardless of occupancy.

B. The Renewal Inspection must include:

1. A visual assessment to verify that all lead-based paint is intact with no friction or impact surfaces;
2. Interior dust wipe sampling, collected pursuant to §§ 3.5.3(C) and 3.6.3 of this Part;
3. Soil sampling, pursuant to §§ 3.5.3(D) and 3.6.4 of this Part, in any areas of bare soil not previously determined to meet the lead free or lead safe standards in § 3.7 of this Part; and
4. Additional water sampling, pursuant to §§ 3.5.3(E) and 3.6.5 of this Part, in all instances in where repairs or modifications to the plumbing system were made since the previous lead inspection.

C. A Certification of Annual Re-Inspection Exemption or Certification of Lead Safe Status, with Annual Re-Inspection Exemption (Form PBLC-15E) issued to a property owner where any identified or assumed lead-based paint remains at the premises may not be renewed.

3.5.7 Lead Inspection Reports

- A. A Lead Inspector who performed a Comprehensive Environmental Lead Inspection, Partial Lead Inspection, Clearance Inspection, or Renewal Inspection at a regulated facility or target housing shall complete and sign a lead inspection report and any applicable lead certificates, using the most current inspection report and certificate forms provided or approved by the Department.
- B. A separate lead inspection report (Form PBLC-23) for each child day care center, single-family house, or dwelling unit and common area(s), as applicable, is required.
- C. All lead inspection reports must contain, as a minimum, the following information:
 - 1. The inspection information must include the date of inspection, type of inspection, reason for inspection, and media evaluated.
 - 2. The property information must include:
 - a. Street address, including unit number and/or common areas, as applicable, city and zip code;
 - b. Municipality's tax assessor's plat and lot numbers, or the equivalent;
 - c. Construction date;
 - d. Total number of dwelling units;
 - e. Total number of rooms in the child day care center, single-family house, dwelling unit, common areas, and/or work area(s), as applicable;
 - f. Number of children residing in the subject unit;
 - g. Occupancy (owner or tenant); and
 - h. Whether or not the property is a regulated facility, pursuant to § 3.2.2 of this Part.
 - 3. The owner information must include:
 - a. The name of each owner;
 - b. Mailing address;
 - c. Telephone number; and
 - d. Email address, or other available contact information.
 - 4. The company information must include:
 - a. The affiliation (e.g. employer) of the Lead Inspector who performed and/or supervised the inspection, if applicable
 - 5. The inspector information must include:

- a. The name of the Lead Inspector who performed or supervised the inspection;
 - b. The Lead Inspector's license number; and
 - c. Signature.
6. If the inspection was part of a field apprenticeship for meeting the Lead Inspector licensing requirements of § 3.13.3(A)(1)(a)((5)) of this Part, the inspector information must also include:
 - a. The name of the supervised Lead Inspector-in-Training;
 - b. The Lead Inspector-in-Training's license number; and
 - c. Signature.
7. The floor plan must include:
 - a. A detailed interior sketch of the child care center, single-family house, or dwelling unit and common areas inspected; and.
 - b. The interior sketch must indicate any children's bedroom(s) and playroom(s).
8. The site plan must include:
 - a. A detailed exterior sketch of all structures and ground coverings on the lot; and
 - b. The exterior sketch must indicate the location of any soil sampling.
9. The media tested must include all paint, dust, soil, and/or water evaluated during the inspection. The paint, dust, soil, and water inspection pages, as applicable, must include:
 - a. Specific locations and test or sample type;
 - b. Results of all field measurements or tests and laboratory analysis results;
 - c. Condition of all tested or assumed lead-based paint and soil;
 - d. Accurate lead free (F), lead safe (S), conditionally lead safe (C), or lead hazard (H) assessments for all surfaces/areas/media tested, based on field tests or laboratory sample results, and paint or soil conditions.
10. The laboratory reports must include:
 - a. Copies of all reports/results for any environmental lead samples requiring analysis; and
 - b. The corresponding chain(s) of custody.

11. The lead inspection report must indicate whether flushing is required to achieve lead safe levels of lead in water.
 12. The report must include a copy of the ELPAT-accreditation for XRF analysis of dust wipes or soil testing, if applicable.
 13. As a minimum, the summary of findings and recommendations must include:
 - a. Site-specific treatment options; and
 - b. Training/licensing requirements for correcting any identified or assumed lead hazards.
- D. The report must include applicable educational materials, available for downloading on the Department's website.

3.5.8 HUD Inspections

A. General Requirements.

1. A Department-licensed Lead Inspector may conduct a Lead-Based Paint Inspection pursuant to Chapter 7 of the most current edition of the HUD Guidelines for the Evaluation and Control of Lead-Based Paint in Housing in Rhode Island.
2. A Department-licensed Lead Inspector with additional EPA/HUD-approved Risk Assessor training may conduct a Risk Assessment pursuant to Chapter 5 of the most current edition of the HUD Guidelines for the Evaluation and Control of Lead-Based Paint in Housing in Rhode Island.
3. A HUD Lead-Based Paint Inspection and/or HUD Risk Assessment may be used to determine compliance with one or more lead free or lead safe standards in § 3.7 of this Part or to identify lead hazards and determine the scope of work required to correct those hazards.

B. Lead Certificate.

1. The following is required to determine lead safe compliance with this Part to obtain a Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21), as applicable.
 - a. A HUD Lead-Based Paint Inspection; and
 - b. A HUD Risk Assessment; and/or
 - c. An LHC or LHR Clearance Inspection that includes any additional dust, soil, and water sampling, pursuant to §§ 3.5.2(A) and 3.6 of this Part, to meet the requirements of a Comprehensive Environmental Lead Inspection; and

- d. A clearance inspection pursuant to Chapter 15 of the most current edition of the HUD Guidelines for the Evaluation and Control of Lead-Based Paint in Housing, if applicable.

C. Reporting Requirement.

- 1. The HUD Lead-Based Inspection, HUD Risk Assessment, HUD Clearance Inspection and/or LHC or LHR Clearance Inspection Reports must all be entered into the Department's electronic lead inspection reporting system with the Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21), as applicable.

3.5.9 Special Requirements for RRP Testing

A. General Requirements.

- 1. Only a Lead Inspector shall perform representative testing of painted surfaces to determine the applicability of the RRP Rule.
 - a. A Lead Inspector who performs a Partial Lead Inspection for the purpose of determining the applicability of the RRP Rule, shall complete and sign a Partial Lead Inspection Report, pursuant to all applicable requirements of § 3.5.4 of this Part.
- 2. A Lead Assessor or Lead Renovator, who uses EPA-recognized lead test kits or collects paint chip samples to determine the applicability of the RRP Rule, shall test or paint chip sample every affected component.
 - a. For the purposes of this Part, paint testing by a Lead Assessor or Lead Renovator to determine the applicability of the RRP Rule is not considered a Partial Lead Inspection.

B. Reporting Requirement.

- 1. The Lead Assessor or Lead Renovator shall document the following on an EPA Test Kit Documentation Form, Paint Chip Sample Collection Form, or the equivalent:
 - a. Owner information including name, address, phone, and email;
 - b. Property address, including unit number;
 - c. Lead Assessor's employer or Lead Renovation Firm information including name, address, phone, email, and Lead Assessor or Lead Renovation Firm license number, as applicable;
 - d. Lead Assessor or Lead Renovator information including name, address, phone, email, and license number, or certification number and date of the person who performed the testing and/or sampling; and
 - e. Test kit information including manufacturer, expiration date, test date, description of component tested, test location, and test result; and/or

- f. Paint chip sample number, sample date, sample site, sample dimensions, sample result, chain of custody, and Department- certified laboratory report.
- 2. The Lead Assessor or Lead Renovator shall provide a copy of the EPA Test Kit Documentation Form, Paint Chip Sample Collection Form, or the equivalent to the owner within seven (7) days of the test date or seven (7) days of receipt of the paint chip sample results provided that the samples were received for laboratory analysis within seven (7) days of being collected.
- 3. The Lead Assessor or Lead Renovator shall provide a copy of the EPA Test Kit Documentation Form, Paint Chip Sample Collection Form, or the equivalent to the Department within seven (7) days of the request.

3.5.10 Special Requirements for Lead Assessors

- A. A Lead Assessor shall, as a minimum, report all lead testing results in accordance with the reporting requirements of his/her employer.
- B. A Lead Assessor who uses a lead test kit or collects paint chip samples to determine the applicability of the RRP Rule shall do so in accordance with § 3.5.9 of this Part.
- C. A Lead Assessor who issues a Partial Lead Safe Certificate (Form PBLC-27) or Certificate of Conformance (HRC LHM Form-1), shall:
 - 1. Provide a signed copy of Form PBLC-27 or LHM Form-1 and the laboratory report to the owner(s), the occupant(s) if not the owner, and the Lead Renovation Firm who completed the work, as applicable; and
 - 2. Inform the owner of the lead disclosure requirements in § 3.8 of this Part.
- D. A Lead Assessor who issues a Partial Lead Safe Certificate (Form PBLC-27) is not required to enter the inspection or certificate into the Department's electronic lead inspection reporting system.
- E. The Lead Assessor's employer shall retain any lead inspection reports or lead certificates for at least three (3) years from the date of the inspection and, if requested, make available to the Department within seven (7) days of the request.

3.6 Environmental Lead Testing Methods

3.6.1 Approved Testing Methods

- A. A Lead Inspector, Lead Assessor, or Lead Renovator is trained and licensed or certified to use one (1) or more of the following testing methods for lead in paint, dust, soil, and/or water:
 - 1. EPA-recognized lead test kit for applicability of the RRP Rule used by a Lead Inspector, Lead Assessor, or Lead Renovator;
 - 2. X-Ray Fluorescence (XRF) Analyzer for on-site paint testing by a Lead Inspector;

3. XRF analysis of dust wipe or soil samples by a person who is ELPAT- accredited as being proficient for lead analysis during the period of time the dust wipe or soil sample analysis, as applicable, is performed;
4. Paint chip, dust wipe, soil, or drinking water sampling for analysis by a laboratory certified pursuant to § 3.15.3 of this Part; and/or
5. Any other method approved in writing by the Department.

3.6.2 Paint

A. General Requirements.

1. Painted surfaces must be evaluated as follows:
 - a. The construction date of the subject building, dwelling, and/or accessory structure(s) must be determined:
 - (1) For the purposes of this Part, all painted surfaces constructed after January 1, 1978 (post-1978) are assumed to be below the lead free threshold in § 3.7 of this Part, unless proven otherwise; testing is not required.
 - (2) For the purposes of this Part, all painted surfaces constructed before January 1, 1978 (pre-1978) must be assumed to exceed the lead safe threshold in § 3.7 of this Part, unless proven otherwise; testing is required to determine if the lead concentration is below the lead free or lead safe thresholds in § 3.7 of this Part.
 - b. A Lead Inspector shall test all building components which have evidence of separate, distinct painting histories.
 - (1) Only a Lead Inspector may group together building components which have the same painting histories into a single representative test in one (1) building, dwelling, dwelling unit, common area, or accessory structure, as applicable.
 - (2) Painted fixtures which are physically attached to the premises must be included.
 - c. A Lead Assessor or Lead Renovator shall test each component that will be disturbed by renovation, repair, and painting (RRP) activities, either by using a lead test kit or by collecting a paint chip sample for laboratory analysis.
 - (1) Painted fixtures which are physically attached to the premises must be included.
 - d. For the purposes of this Part, a surface coating is considered to be lead-based paint if a single testing method is positive for lead when multiple testing methods are used (i.e. lead test kit, XRF Analyzer, or laboratory analysis of a paint chip sample).

B. Lead Test Kits.

1. Lead test kits may be used to confirm the presence of lead-based paint, either to show that damaged paint is a lead hazard or to show whether the Renovation, Repair, and Painting (RRP) Rule applies to the tested surface.
 - a. A Lead Inspector, Lead Assessor, or Lead Renovator shall:
 - (1) Use a test kit, currently recognized by EPA, in accordance with the manufacturer's instructions;
 - (2) Obtain permission from the owner before damaging intact paint to expose all the layers of paint; and
 - (3) Record the test kit results in a lead inspection report or the EPA Test Kit Documentation Form or equivalent, as applicable, as positive (+) or "yes" when there is a color change, and negative (-) or "no" when there is no color change only if all the layers of paint on the tested surface were exposed.
 - b. Test kits may not be used to determine lead free or lead safe status, to determine eligibility for exemption from the Lead Disclosure Rule or the Lead Safe Housing Rule, or to serve as the basis for a Full Lead Safe Certificate (Form PBLC-21).

C. Paint Chip Sampling.

1. A Lead Inspector, Lead Assessor, or Lead Renovator shall collect paint chip samples for laboratory analysis by:
 - a. Properly labeling sample containers provided or approved by the analyzing laboratory;
 - b. Taking appropriate precautions to prevent contamination for each sample, including but not limited to, cleaning tool(s) before collecting a sample;
 - c. For Lead Inspectors, collecting a minimum of one (1) sample from each testing combination that is the minimum weight or area required by the analyzing laboratory;
 - d. For Lead Assessors and Lead Renovators, collecting a sample that is the minimum weight or area required by the analyzing laboratory from each building component that will be affected by the renovation, repair, and painting (RRP) activities;
 - e. In particular, for percent by weight or parts per million results, removing paint in such a manner as to minimize the amount of substrate which adheres to the sample, while at the same time ensuring that the sample contains all layers of paint down to the substrate;
 - f. Removing paint in a manner that minimizes the possibility of creating lead-contaminated dust or debris;

- g. Placing the sample in an appropriately labeled container;
 - h. Immediately cleaning any dust or debris, if generated;
 - i. Repairing the surface from which the paint sample was collected, if necessary;
 - j. Maintaining a chain of custody for each paint chip sample from the time of collection to the time of submission to a Department- certified laboratory; and
 - k. Reporting the results as parts per million (ppm) in the lead inspection report; or
2. Alternatively, paint chip samples may be collected pursuant to the EPA RRP Program Paint Chip Sample Collection Guide and reported as milligrams per square centimeter (mg/cm²) on the EPA Paint Chip Sample Collection Form or the equivalent.
- a. Samples should generally be at least one square inch (1 in²) or at least the minimum area required by the analyzing laboratory;
 - b. All of the paint should be removed from the sampling area (a small amount of substrate in the sample is permitted);
 - c. The exact dimensions of the area sampled must be recorded on a paint chip sample collection form; and
 - d. The analyzing laboratory must be instructed in advance to report the weight of the whole sample, the mass concentration, and the loading, in milligrams per square centimeter (mg/cm²).

D. XRF Testing.

1. A Lead Inspector or supervised Lead Inspector-in-Training shall use an XRF Analyzer for on-site measurements of painted surfaces in accordance with the requirements in § 3.6.7 of this Part and the following:
- a. XRF Analyzers must be used in accordance with the most current EPA/HUD XRF Performance Characteristic Sheet (PCS) for that instrument.
 - b. The manufacturer, model number and serial number of the XRF Analyzer used must be indicated in the lead inspection report.
 - c. If more than one XRF Analyzer is used to conduct an inspection, each measurement must be annotated to indicate the specific instrument used.
 - d. The selection of the measurement location should be representative of the paint over the areas that are most likely to contain all the layers of paint and the XRF probe faceplate should be able to lie flat against the surface.

For each measurement, the specific testing location must be recorded in the lead inspection report along with the XRF reading on that surface.

- e. XRF readings are expressed in milligrams per square centimeter (mg/cm²) and classified as positive, negative, or inconclusive. XRF readings at or above the threshold specified in the PCS are considered positive, while readings below the threshold are considered negative. XRF readings that are in the inconclusive range, as determined by the PCS, are considered inconclusive for the purposes of this Part and shall be assumed positive for lead unless otherwise determined by laboratory analysis of paint chip sampling.

3.6.3 Dust

A. General Requirements.

1. For initial lead inspections, dust wipe samples must represent a "worst case" situation and, for floors, the samples must be collected from areas nearest entries, in high traffic areas, under windows, and in areas frequently used by children.
2. For clearance inspections, dust wipe samples must be collected in work areas, adjacent to work areas, as well as pathways used to access work areas and pathways used to remove waste.
3. Additional sampling may be conducted pursuant to the EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling [EPA 747/R-95- 001] and/or the HUD Guidelines for the Evaluation and Control of Lead Based Paint Hazards in Housing.

B. Dust Wipe Sampling.

1. For each dust wipe, the Lead Inspector or Lead Assessor shall collect the sample by:
 - a. Properly labeling sample containers provided or approved by the analyzing laboratory and/or PCS for the analyzing instrument;
 - b. Taking appropriate precautions to prevent contamination for each dust wipe sample collected, including, but not limited to, wearing a new, clean pair of powderless disposable gloves for each sample;
 - c. Placing a pre-moistened wipe, provided or approved by the analyzing laboratory, flat on the surface to be sampled and rubbing in an "S" pattern once over the entire sample area;
 - d. Wiping an area of at least one square foot (1 ft²), whenever feasible, and a maximum of two square feet (2ft²);
 - e. Wiping the entire surface if the area to be sampled measures less than one square foot (1 ft²);

- f. Wiping a representative area if the surface to be sampled contains an excessive amount of dirt or debris, and a minimum of sixteen square inches (16 in²);
- g. Folding the wipe in half and rubbing over the entire sample area in an "S" pattern a second time at a 90-degree angle to the first series of wipes;
- h. Folding the wipe in half again and rubbing across the template's inner edge, if a reusable template was used;
- i. Folding the wipe again and placing in an appropriately labeled container;
- j. Measuring to one-eighth of an inch (1/8") and recording the collection area, or recording the template size, as applicable;
- k. Maintaining a chain of custody for each dust wipe sample from the time of collection to the time of XRF analysis by an ELPAT- accredited person and/or submission to a Department-certified laboratory; and
- l. Recording the results as micrograms per square foot (µg/ft²) in the lead inspection report.

C. Field Blank.

- 1. For each building, the Lead Inspector or Lead Assessor shall prepare one (1) field blank prior to leaving the building where dust wipe samples are collected by:
 - a. Properly labeling a sample container provided or approved by the analyzing laboratory and/or PCS for the analyzing instrument;
 - b. Removing an unused wipe from its packaging, while wearing a new, clean pair of powderless disposable gloves, immediately unfolding then refolding the wipe, and placing it in the labeled container;
 - c. Maintaining a chain of custody for the field blank from the time of collection to the time of XRF analysis by an ELPAT-accredited person and/or submission to a Department-certified laboratory; and
 - d. Recording the results as micrograms (µg) per wipe in the lead inspection report.
- 2. The purpose of the field blank is to identify errors or contamination in supplies, sample collection, or analysis. If the field blank result does not meet the lead free standard in § 3.7 of this Part, then all dust wipe sample results from the subject building are considered invalid, for the purposes of this Part, and must be repeated in their entirety.

D. XRF Testing.

- 1. A Lead Inspector, or other authorized person, shall be ELPAT-accredited as being proficient for dust wipe analysis during the period of time the XRF analysis is performed.

2. When an XRF measurement is indeterminate according to the manufacturer's specifications, the dust wipe sample(s) must be submitted to a Department-certified laboratory for analysis.

3.6.4 Soil

A. General Requirements.

1. A soil sample may be an individual ("grab") sample or a composite sample.
2. A composite sample must incorporate equal amounts of subsamples which are representative of the sampling area.

B. Soil Sampling.

1. For each soil sample, the Lead Inspector or Lead Assessor shall collect the sample by:
 - a. Properly labeling sample containers provided or approved by the analyzing laboratory and/or PCS for the analyzing instrument;
 - b. Taking appropriate measures to prevent contamination of each sample, including, but not limited to, cleaning tool(s) and/or wearing a new, clean pair of powderless disposable gloves;
 - c. Collecting soil samples from the top half-inch (0.5") of soil using a clean spade, auger, centrifuge tube, or by hand while wearing a new, clean pair of powderless disposable gloves;
 - d. Placing the sample in an appropriately labeled container;
 - e. Maintaining a chain of custody for each soil sample from the time of collection to the time of XRF analysis by an ELPAT-accredited person and/or submission to a Department-certified laboratory; and
 - f. Reporting the results as parts per million (ppm) in the lead inspection report.

C. XRF Testing.

1. A Lead Inspector or other authorized person shall be ELPAT-accredited as being proficient for soil analysis during the period of time the XRF analysis is performed.
2. The XRF instrument must be configured in accordance with the manufacturer's specifications and EPA Method 6200 for the analysis of soil, to make direct measurements of lead content.
3. When an XRF instrument on-site measurement or soil sample analysis is indeterminate according to manufacturer's specifications, that sample must be submitted to a Department-certified laboratory for analysis.

3.6.5 Water

A. General Requirements.

1. A Lead Inspector or Lead Assessor shall sample at least the tap which is most frequently used, if there are multiple taps in the inspection area.
2. A Lead Inspector or Lead Assessor shall sample the water directly from the tap if a faucet- mounted water filter is present.
3. A Lead Inspector or Lead Assessor, who collected any drinking water sample(s), shall maintain a chain of custody for each sample from the time of collection to the time of submission to a Department-certified laboratory.
4. Alternatively, a Lead Assessor, who collected any drinking water sample(s), shall maintain a chain of custody for each sample from the time of collection to the time of submission to their local water supplier for analysis.

B. Residential Water Sampling.

1. A Lead Inspector or Lead Assessor shall collect a water sample by:
 - a. Properly labeling sampling containers provided or approved by the analyzing laboratory or local water supplier;
 - b. Taking appropriate precautions to prevent contamination for each water sample collected, including, but not limited to, having clean hands and/or wearing a new, clean pair of powderless disposable gloves for each sample;
2. For first draw water samples:
 - a. Using a one-liter (1 L) container (a wide mouth container is recommended);
 - b. Ensuring that no water has been used for at least six (6) hours; and
 - c. Opening the container and immediately filling it with cold water running at a steady stream.
3. For flushed water samples:
 - a. Using a sample container which is at least the minimum volume required by the analyzing laboratory or local water supplier;
 - b. Turning the cold water tap on to a steady stream (a wide-mouth container is recommended) and running the water approximately sixty (60) seconds, or until a noticeable shift in the temperature occurs;
 - c. Opening the container and immediately filling it with cold water without allowing any water to run down the drain while collecting the sample; and
 - d. Noting the exact flushing time in the lead inspection report.

C. Non-Residential Water Sampling.

1. Water sampling in schools should be conducted in accordance with the EPA 3Ts for Reducing Lead in Drinking Water in Schools or the most current EPA non-residential water sampling protocol.

3.6.6 Laboratory Analysis

- A. A Lead Inspector must submit all environmental lead samples to a Department- certified laboratory within seven (7) days of collecting the samples.
- B. Laboratories performing analysis of environmental lead must do so in accordance with the certification and licensing requirements in § 3.15.3 of this Part; and.
- C. Laboratories performing analysis of lead in paint, interior dust, and/or soil are required to calculate total lead, not extractable lead, using current EPA-approved quantitative analytical methods.

3.6.7 Additional XRF Requirements

- A. Radioactive Materials License.
 1. A Lead Inspector or supervised Lead Inspector-in-Training shall operate an XRF under a currently valid specific or general radioactive materials license for the XRF instrument used, in accordance with the Department's Rules and Regulations for the Control of Radiation [Part 40-20-1 of this Title].
 2. A Lead Inspector or supervised Lead Inspector-in-Training, using an XRF instrument in Rhode Island with a radioactive materials license issued by another jurisdiction, shall be in compliance with the reciprocity provisions of the Department's Rules and Regulations for the Control of Radiation (Part 40-20-1 of this Title).
- B. Radiation Safety Training.
 1. A Lead Inspector or supervised Lead Inspector-in-Training shall successfully complete radiation safety training approved by the Department.
- C. Operation.
 1. When operating an XRF Analyzer, a Lead Inspector or supervised Lead Inspector-in-Training shall comply with the following:
 - a. The technical specifications contained in the most current version of the PCS for that instrument; and
 - b. The manufacturer's operating and maintenance instructions.
 - c. The calibration of each XRF instrument used must be verified against the manufacturer's standards for that instrument at the beginning and end of each inspection and at a frequency determined by the manufacturer during the inspection.

- (1) If the XRF instrument does not produce a reading within the PCS-specified tolerance for each standard, that instrument cannot be used until such time as the unit has been demonstrated to be operating within the PCS-specified tolerance for each standard.
- d. A separate calibration log must be maintained for each XRF instrument. The results of all calibration verification checks must be recorded in the log.
- e. The results of all calibration verification checks for a lead inspection must also be recorded in the lead inspection report.

3.7 Environmental Lead Standards

3.7.1 Lead Free/Lead Safe Standards

- A. Lead free means that the lead concentrations in paint, dust, soil and/or water are below the lead free thresholds shown in § 3.7.4 of this Part.
- B. All painted surfaces constructed after January 1, 1978 (post-1978) are assumed to be below the lead free threshold shown in § 3.7.4 of this Part, unless proven otherwise; paint testing is not required.
- C. For post-1978 construction, dust, soil, and water testing are required to determine if these media are below the lead free or lead safe thresholds shown in § 3.7.4 of this Part.
- D. Lead safe means that the lead concentrations in paint, dust, soil, and/or water are within the lead safe concentration ranges shown in § 3.7.4 of this Part.
- E. All painted surfaces constructed before January 1, 1978 (pre-1978), must be assumed to exceed the lead safe threshold shown in § 3.7.4 of this Part, unless proven otherwise.
- F. For pre-1978 construction, paint, dust, soil, and water must be tested to determine if these media are below the lead free or lead safe thresholds shown in § 3.7.4 of this Part.
- G. A Full Lead Safe Certificate (Form PBLC-21) documents that the lead concentrations in all media (paint, dust, soil, and water) at a child care center, dwelling, or dwelling unit and common areas are below the lead free and/or lead safe thresholds and no action is required.

3.7.2 Conditional Lead Safe Standards

- A. Intact paint, above the lead safe threshold shown in § 3.7.4 of this Part, is conditionally lead safe and constitutes a potential lead exposure hazard if the paint is disturbed, vulnerable to friction or impact, or the intact paint condition is not maintained.
- B. Covered soil, above the lead safe threshold shown in § 3.7.4 of this Part, is conditionally lead safe and constitutes a potential lead exposure hazard if the soil is disturbed, the ground covering is not maintained or is vulnerable to erosion.
- C. Ongoing monitoring, routine repair and maintenance, and renewal inspections are required to maintain a Conditional Lead Safe Certificate (Form PBLC-15) when the lead

concentrations in paint and/or soil exceed the lead safe thresholds shown in § 3.7.4 of this Part.

- D. Intact paint and/or bare soil that were not tested may be considered lead safe for as long as the intact paint condition and/or soil coverings are maintained.

3.7.3 Lead Hazard Standards

- A. Lead hazard means that the lead concentrations in paint, dust, soil, and/or water are above the lead hazard thresholds shown in § 3.7.4 of this Part.
1. Damaged paint, interior dust, bare soil, and/or drinking water above the lead hazard thresholds shown in § 3.7.4 of this Part constitute immediate lead exposure hazards which require corrective action to a lead free or lead safe concentration or condition at a regulated facility, pursuant to §§ 3.16, 3.17, and/or 3.18 of this Part, as applicable.
- B. Damaged paint and/or bare soil that were not tested must be assumed to constitute a lead hazard requiring corrective action to at least a lead safe condition.

3.7.4 Environmental Lead Standards

ENVIRONMENTAL LEAD STANDARDS				
	Lead free	Lead Safe	Conditionally Lead Safe	Lead Hazard
Paint ¹	< 90 ppm	90 to < 5,000 ppm or < 1.0 mg/cm ²	Intact Paint > 5,000 ppm or > 1.0 mg/cm ²	Damaged Paint > 5,000 ppm or > 1.0 mg/cm ²
Dust ²	< 10 µg/ft ²	Floors: 10 to < 40 µg/ft ² Window Sills: 10 to < 250 µg/ft ² Window Wells: 10 to < 400 µg/ft ² Any Other Surfaces: 10 to < 40 µg/ft ²		Floors: > 40 µg/ft ² Window Sills: > 250 µg/ft ² Window Wells: > 400 µg/ft ² Any Other Surfaces: > 40 µg/ft ²
Soil	< 150 ppm	< 400 ppm	Covered Soil > 400 ppm	Bare Soil > 400 ppm
First Draw ³ Water ⁴	< 5 ppb	5 ppb to < 15 ppb		

Flushed Water ⁴	Not Applicable	< 15 ppb	> 15 ppb
<p>1. The lead in paint limit was reduced from 600 ppm to 90 ppm by the US Consumer Product Safety Commission on August 14, 2009. The XRF determinations above are based on a Performance Characteristic Sheet (PCS) threshold of 1.0 mg/cm².</p>			
<p>2. When a dust wipe is collected from a surface that is less than one square foot (1 ft²), the sample is considered lead free if the reported result is less than the reporting limit of the laboratory.</p>			
<p>3. First draw water sampling is required for a lead free determination. A first draw water sample must be collected after at least six (6) hours of non-use.</p>			
<p>4. If water samples were obtained from more than one (1) tap, the above standards must be applied separately to each sampled tap result.</p>			
Abbreviations and Symbols			
<p>≥ Equal to or greater than</p> <p>≤ Less than or equal to</p> <p>> Greater than</p> <p>< Less than</p> <p>mg/cm² = milligrams per square centimeter</p> <p>µg/ft² = micrograms per square foot (sf)</p> <p>ppb = parts per billion = µg /L = micrograms per liter</p> <p>ppm = parts per million = µg/g = micrograms per gram = mg/kg = milligram per kilogram = mg/L = milligrams per liter</p>			

3.8 Lead Disclosure

3.8.1 EPA/HUD Lead Disclosure Rule

- A. The requirements in § 3.8 of this Part are in addition to, not in lieu of, federal requirements for disclosure of lead-based paint and/or environmental lead hazards in housing (24 C.F.R. Part 35, Subpart A and 40 C.F.R. Part 745, Subpart F).

3.8.2 Records and Reports

- A. Property owners shall maintain information concerning the presence of lead-based paint and/or environmental lead hazards including, but not limited to, lead certificates and inspection reports for as long as they own that property.
- B. The owner shall notify each agent about the existence of any such available lead certificates and reports, including any certificates or reports which are in the possession of the seller or lessor or which are reasonably obtainable.

3.8.3 Disclosure Requirements for Sellers and Lessors

- A. Non-exempt sellers and lessors shall meet all of the following requirements before a purchaser or lessee is obligated under any contract to purchase or lease target housing:
 - 1. Educational Pamphlet.
 - a. The seller or lessor shall provide the purchaser or lessee with the EPA pamphlet Protect Your Family from Lead in Your Home containing the insert What You Should Know about the Rhode Island Lead Law, available on the Department's website.
 - 2. Lead Warning Statement.
 - a. The seller or lessor shall include in each contract for the sale or lease of any residential dwelling, including oral leases, a lead warning statement and a written disclosure acknowledgment that is in accordance with 24 C.F.R. 35.92 and 40 C.F.R. 745.113.
 - 3. Lead Disclosure.
 - a. The seller or lessor shall disclose to the purchaser or lessee, as well as to each agent, any known information about the presence of lead-based paint and/or environmental lead hazards at the property being sold or leased.
 - b. Any agreement to transfer real estate must contain an acknowledgment that a completed lead disclosure form has been provided to the buyer by the seller in accordance with the provisions of § 3.8 of this Part.
 - c. For all properties, the lead disclosure must include the following:
 - (1) The property address and dwelling unit number, if applicable;
 - (2) A copy of any current lead certificate(s) for the dwelling or dwelling unit and common areas;
 - (3) A chronological listing of all available lead inspection reports and certificates for the property being sold or leased; and
 - (4) Instructions on how to obtain copies of those reports and certificates. Delivery to the requesting purchaser or lessee must be made within seven (7) days of the request and at no charge.
 - d. For residential rental properties, the lead disclosure must also include:

- (1) Basic information about this Part and its applicability to the subject property;
 - (2) The name and contact information of the owner, registered agent, and/or designated person who is responsible for maintaining the property.
- e. The disclosure acknowledgment must be a stand-alone document, which includes the property address, or its own separate page when included in a written lease.
- f. The seller or lessor shall retain a copy of the signed and dated disclosure acknowledgment for a minimum of three (3) years or the term of the tenancy, whichever period is longer, as proof of compliance with § 3.8 of this Part.

3.8.4 Additional Requirements for Sellers

A. Lead Inspection Period.

- 1. Sellers of any one (1) to four (4)-unit residential dwelling built prior to 1978 shall allow the purchaser a ten (10)-day period in which to have an inspection for the presence of lead-based paint and/or environmental lead hazards prior to the purchaser becoming obligated under any Contract for the Purchase and Sale of Residential Real Property.
 - a. A mortgagee selling a property at a foreclosure auction is exempt from allowing the inspection.
 - b. A seller and purchaser may agree to change the terms of the lead inspection period, provided that the agreement is in writing and the seller has fully complied with all other disclosure requirements.

3.8.5 Responsibilities of Real Estate Agents

- A. Each agent shall ensure compliance with all requirements of § 3.8 of this Part by informing the seller or lessor of his/her responsibilities and ensuring that the seller or lessor has performed all required activities or personally ensuring compliance with the disclosure requirements.
- B. If the agent has complied with § 3.8.5(A) of this Part, the agent shall not be liable for the failure to disclose to a purchaser or lessee the presence of lead-based paint, existing environmental lead exposure hazards, or potential environmental lead exposure hazards known by a seller or lessor but not disclosed to the agent.
- C. If the agent has not complied with § 3.8.5(A) of this Part, the Department shall report the agent to the Department of Business Regulation, Division of Commercial Licensing and Regulation, Real Estate Section, for enforcement action pursuant to R.I. Gen. Laws § 5-20.5.

3.9 Certification Requirements for Lead Training Courses

3.9.1 Training Providers

- A. A training provider shall employ the following:
1. A training manager, qualified pursuant to § 3.9.2(A) of this Part;
 2. One (1) or more individuals qualified as principal instructors pursuant to § 3.9.3(A) of this Part;
 3. One (1) or more individuals with work experience as a Lead Supervisor, Lead Worker, or Lead Renovator to teach the hands-on portion of a Lead Renovator training course;
 4. One (1) or more individuals with work experience as a Lead Supervisor to teach the hands-on portion of a Lead Supervisor or Lead Worker training course;
 5. One (1) or more individuals with work experience as a Lead Inspector/Risk Assessor to teach the hands-on portion of a Lead Inspector or Lead Assessor training course.
 6. A sufficient number of instructors to ensure that the student-to-instructor ratio for the hands-on training activities will not be greater than:
 - a. Eight-to-one (8:1) for a Lead Supervisor, Lead Worker, or Lead Renovator training course; or
 - b. Six-to-one (6:1) for a Lead Inspector or Lead Assessor training course.
 7. Written justification must be submitted for student-to-instructor ratios greater than specified above in § 3.9.1(A)(6) of this Part.
- B. A training provider shall provide training site(s) with adequate facilities and training equipment, pursuant to § 3.9.13 of this Part, for the delivery of the course curriculum, including, but not limited to, lectures, power point presentations, demonstrations, hands-on training, and the course test.
- C. A training provider shall notify the Department of all scheduled, canceled, and completed Lead Training Courses, pursuant to § 3.9.15 of this Part.
- D. A training provider shall issue a unique course completion certificate, pursuant to § 3.9.18(C) of this Part, to each individual who completes a Lead Training Course.
- E. A training provider shall permit the Department to audit any Lead Training Course, certified pursuant to this Section, and/or inspect all applicable records required in § 3.9.19 of this Part.

3.9.2 Training Managers

- A. Training Manager Qualifications.

1. The training manager shall meet the following education, training, and work experience requirements:
 - a. Successful completion of a “Train the Trainer” course approved by the Department; and
 - b. Experience, education, or training in lead inspections, lead hazard remediation, asbestos abatement, other related construction trades, industrial hygiene, occupational safety and health, or other related fields; and
 - c. A bachelor’s or graduate degree in education, public health, industrial hygiene, occupational safety and health, engineering, building construction, or a related field; or
 - d. A general education diploma (GED) or high school diploma and at least three (3) years of experience in managing a training program specializing in environmental hazards or occupational safety and health; or
 - e. A GED or high school diploma and at least three (3) years of experience, education, or training in designing, implementing and evaluating either employee educational programs or vocational educational programs for adults.
2. A training manager who meets the qualifications of § 3.9.3(A) may also be a principal instructor.
3. A training manager who meets the qualifications of §§ 3.9.1(A)(3), (4), or (5), as applicable, may also be a hands-on instructor.

B. Training Manager Responsibilities.

1. Responsibilities of the training manager include the following:
 - a. All communications with the Department;
 - b. Ensuring that the certified Lead Training Course complies with all requirements of this Section;
 - c. Developing and implementing a quality control plan;
 - d. Development of the curriculum and organization of the course material, if using the training provider’s own curriculum;
 - e. Designation and oversight of a principal instructor for each class;
 - f. Ensuring the qualifications of all hands-on instructors;
 - g. Conducting and documenting an annual review of the competency of each instructor;

- h. Maintaining the validity and integrity of the hands-on skills assessment to ensure that it accurately evaluates the student's performance;
- i. Maintaining the validity and integrity of the course test to ensure that it accurately evaluates the student's knowledge and retention of the course topics;
- j. Ensuring compliance with the Department's Rules and Regulations for the Control of Radiation [Part 40-20-1 of this Title], when applicable;
- k. Providing the Department with a pre-certification inspection of the training facility, teaching methods and materials, and hands-on equipment and supplies;
- l. Maintaining timely course offering information and downloading all required completed course information into the Department's electronic lead inspection reporting system, pursuant to § 3.9.18 of this Part; and reporting and recordkeeping requirements pursuant to § 3.9.19 of this Part.

3.9.3 Principal Instructors

A. Principal Instructor Qualifications.

- 1. Each principal instructor shall meet the following education, training, and work experience requirements:
 - a. A GED, high school diploma, or higher degree; and
 - b. Experience, education or training in teaching adults; and
 - c. Experience, education, or training in lead inspections, lead hazard remediation, asbestos abatement, other related construction trades, industrial hygiene, occupational safety and health, or other related fields; and
 - d. A related initial lead professional training course approved by the Department;
 - e. A related lead professional review course, or the equivalent Department-approved Continuing Education Units (CEUs), completed by the instructor within the three (3)-year period prior to submission of the application; and
 - f. Successful completion of a "Train the Trainer" course approved by the Department; and
 - g. For non-English courses, the principal instructor must be fluent in both English and the language in which the course is offered.
- 2. A principal instructor who meets the qualifications of §§ 3.9.1(A)(3), (4), or (5), as applicable, may also be a hands-on instructor.

B. Principal Instructor Responsibilities.

1. Responsibilities of the principal instructor for each course include the following:
 - a. Teaching the course content and/or being physically present during all course instruction, including guest instructors and hands-on training activities;
 - b. Oversight of all guest instructors;
 - c. Verifying each student's identity;
 - d. Assessing the student's proficiency of the hands-on activities;
 - e. Administering the final course test;
 - f. Certifying all student records for performance and attendance;
 - g. Ensuring that students complete the course evaluation; and
 - h. Reporting any course deficiencies or training issues and providing feedback to the Training Manager regarding potential improvements.

3.9.4 Application Requirements

A. General Requirements.

1. A separate lead training course application, provided by the Department, must be submitted for each lead training course which includes the following:
 - a. The name and contact information of the training provider;
 - b. Location(s) of the training facilities;
 - c. The training provider's federal employer identification number (FEIN) or social security number (SSN), as applicable;
 - d. The lead training course and language for which the application is being submitted;
 - e. The identification and affiliation of course sponsors, if applicable, and any restriction on attendance (e.g. language, degree of literacy, union or group association);
 - f. Details of any past, present, or pending environmental enforcement actions against the training provider or Training Manager in other jurisdictions;
 - g. The Department's lead training course checklist, completed and signed by the training manager, indicating that all requirements in § 3.9.5 of this Part are met and included in the submission; and
 - h. The application fee as specified in the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services provided by the Department of Health (Part 10-05-2 of this Title).

B. Initial Application.

1. An initial application must be submitted for review and approval by the Department at least ninety (90) days prior to the first Lead Training Course offering.
2. Each initial application must include all items required in the lead training course checklist in both paper and electronic format.
3. A pre-certification inspection may be required prior to final approval of the initial application.
4. The application must demonstrate compliance with the requirements of this Section to the satisfaction of the Department. If the Department determines that the application does not meet the requirements of this Section, the applicant will have thirty (30) days from the date of the Department's request to adequately respond to deficiencies in the application.
5. The initial certification will expire on the last day of the month, four (4) years from the date of issuance, unless sooner surrendered, suspended, or revoked.

C. Renewal Application.

1. A renewal application must be submitted for review and approval by the Department at least thirty (30) days prior to the expiration of the current course certification. In any case in which a renewal application was received at least thirty (30) days prior to the expiration date of the current certification, that certification will be considered valid until final action on the application has been taken by the Department.
2. Each application must include all items required in the lead training course checklist in electronic format and a description of any changes to the training facility or course materials since the previous application was approved. Paper copies of only those items that changed since the previous application submittal are required for review and approval by the Department.
3. The application must demonstrate compliance with the requirements of this Section to the satisfaction of the Department. If the Department determines that the application does not meet the requirements of this Section, the applicant will have thirty (30) days from the date of the Department's request to adequately respond to deficiencies in the application.
4. Applications received within twelve (12) months of the certification expiration date are considered late renewals.
5. Applications received more than twelve (12) months beyond the certification expiration date are not renewable and may be reinstated by submitting an initial application pursuant to §§ 3.9.4(A) and (B) of this Part.
6. Renewed or reinstated certifications will expire four (4) years from the previous certification expiration date, unless sooner surrendered, suspended or revoked.

D. Application Amendments.

1. Changes to the training provider's contact information must be submitted in writing within thirty (30) days of the changes.
2. Training provider-initiated changes or additions to training personnel, training facilities, curriculums, or any other course materials or equipment require submission of an amended application, at least thirty (30) days in advance of the proposed change(s), for review and approval by the Department.
 - a. Each application must include a description of any changes to the training facility or course materials since the previous application was reviewed and approved.
 - b. Each application must include all items required in the lead training course checklist in electronic format. Paper copies of only those items that changed since the previous application submittal are required for review and approval by the Department.
3. The Department reserves the right to require changes to any lead training course curriculum and/or course test when significant changes in legislation, regulations, research, policies, etc. warrant revisions. Notification of Department-initiated changes requires an acknowledgment from the training manager, within thirty (30) days of receipt of the notification, indicating an implementation date not to exceed ninety (90) days from the date of the notification.

3.9.5 Training Course Checklist Requirements

- A. The training manager shall submit, for review and approval by the Department, documentation of the following information:
1. Qualifications of the training manager and each instructor identifying those who are principal instructors and those who are solely hands-on instructors;
 2. Description of the training facilities;
 3. The procedure for confirming a student's identity and completion of any prerequisites for the course;
 4. Student to instructor ratios to be used for the classroom and hands-on training;
 5. List of equipment and supplies for both classroom lectures and hands-on training;
 6. A complete copy of the EPA/HUD or state model curriculum, or a course outline showing the topics covered, the amount of time allocated to each topic, and the amount of time allocated for each hands-on activity, if using the training provider's own curriculum;
 7. A description of the teaching methods to be used, including any audio- visual aids;
 8. A copy of the course manuals for instructors and students, and all additional hand-outs;

9. Procedures for administering and documenting the hands-on skills assessment and course test;
10. A copy of the course test blueprint including the number of short answer questions allotted for each topic, total number for each question format (e.g. fill-in-the-blank, multiple choice, true/false) and a sample test with the answer key;
11. A copy of the quality control plan containing at least the following elements:
 - a. Procedures for periodic revision of the curriculum, training materials, and the course test to reflect innovations in the field and changes in regulations, forms, and public educational materials;
 - b. Procedures for ensuring the adequacy of facilities, supplies, and equipment; and
 - c. Procedures for the training manager's annual reviews of instructor competency and/or alternative evaluation methods if the Training Manager and Principal Instructor is the same person.
12. A sample copy of the course certificate given to students who pass the course;
13. Reporting and recordkeeping procedures; and
14. Any other relevant information.

3.9.6 General Requirements for Lead Training Course Curriculums

- A. The Lead Worker, Lead Supervisor, Lead Assessor, and Lead Inspector training courses must all include, as a minimum, instruction on the following topics as applicable to the specific license:
 1. Basic background information on lead, including, but not limited to history of lead usage, sources of environmental lead contamination (e.g. paint, dust, water, soil), and other sources of lead exposure (e.g. ceramics, folk remedies, hobbies, occupational exposure);
 2. Health effects of exposure to lead including, but not limited to, how lead enters the body, how lead affects the body, symptoms and diagnosis of lead toxicity, blood lead levels of concern, and treatments for lead poisoning;
 3. Overview of applicable Department, HRC, DEM, EPA, HUD, and OSHA lead regulations, including significant definitions;
 4. Overview of all environmental lead professional licenses issued by the Department, including the authority and restrictions of each one;
 5. Department-regulated facilities, persons, and activities;
 6. Department-approved lead testing methods and Rhode Island lead standards;
 7. Lead hazard identification, prioritization, and treatment options;

8. Community relations, occupant protection, and worksite containment;
 9. Introduction to worker protection including medical monitoring, personal protective equipment, respirator fit tests, and air monitoring;
 10. Prohibited work practices, approved work practices, waste storage and disposal requirements;
 11. Cleaning procedures, clearance inspections, and lead certificates;
 12. Available guidance, policies, and public educational materials; and
 13. Other topics as required by EPA/HUD and/or the Department.
- B. All lead training courses must have a hands-on skills assessment and a final course test.
- C. Additional topics for specific lead professional licenses are delineated in §§ 3.9.7 through 3.9.11 of this Part.
- D. Special requirements for non-English lead training courses are delineated in § 3.9.12 of this Part.

3.9.7 Lead Renovator Training Course

- A. Initial Training.
1. The initial eight (8)-hour Lead Renovator training course must be:
 - a. The current EPA/HUD Model Certified Renovator Initial Training Course plus the Rhode Island differences; or
 - b. The EPA/HUD Renovator Electronic-Learning Model Course, provided that the Rhode Island differences, hands-on training, and course test are completed in person; or
 - c. Any other Department-approved curriculum that contains at least all of the core requirements in § 3.9.6 of this Part, the EPA/HUD Model Certified Renovator Initial Training, plus the Rhode Island differences.
 2. The initial course test must contain at least twenty-five (25) short answer questions with a passing score of 70%.
- B. Review Training.
1. The four (4)-hour review Lead Renovator training course, as a minimum, must include instruction on the following:
 - a. A general review of the initial Lead Renovator training course topics;
 - b. Updated information on state-of-the-art procedures and equipment;
 - c. Reviews of regulatory changes and interpretations; and

- d. Other topics as required by EPA/HUD and/or the Department.
- 2. The review course test must contain at least twenty-five (25) short answer questions with a passing score of 70%.
- C. Expiration.
 - 1. Initial Lead Renovator training course completion certificates will expire five (5) years from the date the initial training was completed.
 - 2. Review Lead Renovator training course completion certificates will expire five (5) years from the date the review training was completed.
 - 3. Course completion certificates must include the expiration date of the certificate.

3.9.8 Lead Worker Training Course

- A. Initial Training.
 - 1. The twenty-four (24)-hour initial Lead Worker training course, as a minimum, must include instruction on the following:
 - a. Lead Worker licensing requirements and completed application;
 - b. Duties and responsibilities of a Lead Worker;
 - c. Core lead training course topics in § 3.9.6 of this Part;
 - d. §§ 3.16 and 3.18 of this Part;
 - e. OSHA Lead in Construction Standard 24 C.F.R. 1926.62;
 - f. Other topics as required by EPA/HUD and/or the Department; and
 - g. Hands-on training of at least eight (8) hours which, as a minimum, must include:
 - (1) Using personal protective equipment (PPE);
 - (2) Setting up interior and exterior containments;
 - (3) Building a three (3)-chamber decontamination system;
 - (4) Using approved work methods to remove or stabilize lead- based paint;
 - (5) Encapsulating and enclosing lead-based paint hazards;
 - (6) Door and window replacement;
 - (7) Proper cleaning of the interior and exterior work area;
 - (8) Proper storage and disposal of lead waste; and

- (9) Review/discussion of the hands-on exercises.
 - 2. The initial course test must contain at least fifty (50) short answer questions with a passing score of 70%.
- B. Review Training.
- 1. The eight (8)-hour review Lead Worker training course, as a minimum, must include instruction on the following:
 - a. A general review of the initial Lead Worker Training Course topics;
 - b. Updated information on state-of-the-art procedures and equipment;
 - c. Reviews of regulatory changes and interpretations;
 - d. Hands-on training; and
 - e. Other topics as required by EPA/HUD and/or the Department.
 - 2. The review course test must contain twenty-five (25) to fifty (50) short answer questions with a passing score of 70%.
 - 3. Alternatively, the eight (8)-hour review Lead Supervisor Training Course may be substituted for the review Lead Worker Training Course for Lead Worker license renewal.
- C. Expiration.
- 1. Lead Worker Training Course completion certificates will expire one (1) year from the date the training was completed.
 - 2. Course completion certificates must include the expiration date of the certificate.

3.9.9 Lead Supervisor Training Course

- A. Initial Training.
- 1. The forty (40)-hour initial Lead Supervisor Training Course, as a minimum, must include instruction on the following:
 - a. Lead Contractor and Lead Supervisor licensing requirements and completed application;
 - b. Duties and responsibilities of a Lead Contractor and Lead Supervisor;
 - c. Core lead training course topics in § 3.9.6 of this Part;
 - d. Lead Worker training course topics in § 3.9.8(A) of this Part.
 - e. Applicable OSHA standards in 24 C.F.R. 1910;
 - f. “Right-to-Know” information and training;

- g. Legal concerns, insurance and bonding;
- h. Project management;
- i. Notification and recordkeeping requirements;
- j. Understanding a lead inspection report, recognizing potential environmental lead exposure hazards and changes in conditions after the inspection, prioritization of lead hazards, and evaluation of lead hazard reduction options;
- k. Clearance Inspections and lead certificates;
- l. Proper use and maintenance of HEPA vacuum systems, negative air pressure ventilation systems, and worker decontamination systems;
- m. Characterization and transportation of waste;
- n. Other topics as required by EPA/HUD and/or the Department; and
- o. Hands-on training of at least eight (8) hours which, as a minimum, must include:
 - (1) Using personal protective equipment (PPE);
 - (2) Setting up interior and exterior containment;
 - (3) Building a three (3)-chamber decontamination system;
 - (4) Using approved work methods to remove or stabilize lead-based paint;
 - (5) Encapsulating and enclosing lead-based paint hazards;
 - (6) Door and window replacement;
 - (7) Proper cleaning of the interior and exterior work area;
 - (8) Proper storage, characterization, and disposal of lead waste;
 - (9) Completing required checklists, certificates, and other forms;
 - (10) Recordkeeping requirements; and
 - (11) Review/discussion of the hands-on exercises.

- 2. The initial course test must contain at least seventy-five (75) short answer questions with a passing score of 70%.

B. Review Training.

- 1. The eight (8)-hour review Lead Supervisor training course, as a minimum, must include instruction on the following:

- a. A general review of the initial Lead Supervisor training course topics;
 - b. Updated information on state-of-the-art procedures and equipment;
 - c. Reviews of regulatory changes and interpretations;
 - d. Hands-on training; and
 - e. Other topics as required by EPA/HUD and/or the Department.
 - 2. The review course test must contain twenty-five (25) to fifty (50) short answer questions with a passing score of 70%.
 - 3. Alternatively, the equivalent Department-approved CEUs may be substituted for the review Lead Supervisor training course every other license cycle.
 - a. The CEU training must have a final course test with a passing score of 70%.
- C. Expiration.
- 1. Lead Supervisor training course completion certificates will expire one (1) year from the date the training was completed.
 - 2. Course completion certificates must include the expiration date of the certificate.
 - 3. Department-approved CEUs are considered valid for one (1) year from the date the training was completed.

3.9.10 Lead Assessor Training Course

- A. Initial Training.
- 1. The sixteen (16)-hour initial Lead Assessor training course, as a minimum, must include instruction on the following:
 - a. Lead Assessor licensing requirements and completed application;
 - b. Authority, duties and responsibilities of a Lead Assessor;
 - c. Core lead training course topics in § 3.9.6 of this Part;
 - d. Lead inspections and §§ 3.5, 3.6, and 3.7 of this Part, as applicable;
 - e. Paint test kits and paint chip sampling for the applicability of the RRP Rule;
 - f. EPA test kit documentation and paint chip sample collection forms;
 - g. EPA and HUD dust sampling protocols;
 - h. RRP Clearance Inspections and §§ 3.5, 3.6, 3.7, and 3.17.16 of this Part, as applicable;

- i. Chain of custody and laboratory results;
- j. Reporting requirements;
- k. HRC Independent Clearance Inspections, Certificates of Conformances, and ineligible properties;
- l. Recordkeeping requirements;
- m. Lead hazard treatment options, work practice, and licensing requirements in §§ 3.16, 3.17, and 3.18 of this Part, as applicable;
- n. Applicability of State Property Maintenance Code (SB-6);
- o. Other topics as required by EPA/HUD and/or the Department; and
- p. Hands-on training of at least four (4) hours which, as a minimum, must include:
 - (1) A walk-through inspection of an actual or mock-up dwelling;
 - (2) Visual assessments;
 - (3) On-site discussion relating to information gathering and determination of testing methods and locations;
 - (4) Use of field test kits and collection of paint chip, dust wipe, soil, and drinking water samples;
 - (5) Chain of custody and laboratory results;
 - (6) Lead inspection report forms and lead certificates;
 - (7) Issuing a lead certificate; and
 - (8) Review/discussion of the hands-on exercises.
- 2. The initial course test must contain at least fifty (50) short answer questions with a passing score of 70%.

B. Review Training.

- 1. The eight (8)-hour review Lead Assessor training course, as a minimum, must include instruction on the following:
 - a. A general review of the initial Lead Assessor training course topics;
 - b. Updated information on state-of-the-art procedures and equipment;
 - c. Reviews of regulatory changes and interpretations;
 - d. Hands-on training; and

- e. Other topics as required by EPA/HUD and/or the Department.
 - 2. The review course test must contain twenty-five (25) to fifty (50) short answer questions with a passing score of 70%.
 - 3. Alternatively, the 8-hour review Lead Inspector Training Course may be substituted for the review Lead Assessor Training Course for Lead Assessor license renewal.
- C. Expiration.
- 1. Lead Assessor Training Course completion certificates will expire one (1) year from the date the Lead Assessor Training Course was completed.
 - 2. Course completion certificates must include the expiration date of the certificate.

3.9.11 Lead Inspector Training Course

- A. Initial Training.
- 1. The 40-hour initial Lead Inspector Training Course, as a minimum, must include instruction on the following:
 - a. Lead Inspector licensing requirements, including Lead Inspector-in-Training field apprenticeship requirements, and a completed application;
 - b. Authority, duties and responsibilities of a Lead Inspector;
 - c. Approval for supervising a Lead Inspector-in-Training;
 - d. Core lead training course topics in § 3.9.6 of this Part;
 - e. Lead inspections and §§ 3.5, 3.6, and 3.7 of this Part;
 - f. Pre-inspection planning and review of previous reports;
 - g. XRF use in accordance with the EPA/HUD Performance Characteristic Sheet;
 - h. Radiation safety training and requirements for obtaining a Radioactive Materials License;
 - i. Lead test kits, and their limitations;
 - j. Environmental lead (paint, dust, soil, and water) sampling, chain of custody and laboratory results;
 - k. Lead hazard treatment options and work practice requirements in §§ 3.16, 3.17, and 3.18 of this Part;
 - l. Clearance inspections and lead certificates;

- m. HUD Lead Safe Housing Rule, lead inspection, risk assessment, and sampling protocols;
- n. Recordkeeping requirements;
- o. Insurance and liability issues;
- p. Other topics as required by EPA/HUD and/or the Department; and
- q. Hands-on training of at least eight (8) hours which, as a minimum, must include:
 - (1) A walk-through inspection of an actual or mock-up dwelling;
 - (2) Visual assessments;
 - (3) On-site discussion relating to information gathering and determination of lead testing methods and locations;
 - (4) Use of XRF analyzers, field test kits and collection of paint chips, dust wipe, soil, and drinking water samples;
 - (5) Chain of custody and laboratory results;
 - (6) Entering a lead inspection report and lead certificate into the Department's electronic reporting system;
 - (7) Issuing a lead certificate; and
 - (8) Review/discussion of the hands-on exercises.
- 2. The initial course test must contain at least seventy-five (75) short answer questions with a passing score of 70%.

B. Review Training.

- 1. The eight (8)-hour review Lead Inspector training course, as a minimum, must include instruction on the following:
 - a. A general review of the initial Lead Inspector training course topics;
 - b. Updated information on state-of-the-art procedures and equipment;
 - c. Reviews of regulatory changes and interpretations;
 - d. Hands-on training; and
 - e. Other topics as may be required by EPA/HUD and/or the Department.
- 2. The review course test must contain twenty-five (25) to fifty (50) short answer questions, and a passing score is 70%.

3. Alternatively, the equivalent Department-approved CEUs may be substituted for the review Lead Inspector training course every other license cycle.
 - a. The CEU training must have a final course test with a passing score of 70%.

C. Expiration.

1. The Lead Inspector training course completion certificate will expire one (1) year from the date the Lead Inspector training course was completed.
2. Course completion certificates must include the expiration date of the certificate.
3. Department-approved CEUs are considered valid for one (1) year from the date the training was completed.

3.9.12 Special Requirements for Non-English Language Courses

- A. Any lead training course may be certified in a non-English language.
- B. Department certification of an English language course does not constitute certification or approval to offer that course in any other language.
- C. A separate application for each non-English language course must be submitted, pursuant to §§ 3.9.4 and 3.9.12 of this Part, for review and approval by the Department.
- D. The application must meet all other requirements of § 3.9 of this Part.
- E. A separate application fee, pursuant to the Rules and Regulations pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services provided by the Department of Health (Part 10-05-2 of this Title), must be submitted with the application.
- F. The Lead Renovator Training Course in Spanish must be the EPA/HUD Renovador Certificado Modelo Curso de Capacitación Inicial or Renovador Certificado Modelo Curso de Capacitación de Perfeccionamento, as applicable, plus a Department-approved translation of the Rhode Island differences.
- G. An applicant for any other non-English version course shall submit the following:
 1. A signed statement from the training manager that the current EPA/HUD Non-English Model Curriculum, if available, will be used plus a Department-approved translation of the Rhode Island differences; or
 2. For a training provider with a previously approved English language course, the approved English curriculum, a professional translation of the English curriculum, a list of all non- English supplemental training materials including full title, publisher/source and publication date; or
 3. For a training provider without a previously approved English language course, all items pursuant to §§ 3.9.4 and 3.9.5 of this Part, in both English and the non-English language, and a signed statement from a qualified, independent translator that the lead training course and all supplemental training materials were

compared to the English language versions and found to be accurate and complete copies.

- H. Course tests must be administered in the same language in which the course curriculum and other course materials were presented.

3.9.13 Training Facilities.

A. Facility Requirements.

1. Training facilities must be conducive to learning, including, but not limited to, the following (when applicable):
 - a. Adequate seating, lighting, temperature control, and hygiene facilities;
 - b. Adequate electronic equipment and sound system for power point presentations and videos;
 - c. Adequate space and equipment for hands-on activities;
 - d. Availability of utilities and water required for hands-on activities, if applicable; and
 - e. Meeting all state and local safety and fire codes.

B. Adding a Facility.

1. A training provider shall submit an amended Lead Training Course Application for any permanent or temporary training facilities which were not included in their most recent application.
2. An amendment for the purpose of adding a permanent or temporary training location must be received by the Department at least thirty (30) days prior to the first scheduled Lead Training Course.
3. The Department reserves the right to inspect any facility prior to final approval of the application.
4. When implemented, a training provider shall add each approved training facility to the Department's electronic training reporting system within seven (7) days of receiving final approval from the Department.

C. Deleting a Facility.

1. A training provider shall notify the Department in writing no more than thirty (30) days after vacating a previously approved permanent or temporary training location.
2. When implemented, a training provider shall delete a vacated training location from the Department's electronic training reporting system within thirty (30) days of vacating the location.

D. Special Requirements for Mobile Training Courses.

1. A training provider shall submit an amended training course application for any mobile training which was not included in their most recent application submittal.
2. An amendment for the purpose of offering mobile training must be received by the Department at least ninety (90) days prior to the first scheduled mobile training course.
3. The amended application must include the following information:
 - a. The reason(s) for the request;
 - b. Possible training locations, if known;
 - c. A description of the training provider's location criteria;
 - d. A description of the supplies and equipment that will be used for the hands-on training activities;
 - e. Availability of utilities and water required for hands-on training activities, if applicable;
 - f. A description of how the training materials, hands-on equipment and supplies will be transported to the training locations; and
 - g. A quality control plan for the mobile training course.
4. The Department reserves the right to inspect the equipment and supplies for the mobile training prior to final approval of the application.

3.9.14 Alternatives to Classroom Training

- A. For any lead training course, a training provider may propose using novel training approaches, such as online training, as part of their curriculum for the classroom portion of the training.
1. In addition to complying with all course content requirements established by this Part, an electronic-learning (e-learning) format lead training course must follow the EPA Learning Management System requirements for providing the e-learning component content, as well as the Department's technical guidance for e-learning.
 2. The application submittal must include a copy of the e-learning component in the form of a CD and/or a link to the webpage with login and password.
 3. A direct instructor-student contact of at least one (1) training hour must be provided for questions and review.
 4. The hands-on training activities, skills assessment, and course test must be completed in person.

3.9.15 Course Notification Requirements

- A. A training provider shall notify the Department of all in-person lead training courses as soon as a course has been scheduled and not less than seven (7) days prior to the scheduled start date. The notification must include the information specified in § 3.9.18(A)(1) of this Part for each course.
 - 1. For online courses, pre-training notification is not required.
- B. If it becomes necessary to cancel or reschedule a course for which a notification has been submitted to the Department pursuant to this Section, the training provider shall notify the Department not less than forty-eight (48) hours prior to the scheduled start date.
- C. A training provider shall notify the Department of all completed in-person lead training courses within seven (7) days of completion. The notification must include the information specified in § 3.9.18(A)(2) of this Part for each student who registered for or attended the course.
 - 1. For online courses, post-training notification is required. A training provider may submit post-training notifications to the Department on a monthly basis, by the seventh day of the following month, which includes the required information on students who completed the course in the previous month.
- D. When implemented, the use of the Department's electronic training reporting system constitutes compliance with these notification requirements.

3.9.16 Hands-on Skills Assessment

- A. The principal instructor shall administer a hands-on skills assessment, if applicable, at the completion of each course.
- B. Instructors shall allow each student to practice the required hands-on activity steps. The instructor shall watch each student, make corrections and suggestions as the steps proceed, and determine if additional practice is necessary.
- C. The principal instructor shall evaluate the work of each student and once the student can complete a skill set correctly, the principal instructor shall indicate by name that the student is proficient for that particular skill set on a participant progress log.
- D. The principal instructor shall document in writing each skill set for which a student has demonstrated proficiency. Once the student has demonstrated proficiency for all required hands-on activities, the principal instructor shall sign a verification that the student successfully completed the hands-on portion of the Lead Training Course.
- E. Each student must successfully complete the hands-on skills assessment, if applicable, in order to receive a course completion certificate.

3.9.17 Final Course Test

- A. The principal instructor shall administer a written course test at the completion of each course.
- B. A maximum of one (1) training hour is allowed for the course test.

- C. The principal instructor shall document the student's responses and the circumstances under which an oral course test is given to Lead Renovators or Lead Workers instead of a written test. The oral test must be reviewed and approved by the Department in advance.
- D. Each student must receive a passing score on the course test in order to receive a course completion certificate.

3.9.18 Training Reporting System

- A. When implemented, all providers of Department-certified lead training courses shall use the Department's electronic training reporting system.

- 1. Training Course.

- a. The training provider shall provide the following information for each certified lead training course in a format specified by the Department:

- (1) Training provider;
 - (2) Lead training course and Department certification (LTC#);
 - (3) Course location;
 - (4) Start and end dates of course;
 - (5) Principal instructor; and
 - (6) Any other information requested by the Department.

- 2. Student.

- a. The training provider shall provide the following information for each student in a format specified by the Department:

- (1) Training provider;
 - (2) Lead training course and Department certification (LTC#);
 - (3) Start and end dates of course;
 - (4) First and last name;
 - (5) Date of birth;
 - (6) Mailing address, including zip code;
 - (7) E-mail address;
 - (8) Final grade and course status (e.g. passed, failed, incomplete, withdrew, no show); and
 - (9) Any other information requested by the Department.

3. Training Certificate.

- a. A training provider shall issue a unique course completion certificate to each individual who completes a Lead Training Course and passes the hands-on skills assessment and course test.
- b. The course completion certificate must include, as a minimum:
 - (1) A unique identification number;
 - (2) Full name and address of the student;
 - (3) Lead training course and Department certification (LTC#);
 - (4) Date(s) of the course and date that the individual passed the course test, if other than the last day of the course;
 - (5) Expiration date of the certificate;
 - (6) Name, address, and telephone number of the training provider; and
 - (7) Language in which the training course was given. If the course test was in a language other than written English, the language and method of evaluation must also be included.
 - (8) For Lead Renovator Training Courses, the completion certificates must contain a photograph of the student pursuant to 40 C.F.R. 745.
- c. The course completion certificate must be provided to each student within seven (7) days of the course end date or the date that the student passed the course test, if other than the last day of the course.

3.9.19 Recordkeeping

- A. A training provider shall maintain, and make available to the Department upon request, a complete copy of the lead training course application submission(s) for each lead training course certification.
- B. A training provider shall maintain, and make available to the Department, upon request, the following records for each lead training course offering:
 - 1. Lead training course and Department certification (LTC#);
 - 2. Date(s) and location(s) of course;
 - 3. Principal instructor and guest instructors, if any;
 - 4. Class roster (including daily class attendance records bearing the signature of the principal instructor);
 - 5. Verification of student identity in the form of a current state driver's license, valid state photo ID card, or passport;

6. Actual course tests, answer keys, and dates each test was given;
 7. Results of hands-on skills assessments and course tests;
 8. Information regarding how the hands-on assessment was conducted including, but not limited to:
 - a. The instructor who conducted the assessment;
 - b. Evaluation criteria; and
 - c. Facilities, equipment, and supplies utilized.
 9. Lead training course evaluations.
- C. A training provider shall maintain these records for at least five (5) years from each course end date or the date a student passed the course test, if other than the last day of the course.

3.10 Licensing Requirements for All Lead Professionals

3.10.1 Applicability

- A. The lead professional license requirements of this Section are applicable to those organizations, including sole proprietorships, applying to be licensed as a:
1. Lead Renovation Firm; or
 2. Lead Contractor.
- B. The lead professional license requirements of this Section are applicable to those individuals applying to be licensed as a:
1. Lead Supervisor;
 2. Lead Worker;
 3. Lead Inspector;
 4. Lead Inspector-in-Training; or
 5. Lead Assessor.

3.10.2 General Requirements

- A. Each licensed or certified lead professional shall comply with all applicable requirements of this Part.
- B. No person shall perform or offer to perform any lead professional services unless that person is specifically trained, certified, licensed, and/or approved by the Department to do so.

- C. No person shall employ another person to perform any lead professional services unless that person is specifically trained, certified, licensed, and/or approved by the Department to do so.
- D. Any person licensed by the Department to perform lead professional services shall include their applicable license number in all offers and/or advertisements to perform those services.

3.10.3 Lead Professional Licenses

- A. Pursuant to the provisions of the Act and the Department's delegation of authority from EPA, the Department shall issue a license or certification to an applicant who the Department determines meets the requirements of this Part.
- B. The Department may, at any time after the filing of an application, require further information in order to determine whether the applicant meets the requirements of this Part.
- C. The Department may deny an application for licensure pursuant to this Part if the Department determines that the applicant has not complied with or has not demonstrated the ability to comply fully with all applicable requirements established by the Act and/or this Part. If the applicant appeals the denial, a hearing will be scheduled in accordance with the provisions of § 3.19.11 of this Part.
- D. Upon request by the Department, applicants shall provide the Department with proof of identity prior to issuance of the initial license. Acceptable proof of identity includes a current state driver's license, valid state photo identification card, or current passport.
- E. An initial Lead Contractor, Lead Supervisor, Lead Worker, Lead Inspector, Lead Inspector-in-Training, or Lead Assessor license issued by the Department will expire on the last day of the month at the end of the two (2)-year license term after the date of issuance, unless sooner surrendered, suspended, or revoked.
- F. A Lead Contractor, Lead Supervisor, Lead Worker, Lead Inspector, Lead Inspector-in-Training, or Lead Assessor license renewed by the Department will expire on the anniversary date of the initial license expiration at the end of the two (2)-year license term, unless sooner surrendered, suspended, or revoked.
- G. An initial Lead Renovation Firm license issued by the Department will expire on the last day of the month at the end of the five (5)-year license term after the date of issuance, unless sooner surrendered, suspended, or revoked.
- H. A Lead Renovation Firm license renewed by the Department will expire on the anniversary date of the initial license expiration at the end of the five (5)-year license term, unless sooner surrendered, suspended, or revoked.
- I. A Lead Renovator certification will expire five (5) years after the end date of the lead training course, unless sooner surrendered or decertified.
- J. The Department may restrict, limit, suspend, or revoke a Department-issued lead professional license or certification for failure to comply with the requirements of this Part. A person whose license or certification is restricted, limited, suspended, or revoked

may request a hearing in accordance with the administrative procedures contained in § 3.19.11 of this Part.

3.10.4 Lead Training Courses

- A. Applicants shall complete an appropriate lead training course prior to submission of an application for a lead professional license, as specified in:
 - 1. § 3.11 of this Part for a Lead Renovation Firm license;
 - 2. § 3.12 of this Part for a Lead Contractor, Lead Supervisor, or Lead Worker license;
 - 3. § 3.13 of this Part for a Lead Inspector or Lead Inspector-in-Training license; and
 - 4. § 3.14 of this Part for a Lead Assessor license.
- B. The training provider shall provide documentation to each student who successfully completes a lead training course within seven (7) days of the course end date or within seven (7) days of passing the course test, whichever is later.
- C. Lead training course information is available on the Department's website.

3.10.5 Department License Examinations

- A. Applicants for a Lead Contractor, Lead Supervisor, or Lead Inspector/Lead Inspector-in-Training license shall pass a license-specific Department examination prior to submission of an initial license application.
- B. Applicants for a Department examination, including repeating a failed examination, shall register for the examination with the Department, or its third-party vendor, and provide the following on or before taking any examination:
 - 1. Proof of identity in the form of a current state driver's license, valid state photo identification card, or current passport;
 - 2. Documentation of any prerequisites, including successful completion of the required lead training course; and
 - 3. All fees as specified in the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services provided by the Department of Health (Part 10-05-2 of this Title) for each examination.
- C. The Department, or its third-party vendor, as applicable, shall provide documentation to each student who passes a Department examination within seven (7) days of the examination.
- D. Department license examination information and/or its third-party vendor contact information is available on the Department's website.

3.10.6 Application Fees

- A. All fees are established in the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services provided by the Department of Health (Part 10-05-2 of this Title).
1. The appropriate fee(s) must be submitted with each application.
 2. All fees are non-refundable.

3.10.7 Penalties

Any person who owes an administrative fine or penalty imposed by a final order of the Department shall submit payment of the fine or penalty in full as a condition of licensure.

3.10.8 Initial License

- A. Applicants for an initial lead professional license shall submit the following to the Department by US Mail:
1. Application Form.
 - a. An initial application form, available on the Department's website, signed by:
 - (1) The applicant, for an individual license; or
 - (2) For an organization, an individual duly authorized to act on behalf of that organization.
 2. Training Certificate.
 - a. Documentation of an appropriate lead training course completed by:
 - (1) The applicant, for an individual license; or
 - (2) For an organization, an owner/principal or employee of that organization.
 3. Department Examination.
 - a. Documentation of the license-specific Department examination, as applicable, passed by:
 - (1) The applicant, for an individual license; or
 - (2) For an organization, an owner/principal or employee of that organization.
 4. Additional Requirements.
 - a. Documentation of any additional requirements for an initial license, as specified in:
 - (1) § 3.11 of this Part for a Lead Renovation Firm;

- (2) § 3.12 of this Part for a Lead Contractor, Lead Supervisor, or Lead Worker;
 - (3) § 3.13 of this Part for a Lead Inspector or Lead Inspector-in-Training; and
 - (4) § 3.14 of this Part for a Lead Assessor.
- 5. Application Fee.
 - a. The application fee established in Appendix E of the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services provided by the Department of Health (Part 10-05-2 of this Title).

3.10.9 License Renewal

- A. At least thirty (30) days prior to the expiration date of the current license, applicants for a lead professional license renewal shall submit the following to the Department by US Mail:
 - 1. Application Form.
 - a. A renewal application, provided by the Department, signed by:
 - (1) The applicant, for an individual license; or
 - (2) For an organization, an individual duly authorized to act on behalf of the organization;
 - 2. Training Certificate.
 - a. Documentation of an appropriate lead training course completed by:
 - (1) The applicant, for an individual license; or
 - (2) For an organization, an owner/principal or employee of that organization
 - 3. Additional Requirements.
 - a. Documentation of any additional requirements for license renewal specified in §§ 3.11, 3.12, 3.13, or 3.14 of this Part, as applicable; and
 - 4. Application Fee.
 - a. The application fee established in the Rules and Regulations pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services provided by the Department of Health (Part 10-05-2 of this Title).
 - 5. Online Renewal.
 - a. Alternatively, a lead professional license may be renewed online when available.

3.10.10 Late License Renewal

- A. An expired lead professional license less than twelve (12) months beyond its expiration date is eligible for late renewal. Applicants for a late lead professional license renewal shall submit the following to the Department by US Mail:
1. Application Form.
 - a. A renewal application, provided by the Department, signed by:
 - (1) The applicant, for an individual license; or
 - (2) For an organization, an individual duly authorized to act on behalf of the organization;
 2. Training Certificate.
 - a. Documentation of an appropriate lead training course completed by:
 - (1) The applicant, for an individual license; or
 - (2) For an organization, an owner/principal or employee of that organization.
 3. Additional Requirements.
 4. Documentation of any additional requirements for late license renewal specified in §§ 3.11, 3.12, 3.13, or 3.14 of this Part, as applicable; and
 5. Application Fee.
 - a. The application fee plus late fee established in the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services provided by the Department of Health (Part 10-05-2 of this Title).

3.10.11 License Reinstatement

- A. A lead professional license more than twelve (12) months beyond its expiration date is no longer eligible for renewal. Pursuant to the reinstatement requirements of §§ 3.11, 3.12, 3.13, or 3.14 of this Part, the Department may reinstate a license no longer eligible for renewal. Applicants for a lead professional license reinstatement shall submit the following to the Department by US Mail:
1. Application Form.
 - a. An initial application form, available on the Department's website, signed by:
 - (1) The applicant, for an individual; or
 - (2) For an organization, an individual duly authorized to act on behalf of the organization;

2. Training Certificate.
 - a. Documentation of an appropriate lead training course completed by:
 - (1) The applicant, for an individual license; or
 - (2) For an organization, an owner/principal or employee of that organization.
3. Department Examination.
 - a. Documentation of the license-specific Department examination, as applicable, passed by:
 - (1) The applicant, for an individual license; or
 - (2) For an organization, an owner/principal or employee of that organization.
4. Additional Requirements.
 - a. Documentation of any additional requirements for license reinstatement specified in §§ 3.11, 3.12, 3.13, or 3.14 of this Part, as applicable; and
5. Application Fee.
 - a. The application fee established in the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services provided by the Department of Health (Part 10-05-2 of this Title).

3.10.12 License Replacement

- A. Applicants for replacement of a lost or damaged lead professional license shall submit the following by US Mail:
 1. An application form, available on the Department's website; and
 2. The replacement fee established in the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services provided by the Department of Health (Part 10-05-2 of this Title).

3.10.13 Notification of Changes

- A. A lead professional licensee, whose name (e.g. maiden to married), address, or contact information changes during the license term, shall notify the Department in writing within thirty (30) days of the change(s).
- B. A lead professional licensee shall submit an amended license application, for review and approval by the Department, before making any other change(s) that would render the information contained in a previous application no longer accurate.
- C. There is no fee for notification of the changes or amendments required in §§ 3.10.13(A) or (B) of this Part above.

- D. Any lead professional licensee, whose ownership, business organization (e.g. sole proprietorship to corporation), social security number (SSN), or federal employer identification number (FEIN) changes, is considered to be a new legal entity who shall surrender their current license and submit an appropriate initial license application to the Department with the application fee established in the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title).

3.11 Additional Requirements for Lead Renovation Firm Licenses and Lead Renovator Certifications

3.11.1 Applicability

- A. The requirements of this Section are applicable to those organizations, including sole proprietorships and subcontractors, and self-employed individuals applying to be licensed as a Lead Renovation Firm.
- B. The requirements of this Section are also applicable to those individuals performing renovation, repair, and painting (RRP) and lead hazard control (LHC) activities in Rhode Island.

3.11.2 General Requirements

- A. Organizations, including sole proprietorships and subcontractors, and self-employed individuals shall be licensed by the Department as a Lead Renovation Firm in order to offer or perform renovation, repair, and painting (RRP) or lead hazard control (LHC) work in Rhode Island.
- B. A certified Lead Renovator shall only perform RRP or LHC work in Rhode Island under the authority of a Lead Renovation Firm licensed by the Department.
- C. A Lead Renovation Firm shall assign a certified Lead Renovator to supervise each RRP or LHC project.
 - 1. For each LHC project, the Lead Renovation Firm shall assign a Lead Renovator to supervise each LHC project and designate that individual on the Start Work Notification (Form PBLC-9), pursuant to § 3.17.5 of this Part.
- D. A Lead Renovator training certificate, pursuant to § 3.9.18(A)(3)(c) of this Part, constitutes certification as a Lead Renovator.
- E. A worker, trained by a certified Lead Renovator pursuant to § 3.17.3(B)(1)(c) of this Part, shall only perform RRP or LHC work activities in Rhode Island under the direct on-site supervision of a Lead Renovator certified pursuant to § 3.11.4 of this Part.
- F. No untrained workers shall perform any RRP or LHC work in Rhode Island.

3.11.3 Licensed Firms

- A. All application submission requirements specified in § 3.10 of this Part are an integral part of the Lead Renovation Firm license application processes and must be addressed and included in all applications.

1. Initial License.
 - a. Applicants for an initial Lead Renovation Firm license shall submit an initial application, available on the Department's website, with documentation of the following additional requirement:
 - (1) An appropriate Lead Renovator training course certified pursuant to § 3.9 of this Part, accredited by EPA, or accredited by another EPA-authorized state, completed by an owner/principal or employee of the firm.
2. License Renewal.
 - a. Applicants for a Lead Renovation Firm license renewal shall submit a renewal application, provided by the Department, at least thirty (30) days prior to the expiration date of the current license with documentation of the following additional requirement:
 - (1) An appropriate Lead Renovator training course certified pursuant to § 3.9 of this Part, accredited by EPA, or accredited by another EPA-authorized state, completed by an owner/principal or employee of the firm.
3. Late License Renewal.
 - a. An expired Lead Renovation Firm license less than twelve (12) months beyond its expiration date is eligible for late renewal. Applicants for a Lead Renovation Firm license renewal shall submit a renewal application, provided by the Department, with documentation of the following additional requirement:
 - (1) An appropriate Lead Renovator training course certified pursuant to § 3.9 of this Part, accredited by EPA, or accredited by another EPA-authorized state, completed by an owner/principal or employee of the firm.
4. License Reinstatement.
 - a. An expired Lead Renovation Firm license more than twelve (12) months beyond its expiration date is no longer eligible for renewal. To be considered for reinstatement of a Lead Renovation Firm license, applicants shall submit an initial application, available on the Department's website, with documentation of the following additional requirement:
 - (1) An appropriate Lead Renovator training course certified pursuant to § 3.9 of this Part, accredited by EPA or another EPA-authorized state, completed by an owner/principal or employee of the firm.

3.11.4 Certified Renovators

- A. Initial Certification.

1. The following training is required for initial certification as a Lead Renovator:
 - a. An eight (8)-hour initial Lead Renovator training course certified pursuant to § 3.9 of this Part, accredited by EPA or another EPA- authorized state; or
 - b. A four (4)-hour review Lead Renovator training course, certified pursuant to § 3.9 of this Part, accredited by EPA or another EPA- authorized state, and a Lead Supervisor or Lead Worker license issued by the Department, EPA, or another EPA- authorized state.

B. Certification Renewal.

1. The following training is required for re-certification as a Lead Renovator on or before the expiration date of the current certification:
 - a. A four (4)-hour review Lead Renovator training course, certified pursuant to § 3.9 of this Part, accredited by EPA or another EPA- authorized state.

C. Late Renewal.

1. The following training is required for re-certification as a Lead Renovator after the expiration date of the most recent certification:
 - a. An eight (8)-hour initial Lead Renovator training course, certified pursuant to § 3.9 of this Part, accredited by EPA or another EPA- authorized state.
 - b. A four (4)-hour review Lead Renovator training course, certified pursuant to § 3.9 of this Part, accredited by EPA or another EPA- authorized state, and a Lead Supervisor or Lead Worker license issued by the Department, EPA, or another EPA- authorized state.

D. De-certification.

1. A Lead Renovator certification issued pursuant to a Department-certified lead training course is considered to be issued by the Department and may be restricted, limited, suspended, or revoked for failure to comply with the requirements of this Part.
2. A Lead Renovator whose certification is restricted, limited, suspended, or revoked by the Department may request a hearing in accordance with the administrative procedures contained in § 3.19.11 of this Part.
3. A Lead Renovator whose certification is restricted, limited, suspended, or revoked by EPA or the EPA-authorized state, who issued the certification, is considered invalid for the purposes of this Part.

3.12 Additional Requirements for Lead Contractor, Lead Supervisor, and Lead Worker Licenses

3.12.1 Applicability

- A. The requirements of this section are applicable to those organizations, including sole proprietorships and subcontractors, and self-employed individuals applying to be licensed as a Lead Contractor.
- B. The requirements of this section are applicable to those individuals applying to be licensed as a Lead Supervisor or Lead Worker.

3.12.2 General Requirements

- A. Organizations, including sole proprietorships and subcontractors, and self-employed individuals shall be licensed by the Department as a Lead Contractor in order to offer or perform lead hazard reduction work in Rhode Island.
- B. A Lead Supervisor or Lead Worker shall only perform LHR work under the authority of a Lead Contractor licensed by the Department.
- C. All individuals working on an LHR project shall be appropriately licensed by the Department.
- D. A Lead Contractor shall assign a Lead Supervisor to supervise each LHR project and designate that individual on the Start Work Notification (Form PBLC-9), pursuant to § 3.18.5(D) of this Part.
- E. A Lead Worker shall only perform LHR work under the direct on-site supervision of a Lead Supervisor licensed by the Department.
- F. Any individual possessing a Lead Supervisor license issued by the Department is considered to also possess a Lead Worker license, for the purposes of this Part, and may assume the duties and responsibilities of a Lead Worker.
- G. All individuals working on an LHR project shall have documentation of compliance with the medical monitoring requirements specified in § 3.18.6(A) of this Part.

3.12.3 Lead Contractors

- A. All application submission requirements specified in § 3.10 of this Part are an integral part of the Lead Contractor license application processes and must be addressed and included in all applications.
 - 1. Initial License.
 - a. Applicants for a Lead Contractor license shall submit an initial application, available on the Department's website, with documentation of the following additional requirements:
 - (1) An appropriate Lead Supervisor training course, certified pursuant to § 3.9 of this Part, completed by an owner/principal or employee of the contractor;
 - (2) The Department Lead Supervisor examination passed by that owner/principal or employee of the contractor;

- (3) Valid registration as a “contractor” issued by the Rhode Island Contractors' Registration and Licensing Board, pursuant to R.I. Gen. Laws Chapter 5-65 and the Administrative Regulations and Construction Standards of the Rhode Island Contractors' Registration Board;
- (4) A Respiratory Protection Program which meets the requirements of 29 C.F.R. 1910.134; and
- (5) A Medical Surveillance Program which meets the requirements of 29 C.F.R. 1926.62(j).

2. License Renewal.

- a. At least thirty (30) days prior to the expiration date of the current license, applicants for a Lead Contractor license shall submit a renewal application, provided by the Department, with documentation of the following additional requirements:
 - (1) An appropriate Lead Supervisor training course, certified pursuant to § 3.9 of this Part, completed by an owner/principal or employee of the Lead Contractor;
 - (2) Valid registration as a “contractor” issued by the Rhode Island Contractors' Registration and Licensing Board;
 - (3) A Respiratory Protection Program which meets the requirements of 29 C.F.R. 1910.134; and
 - (4) A Medical Surveillance Program which meets the requirements of 29 C.F.R. 1926.62(j).

3. Late License Renewal.

- a. An expired Lead Contractor license less than twelve (12) months beyond its expiration date is eligible for late renewal. Applicants shall submit a renewal application, provided by the Department, with documentation of the following additional requirements:
 - (1) An appropriate Lead Supervisor training course, certified pursuant to § 3.9 of this Part, completed by an owner/principal or employee of the Lead Contractor;
 - (2) Valid registration as a “contractor” issued by the Rhode Island Contractors' Registration and Licensing Board;
 - (3) A Respiratory Protection Program which meets the requirements of 29 C.F.R. 1910.134; and
 - (4) A Medical Surveillance Program which meets the requirements of 29 C.F.R. 1926.62(j).

4. License Reinstatement.

- a. An expired Lead Contractor license more than twelve (12) months beyond its expiration date is no longer eligible for renewal. To be considered for reinstatement, the applicant shall submit an initial application, available on the Department's website, with documentation of the following additional requirements:
 - (1) An appropriate Lead Supervisor training course, certified pursuant to § 3.9 of this Part, completed by an owner/principal or employee of the Lead Contractor;
 - (2) The Department Lead Supervisor examination passed by that owner/principal or employee;
 - (3) Valid registration as a "contractor" issued by the Rhode Island Contractors' Registration and Licensing Board;
 - (4) A Respiratory Protection Program which meets the requirements of 29 C.F.R. 1910.134; and
 - (5) A Medical Surveillance Program which meets the requirements of 29 C.F.R. 1926.62(j).

3.12.4 Lead Supervisors

- A. All application submission requirements specified in § 3.10 of this Part are an integral part of the Lead Supervisor license application processes and must be addressed and included in all applications.
 - 1. Initial License.
 - a. Applicants for a Lead Supervisor license shall submit an initial application, available on the Department's website, with documentation of the following additional requirements:
 - (1) A General Education Diploma (GED), High School Diploma, or higher degree or at least three (3) years of experience in RRP, LHC, LHR, lead abatement, asbestos abatement, and/or other related environmental or construction work; and
 - (2) A 40-hour initial Lead Supervisor training course, certified pursuant to § 3.9 of this Part, completed by the applicant and the Department Lead Supervisor examination passed by the applicant; or
 - (3) A current Lead Hazard Reduction Contractor Agent license from the Department and an eight (8)-hour review Lead Supervisor training course, certified pursuant to § 3.9 of this Part, completed by the applicant; and
 - (4) Compliance with the medical monitoring requirements specified in § 3.18.6(A) of this Part.

2. License Renewal.

- a. At least thirty (30) days prior to the expiration date of the current license, applicants for a Lead Supervisor license shall submit a renewal application, provided by the Department, with documentation of the following additional requirements:
 - (1) An 8-hour review Lead Supervisor training course, certified pursuant to § 3.9 of this Part, completed by the applicant; or
 - (2) The equivalent Department-approved Continuing Education Units (CEUs); and
 - (3) Compliance with the medical monitoring requirements specified in § 3.18.6(A) of this Part.

3. Late License Renewal.

- a. An expired Lead Supervisor license less than twelve (12) months beyond its expiration date is eligible for late renewal. Applicants shall submit a renewal application, provided by the Department, with documentation of the following additional requirements:
 - (1) An 8-hour review Lead Supervisor training course, certified pursuant to § 3.9 of this Part, completed by the applicant; and
 - (2) Compliance with the medical monitoring requirements specified in § 3.18.6(A) of this Part.

4. License Reinstatement.

- a. An expired Lead Supervisor license more than twelve (12) months beyond its expiration date is no longer eligible for renewal. To be considered for reinstatement, the applicant shall submit an initial application, available on the Department's website, with documentation of the following additional requirements:
 - (1) A 40-hour initial Lead Supervisor training course, certified pursuant to § 3.9 of this Part, completed by the applicant;
 - (2) The Department Lead Supervisor examination passed by the applicant; and
 - (3) Compliance with the medical monitoring requirements specified in § 3.18.6(A) of this Part.

5. License by Reciprocity.

- a. An individual, who has a valid equivalent Lead Supervisor license from EPA or another EPA-authorized state, may apply for an initial Lead Supervisor license pursuant to this Section. Applicants for a license by

reciprocity shall submit an initial application, available on the Department's website, with documentation of the following additional requirements:

- (1) A Lead Supervisor license issued by EPA or another EPA-authorized state, which the Department shall determine, in its discretion, whether that license is equivalent to a Lead Supervisor license issued by the Department;
- (2) An initial Lead Supervisor training course, accredited by EPA or the EPA-authorized state who issued the Lead Supervisor license, which meets or exceeds the requirements of § 3.9 of this Part, completed by the applicant;
- (3) An eight (8)-hour review Lead Supervisor training course, certified pursuant to § 3.9 of this Part, completed by the applicant;
- (4) The Department Lead Supervisor examination passed by the applicant; and
- (5) Compliance with the medical monitoring requirements specified in § 3.18.6(A) of this Part.

3.12.5 Lead Workers

A. All application submission requirements specified in § 3.10 of this Part are an integral part of the Lead Worker license application processes and must be addressed and included in all applications.

1. Initial License.

a. Applicants for a Lead Worker license shall submit an initial application, available on the Department's website, with documentation of the following additional requirements:

- (1) A 24-hour initial Lead Worker training course, certified pursuant to § 3.9 of this Part, completed by the applicant; and
- (2) Compliance with the medical monitoring requirements specified in § 3.18.6(A) of this Part.

2. License Renewal.

a. At least thirty (30) days prior to the expiration date of the current license, applicants for a Lead Worker license renewal shall submit a renewal application, provided by the Department, with documentation of the following additional requirements:

- (1) An 8-hour review Lead Worker training course, certified pursuant to § 3.9 of this Part, completed by the applicant; or

- (2) An 8-hour review Lead Supervisor training course, certified pursuant to § 3.9 of this Part, completed by the applicant; and
- (3) Compliance with the medical monitoring requirements specified in § 3.18.6(A) of this Part.

3. Late License Renewal.

- a. An expired Lead Worker license less than twelve (12) months beyond its expiration date is eligible for late renewal. Applicants shall submit a renewal application, provided by the Department, with documentation of the following additional requirements:
 - (1) An 8-hour review Lead Worker training course, certified pursuant to § 3.9 of this Part, completed by the applicant; or
 - (2) An 8-hour review Lead Supervisor training course, certified pursuant to § 3.9 of this Part, completed by the applicant; and
 - (3) Compliance with the medical monitoring requirements specified in § 3.18.6(A) of this Part.

4. License Reinstatement.

- a. A Lead Worker license more than twelve (12) months beyond its expiration date is no longer eligible for renewal. To be considered for reinstatement, the applicant shall submit an initial application, available on the Department's website, with documentation of the following additional requirements:
 - (1) A 24-hour initial Lead Worker training course, certified pursuant to § 3.9 of this Part, completed by the applicant; and
 - (2) Compliance with the medical monitoring requirements specified in § 3.18.6(A) of this Part.

5. License by Reciprocity.

- a. An individual, who has a valid equivalent Lead Worker license from EPA or another EPA-authorized state, may apply for an initial Lead Worker license pursuant to this Section. Applicants for a license by reciprocity shall submit an initial application, available on the Department's website, with documentation of the following additional requirements:
 - (1) A Lead Worker license issued by EPA or another EPA- authorized state, which the Department shall determine, in its discretion, whether that license is equivalent to a Lead Worker license issued by the Department; and
 - (2) An initial Lead Worker training course accredited by EPA or the EPA-authorized state who issued the Lead Worker license, which

meets or exceeds the requirements of § 3.9 of this Part, completed by the applicant; and

- (3) An eight (8)-hour review Lead Worker training course, certified pursuant to § 3.9 of this Part, completed by the applicant; and
- (4) Compliance with the medical monitoring requirements specified in § 3.18.6(A) of this Part.

3.13 Additional Requirements for Lead Inspector Licenses

3.13.1 Applicability

- A. The requirements of this Section are applicable to those individuals applying to be licensed as a:
 1. Lead Inspector; or
 2. Lead Inspector-In-Training.

3.13.2 General Requirements

- A. A Lead Inspector-in-Training shall conduct lead inspections for the purpose of meeting the initial Lead Inspector licensing requirements in § 3.13.3(A)(1)(e) of this Part under the direct on-site supervision of a Department-approved Lead Inspector.
- B. Written approval from the Department must be obtained by a Lead Inspector prior to supervising a Lead Inspector-in-Training for the purpose of meeting the licensure requirements in § 3.13.3(A)(1)(a)((5)) of this Part.
- C. Action against any lead professional license issued by the Department constitutes grounds for denial or revocation of the Department's approval to supervise a Lead Inspector-in-Training for the purpose of meeting the licensure requirements in § 3.13.3(A)(1)(a)((5)) of this Part.

3.13.3 Lead Inspectors

- A. All application submission requirements specified in § 3.10 of this Part are an integral part of the Lead Inspector license application processes and must be addressed and included in all applications.
 1. Initial License.
 - a. Applicants for a Lead Inspector license shall submit an initial application, available on the Department's website, with documentation of the following additional requirements:
 - (1) A current Lead Inspector-in-Training license; or
 - (2) A current Environmental Lead Inspector Technician license; and

- (3) An 8-hour review Lead Inspector training course, certified pursuant to § 3.9 of this Part, completed by the applicant; and
- (4) Documentation of compliance with the Department's Rules and Regulations for the Control of Radiation (Part 40-20-1 of this Title); and
- (5) A minimum of fifteen (15) Comprehensive Environmental Lead Inspections, performed at fifteen (15) distinct properties, five (5) LHR or LHC Clearance Inspections, and five (5) HRC Independent Clearance Inspections, supervised by a Department-approved Lead Inspector, and performed in accordance with all requirements of this Part within the twelve (12)-month period prior to submission of the Lead Inspector license application; and
- (6) A satisfactory field audit and report review by the Department.

2. License Renewal.

- a. At least thirty (30) days prior to the expiration date of the current license, applicants for a Lead Inspector license shall submit a renewal application, provided by the Department, with documentation of the following additional requirements:
 - (1) An 8-hour review Lead Inspector training course, certified pursuant to § 3.9 of this Part, completed by the applicant; or
 - (2) The equivalent Department-approved Continuing Education Units (CEUs).

3. Late License Renewal.

- a. An expired Lead Inspector license less than twelve (12) months beyond its expiration date is eligible for late renewal. Applicants for a Lead Inspector license shall submit a renewal application, provided by the Department, with documentation of the following additional requirements:
 - (1) An eight (8)-hour review Lead Inspector training course, certified pursuant to § 3.9 of this Part, completed by the applicant.

4. License Reinstatement.

- a. An expired Lead Inspector license more than twelve (12) months beyond its expiration date is no longer eligible for renewal. To be considered for reinstatement, applicants for a Lead Inspector license shall submit an initial Lead Inspector application, available on the Department's website, with documentation of the following additional requirements:
 - (1) A 40-hour initial Lead Inspector training course, certified pursuant to § 3.9 of this Part, completed by the applicant; and

- (2) The Department Lead Inspector examination passed by the applicant.

5. License by Reciprocity.

- a. An individual, who has a Lead Inspector/Risk Assessor license from EPA or another EPA-authorized state may apply for an initial Lead Inspector license pursuant to this Section. Applicants for a Lead Inspector license by reciprocity shall submit an initial application, available on the Department's website, with documentation of the following additional requirements:
 - (1) A Lead Inspector/Risk Assessor license issued by EPA or another EPA-authorized state which the Department shall determine, in its discretion, whether that license is equivalent to a Lead Inspector license issued by the Department;
 - (2) An initial Lead Inspector/Risk Assessor training course, accredited by EPA or the EPA- authorized state who issued the license, which meets or exceeds the requirements of § 3.9 of this Part, completed by the applicant;
 - (3) Review and approval of the applicant's field experience, which the Department shall determine, in its discretion, whether the experience meets or exceeds the requirements of § 3.13.3(A)(1)(a)(5) of this Part;
 - (4) An eight (8)-hour review Lead Inspector training course, certified pursuant to § 3.9 of this Part, completed by the applicant;
 - (5) The Department Lead Inspector examination passed by the applicant;
 - (6) Documentation of compliance with the Department's Rules and Regulations for the Control of Radiation [Part 40-20-1 of this Title]; and
 - (7) Five (5) HRC Independent Clearance Inspections, supervised by a Department-approved Lead Inspector, and performed in accordance with all requirements of this Part; and
 - (8) A satisfactory field audit and report review by the Department.

6. Training Approval.

- a. Written approval from the Department must be obtained by a Lead Inspector prior to supervising a Lead Inspector-in-Training for the purpose of meeting the licensure requirements in § 3.13.3(A)(1)(a)(5) of this Part. Criteria for the Department approval include, but are not limited to, the following:
 - (1) A Lead Inspector license issued by the Department for the three (3)-year period prior to the request for approval;

- (2) Compliance with this Part;
- (3) Review and approval of lead certificates and inspection reports issued by the Lead Inspector during the three (3)- year period prior to the request for approval; and
- (4) A satisfactory field audit and report review by the Department.

3.13.4 Lead Inspectors-in-Training

- A. All application submission requirements specified in § 3.10 of this Part are an integral part of the Lead Inspector-in-Training license application processes and must be addressed and included in all applications.
1. Initial License.
 - a. Applicants for a Lead Inspector-in-Training license shall submit an initial application, available on the Department's website, with documentation of the following additional requirements:
 - (1) A general education diploma (GED), high school diploma, or higher degree; and
 - (2) A forty (40)-hour initial Lead Inspector training course, certified pursuant to § 3.9 of this Part, completed by the applicant; or
 - (3) A current Environmental Lead Inspector Technician license and an 8-hour review Lead Inspector training course, certified pursuant to § 3.9 of this Part, completed by the applicant; and
 - (4) The Department Lead Inspector examination passed by the applicant.
 2. License Renewal.
 - a. At least thirty (30) days prior to the expiration date of the current license, applicants for a Lead Inspector-in-Training license shall submit a renewal application, provided by the Department, with documentation of the following additional requirements:
 - (1) A forty (40)-hour initial Lead Inspector training course, certified pursuant to § 3.9 of this Part, completed by the applicant; and
 - (2) The Department Lead Inspector examination passed by the applicant.
 3. Late License Renewal.
 - a. An expired Lead Inspector-in-Training license less than twelve (12) months beyond its expiration date is eligible for late renewal. Applicants for a Lead Inspector-in-Training license shall submit a renewal application, provided

by the Department, with documentation of the following additional requirements:

- (1) A forty (40)-hour initial Lead Inspector training course, certified pursuant to § 3.9 of this Part, completed by the applicant; and
- (2) The Department Lead Inspector examination passed by the applicant.

4. License Reinstatement.

- a. An expired Lead Inspector-in-Training license more than twelve (12) months beyond its expiration date is no longer eligible for renewal. To be considered for reinstatement, applicants for a Lead Inspector-in-Training license shall submit an initial Lead Inspector- in-Training application, available on the Department's website, with documentation of the following additional requirements:
 - (1) A 40-hour initial Lead Inspector training course, certified pursuant to § 3.9 of this Part, completed by the applicant; and
 - (2) The Department Lead Inspector examination passed by the applicant.

5. License by Reciprocity.

- a. An individual, who has a Lead Inspector license issued by EPA or another EPA-authorized state, may apply for an initial Lead Inspector-in-Training license pursuant to § 3.13.4 of this Part. Applicants for a license by reciprocity shall submit an initial application, available on the Department's website, with documentation of the following additional requirements:
 - (1) A Lead Inspector license issued by EPA or another EPA- authorized state which the Department shall determine, in its discretion, whether that license is equivalent to a Lead Inspector-in-Training license issued by the Department;
 - (2) An initial Lead Inspector training course, accredited by EPA or another EPA-authorized state who issued the license, which meets or exceeds the requirements of § 3.9 of this Part, completed by the applicant;
 - (3) An eight (8)-hour review Lead Inspector training course, certified pursuant to § 3.9 of this Part, completed by the applicant;
 - (4) The Department Lead Inspector examination passed by the applicant; and
 - (5) A satisfactory field audit and report review by the Department.

3.14 Additional Requirements for Lead Assessor Licenses

3.14.1 Applicability

The requirements of this Section are applicable to those individuals applying to be licensed as a Lead Assessor.

3.14.2 General Requirements

- A. A Lead Assessor shall be a designated employee of a federal, state, or municipal agency with jurisdiction over housing, occupational health, child welfare, environmental standards and/or authorized to act as an enforcing officer under the State Property Maintenance Code (SB-6); and
- B. A Lead Assessor shall conduct lead inspections only within the jurisdiction of his/her employer. This includes:
 - 1. Partial Lead Inspections;
 - 2. Paint testing to determine the applicability of the RRP Rule.
 - 3. RRP Clearance Inspections; and
 - 4. HRC Independent Clearance Inspections.
- C. A Lead Assessor shall conduct lead testing and/or issue lead certificates only in conjunction with his/her employment.

3.14.3 Lead Assessors

- A. All application submission requirements specified in § 3.10 of this Part are an integral part of the Lead Assessor license application process and must be addressed and included in all applications.
 - 1. Initial License.
 - a. Applicants for a Lead Assessor license shall submit an initial application, available on the Department's website, with documentation of the following additional requirements:
 - (1) The employment requirement in § 3.14.2(A) of this Part; and
 - (2) A current Lead Inspector license issued by the Department; or
 - (3) A sixteen (16)-hour initial Lead Assessor training course, certified pursuant to § 3.9 of this Part, completed by the applicant.
 - 2. License Renewal.
 - a. At least thirty (30) days prior to the expiration date of the current license, applicants for a Lead Assessor license shall submit a renewal application,

provided by the Department, with documentation of the following additional requirements:

- (1) The employment requirement in § 3.14.2(A) of this Part; and
- (2) A current Lead Inspector license issued by the Department; or
- (3) An eight (8)-hour review Lead Assessor training course, certified pursuant to § 3.9 of this Part, completed by the applicant; or
- (4) An eight (8)-hour review Lead Inspector training course, certified pursuant to § 3.9 of this Part, completed by the applicant.

3. Late License Renewal.

- a. An expired Lead Assessor license less than twelve (12) months beyond its expiration date is eligible for late renewal. Applicants shall submit a renewal application, provided by the Department, with documentation of the following additional requirements:
 - (1) The employment requirement in § 3.14.2(A) of this Part; and
 - (2) A current Lead Inspector license issued by the Department; or
 - (3) An eight (8)-hour review Lead Assessor training course, certified pursuant to § 3.9 of this Part, completed by the applicant; or
 - (4) An eight (8)-hour review Lead Inspector training course, certified pursuant to § 3.9 of this Part, completed by the applicant.

4. License Reinstatement.

- a. A Lead Assessor license more than twelve (12) months beyond its expiration date is no longer eligible for renewal. To be considered for reinstatement, applicants shall submit an initial application, available on the Department's website, with documentation of the following additional requirements:
 - (1) The employment requirement in § 3.14.2(A) of this Part; and
 - (2) A current Lead Inspector license issued by the Department; or
 - (3) A sixteen (16)-hour initial Lead Assessor training course, certified pursuant to § 3.9 of this Part, completed by the applicant.

3.14.4 Special Requirements for Issuing Lead Certificates.

A. Partial Lead Safe Certificate (Form PBLC-27).

1. A Lead Assessor shall conduct five (5) RRP Clearance Inspections under the direct-on-site supervision of a Department-approved Lead Inspector prior to independently issuing a Partial Lead Safe Certificate (Form PBLC- 27).

B. Certificate of Conformance (HRC LHM Form-1).

1. A Lead Assessor shall conduct five (5) HRC Independent Clearance Inspections under the direct on-site supervision of a Department-approved Lead Inspector prior to independently issuing a Certificate of Conformance (HRC LHM Form-1).

3.15 Certification and Licensing Requirements for Laboratories Performing Lead Analysis

3.15.1 Applicability

The requirements of this Section are applicable to those persons applying to be licensed or certified as a laboratory performing lead analysis.

3.15.2 Blood Lead Analysis

No person shall provide or offer to provide analysis of lead concentration in blood, for the purpose of meeting the requirements of this Part, unless that person is licensed pursuant to the provisions of the Rules and Regulations for Licensing Clinical Laboratories and Stations (Part 60-05-5 of this Title) and/or approved by the Department.

3.15.3 Environmental Lead Analysis

No person shall provide or offer to provide analysis of lead concentration in paint, dust, soil, water, or consumer products, for the purpose of meeting the requirements of this Part, unless that person is certified pursuant to the provisions of the Rules and Regulations for Certifying Analytical Laboratories (Part 60-05-5 of this Title) and/or approved by the Department, and unless the certification specifically identifies lead as an authorized analyte.

3.15.4 Fees

All fees are established in the Rules and Regulations pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services provided by the Department of Health (Part 10-05-2 of this Title). The appropriate fee(s) must be submitted with each application.

3.16 Lead Safe Work Practices

3.16.1 Regulated Activities

A. General Requirements.

1. The requirements in § 3.16 of this Part represent the core lead safe work practices for all minor repair and maintenance, renovation, repair, and painting (RRP), lead hazard control (LHC), and lead hazard reduction (LHR) activities.

B. Spot Removal or Minor Repair and Maintenance.

1. A Lead Renovation Firm or Lead Contractor licensed by the Department is not required for spot removal or minor repair and maintenance activities.

2. Spot removal or minor repair and maintenance activities include activities that disturb less than six square feet (6 ft²) of interior lead-based paint per room or less than twenty square feet (20 ft²) of exterior lead-based paint, provided that the work does not include:
 - a. Any window removal/replacement;
 - b. Demolition activities; or
 - c. Prohibited work practices specified in § 3.16.10(C)(1)(a) of this Part.
 3. Disturbing lead-based paint in excess of the spot removal *de minimus* at a regulated facility or for compensation at target housing must be done by a Lead Renovation Firm or Lead Contractor licensed by the Department.
 4. When removing painted components, or portions of painted components the entire surface area to be removed is the amount of lead-based paint being disturbed.
 5. Any work that disturbs lead-based paint, other than emergency renovation operations, performed in the same room or area within the same thirty (30)-day period must be considered the same project for the purpose of determining whether the work is spot removal or renovation, repair, and painting (RRP).
- C. Renovation, Repair, and Painting (RRP).
1. RRP activities must be performed by a Lead Renovation Firm licensed by the Department.
 2. The purpose of an RRP project is to perform renovations, repairs, painting and related construction work for reasons other than correcting environmental lead hazards.
 3. Additional requirements for RRP projects are specified in § 3.17 of this Part.
- D. Lead Hazard Control (LHC).
1. Lead hazard control (LHC) activities must be performed by a Lead Renovation Firm licensed by the Department.
 2. The purpose of an LHC project is to perform lead hazard control to correct known or assumed environmental lead hazards at a residential dwelling or child-occupied facility.
 3. Additional requirements for LHC projects are specified in § 3.17 of this Part.
- E. Lead Hazard Reduction (LHR).
1. Lead hazard reduction (LHR) activities must be performed by a Lead Contractor licensed by the Department.
 2. The purpose of an LHR project is to perform lead hazard reduction to eliminate all environmental lead hazards at a single-family house or dwelling unit and common

areas, typically performed where a lead- poisoned child resides or resided and the owner is in receipt of a notice or order from the Department.

3. Additional requirements for LHR projects are specified in § 3.18 of this Part.

3.16.2 Exemptions

- A. A Lead Renovation Firm or Lead Contractor is not required for the following activities which are not considered RRP, LHC, or LHR projects for the purposes of this Part:
 1. Disturbing painted surfaces which do not contain lead-based paint, as determined by a Lead Inspector, Lead Assessor, or Lead Renovator, pursuant to § 3.6.2 of this Part;
 2. Temporary lead hazard control measures, provided that no lead-based paint is disturbed;
 3. Spot removal or minor repair and maintenance activities that disturb less than six square feet (6 ft²) of lead-based paint per interior room, provided that no prohibited work practices are used and the work does not involve window removal/replacement or demolition activities;
 4. Spot removal or minor repair and maintenance activities that disturb less than twenty square feet (20 ft²) of exterior lead-based paint, provided that no prohibited work practices specified in § 3.16.10(C)(1)(a) of this Part or DEM "Removal of Lead Based Paint from Exterior Surfaces," 250-RICR-120-05-24, are used and the work does not involve window removal/replacement or demolition activities;
 5. Encapsulation or enclosure of painted surfaces, provided that the total amount of lead-based paint that is disturbed does not exceed the spot removal de minimus;
 6. Remediation of lead-contaminated dust which was not generated during RRP, LHC, or LHR activities;
 7. Remediation of lead-contaminated soil;
 8. Remediation of lead-contaminated drinking water; and/or
 9. Complete razing of an entire free-standing building or structure, in accordance with all applicable DEM air pollution control requirements, when permitted for such by an appropriate municipal or state agency.

3.16.3 Responsibilities

- A. Responsibilities of property owners are specified in § 3.2.4 of this Part.
- B. Responsibilities of the Lead Renovation Firm are specified in § 3.17.3(A) of this Part.
 1. Responsibilities of any subcontractors working at an RRP or LHC project are the same as the responsibilities of the Lead Renovation Firm as specified in § 3.17.3(A) of this Part.

2. If the Lead Renovation Firm provides the subcontractor with written proof of compliance with the pre-renovation education requirement in § 3.17.4 of this Part, the subcontractor shall follow the pre-renovation education requirement for the purposes of this Part provided that the subcontractor maintains said documentation pursuant to § 3.17.18 of this Part.
- C. Responsibilities of the Lead Renovator are specified in § 3.17.3(B) of this Part.
- D. Responsibilities of the Lead Contractor are specified in § 3.18.3(A) of this Part.
 1. Responsibilities of any subcontractors working at an LHR project are the same as the responsibilities of the Lead Contractor as specified in § 3.18.3(A) of this Part.
 2. If the Lead Contractor provides the subcontractor with written proof of compliance with the pre-renovation education requirement in § 3.18.4 of this Part, the subcontractor shall be considered to be in compliance with the pre-renovation education requirement for the purposes of this Part provided that the subcontractor maintains said documentation pursuant to § 3.18.5 of this Part.
- E. Responsibilities of the Lead Supervisor are specified in § 3.18.3(B) of this Part.

3.16.4 Notification

- A. For each RRP and LHC project, the Lead Renovation Firm shall distribute pre-renovation education (PRE) to the owner, occupants, and/or parents, as applicable, pursuant to § 3.17.4 of this Part.
- B. For each RRP project that includes any mechanical paint removal, window removal/replacement, demolition activities, or for which a variance from this Part was granted by the Department, the Lead Renovation Firm shall submit a Start Work Notification (Form PBLC-9) to the Department, pursuant to § 3.17.5 of this Part.
- C. For each LHC project, the Lead Renovation Firm shall submit a Start Work Notification (Form PBLC-9) to the Department, pursuant to § 3.17.5 of this Part.
- D. For each LHR project, the Lead Contractor shall distribute pre-renovation education (PRE) to the owner and/or occupants, as applicable, pursuant to § 3.18.4 of this Part.
- E. For each LHR project, the Lead Contractor shall submit a Start Work Notification (Form PBLC-9) to the Department, pursuant to § 3.18.5 of this Part.

3.16.5 Worker Protection

- A. The OSHA requirements specified in 29 C.F.R. 1926.62 and 29 C.F.R. 1910.125 apply to all RRP, LHC, and LHR projects.
- B. The OSHA requirements also apply when the person performing minor repair and maintenance, RRP, LHC, or LHR activities is an employee of the property owner.

3.16.6 Occupant Protection

- A. The owner shall make all reasonable efforts to ensure that occupants are not present during an RRP or LHC project.
- B. The owner shall ensure that occupants vacate the premises during an LHR project.
- C. The occupants' belongings must be protected from contamination by lead dust, paint chips, and other construction debris during the RRP, LHC, or LHR work activities.
- D. Warning signs must be posted at all entrances to the work area(s).
- E. The worksite must be secured against unauthorized entry.

3.16.7 Containment

- A. Before beginning any RRP, LHC, or LHR project, the work area must be contained so that no dust or debris leaves the work area(s) while the work is in progress.
 - 1. The containment requirements for RRP and LHC projects are specified in § 3.17.8 of this Part.
 - 2. The containment requirements for LHR projects are specified in § 3.18.8 of this Part.

3.16.8 Special Requirements in Common Area Hallways

- A. Special requirements for RRP and LHC projects in common area hallways are specified in § 3.17.9 of this Part.
- B. Special requirements for LHR projects in common area hallways are specified in § 3.18.9 of this Part.

3.16.9 Control of Access

- A. Warning Signs.
 - 1. Warning signs must be posted at all entrances to the work area(s) before beginning any RRP, LHC, or LHR project and must be illuminated and cleaned as necessary so that the text is readily visible.
 - 2. The signs must contain at least the following text which is required by 29 C.F.R. 1926.62(m):

Danger Lead Work Area

May Damage Fertility or the Unborn Child

Causes Damage to the Central Nervous System

Do Not Eat, Drink, or Smoke in this Area
 - 3. The signs must contain a 24-hour emergency contact telephone number.

4. To the extent practicable, these signs must be in the primary language of the occupants, be readily visible, and securely affixed in such a way that prevents their loss or unintentional removal.
5. The signs must remain in place and readable until cleaning verification or acceptable clearance, as applicable, is achieved.

3.16.10 Paint Treatment Options

- A. The following lead-based paint remedies are approved by the Department and may be used as standard treatments for painted surfaces assumed to contain lead-based paint. Treatments which temporarily reduce lead exposure are considered interim controls and require ongoing monitoring and maintenance. Treatments that can be expected to permanently eliminate or reduce lead exposure for at least twenty (20) years under normal conditions are considered lead abatement.
- B. Paint Stabilization.
 1. Lead-based paint stabilization is an interim control which includes surface preparation, using the approved methods specified in § 3.16.10(C)(1)(b) of this Part, and the application of new protective coatings or paint.
 - a. No known or assumed lead-based paint should be in a damaged condition. As a minimum, all lead-based paint must be stabilized to an intact condition.
 - b. Paint stabilization includes, but is not limited to, minor repair and maintenance, spot removal, and touch up painting.
 - c. All protective coatings and paints must be approved for their intended uses and applied in accordance with the manufacturer's specifications, including proper surface preparation and appropriate primers.
 - d. Any physical defect in the substrate of a painted surface or component that is causing deterioration of the surface or component must be repaired. The surface substrate must be dry and protected from future moisture damage before applying a new protective coating or paint.
 - e. Surface preparation should yield a substrate and surface that is clean, dry, sound, and deglossed. All loose paint and other loose material must be removed from the surface to be treated by an approved paint removal method, pursuant to § 3.16.10(C)(1)(b) in this Part. All dust and debris generated by the surface preparation should be immediately cleaned using a HEPA vacuum and/or wet cleaning.
 - f. Stabilization of intact, factory applied prime coatings on metal surfaces is not required. Finish coatings on such surfaces require stabilization only if those coatings contain lead-based paint.
- C. Paint Removal.

1. Lead-based paint removal includes stripping, scraping, or other methods to remove paint from a substrate. Because it is extremely difficult to completely remove all lead from a painted surface, stripped components may not meet the lead free or lead safe standards in § 3.7 of this Part.
 - a. The following lead-based paint removal methods are prohibited at a regulated facility or for compensation at target housing under all conditions:
 - (1) Dry hand scraping, except for within one foot (1') of electrical outlets;
 - (2) Dry hand sanding, except for "feathering" of previously treated interior painted surfaces;
 - (3) Using a heat gun or other heated device, which chars paint, or at surface temperatures at or above 1100° F;
 - (4) Open-flame burning or torching;
 - (5) Using paint strippers which are flammable or contain methylene chloride;
 - (6) Using mechanical paint removal equipment not controlled by a HEPA vacuum system, and/or with a sanding or scraping disk wider than the direct surface upon which it is being used;
 - (7) Using dry abrasive blasting equipment not controlled by a HEPA vacuum system on exterior surfaces;
 - (8) Using dry abrasive blasting equipment on interior surfaces;
 - (9) Hydro blasting, including but not limited to, using wet abrasive blasting equipment, and pressure or power washing;
 - (10) Any other interior methods not approved by the Department;
 - (11) Any other exterior methods not approved by DEM Office of Air Resources; and/or
 - (12) Any treatment in violation of local municipal building codes.
 - b. Approved Methods.
 - (1) The following paint removal methods are approved for use at a regulated facility or for compensation at target housing when lead based-paint is disturbed for any reason.
 - (2) Wet hand scraping or sanding;
 - (3) "Feathering" of previously treated interior painted surfaces;
 - (4) Using heat guns that do not char paint or exceed 1100° F;

- (5) Paint stripping in adequately ventilated areas using non- flammable chemical strippers that do not contain methylene chloride;
- (6) Using shrouded mechanical paint removal equipment controlled by a HEPA vacuum system, provided that any and all spent abrasive, paint, particulate, dust, and/or other debris generated by the operations is immediately collected by the system, and provided that no sanding or scraping disk is wider than the direct surface upon which it is being used;
- (7) Using exterior dry abrasive blasting equipment controlled by a HEPA vacuum system, provided that any and all spent abrasive, paint, particulate, dust, and/or other debris generated by the operations is immediately collected by the system, or a vacuum blast system used in accordance with the manufacturer's guidelines;
- (8) Any other interior methods approved in writing by the Department; or
- (9) Any other exterior methods approved in writing by DEM Office of Air Resources.

c. Mechanical Paint Removal.

- (1) Additional requirements for interior mechanical paint removal activities are specified in §§ 3.17.5(A), 3.17.10, and 3.18.10 of this Part.

d. Demolition.

- (1) Additional requirements for demolition activities are specified in §§ 3.17.5(A), 3.17.11, and 3.18.11 of this Part.

3.16.11 Special Requirements for Friction and Impact Surfaces

A. Friction Surfaces.

- 1. Remediation of friction surfaces must eliminate friction points or treat the friction surface so that lead-based paint is not subject to abrasion and/or dust generation caused by normal use such as opening a double-hung wooden window, closing a door that binds with its frame, or foot traffic on floors and stairs. Lead-based paint removal methods, which do not result in friction surfaces meeting the lead free or lead safe standards in § 3.7 of this Part, require additional interim controls.

a. Floors.

- (1) Lead-based paint on floors must be protected with a durable cover or coating that will prevent abrasion of the painted surfaces. Examples of interim controls for floors include applying protective coatings or paint products approved by the manufacturer for floors or installing an appropriate floor covering. Smooth and intact floor surfaces such as sheet flooring or wooden floors that have a good

finish of sealant are preferable to carpeting which is not easily cleaned.

b. Stairs.

- (1) Lead-based paint on stairs must be protected with a durable cover or coating that will prevent abrasion of the painted surfaces. Examples of interim controls for stairs include applying protective coatings or paint products approved by the manufacturer for stairs and installing carpet runners or tread covers which minimally cover the high traffic areas of the treads including the “nose”. A rubber tread cover with metal nosing works well.

c. Doors and drawers.

- (1) Doors and cabinet doors or drawers must open and close without abrasion or binding. Examples of interim controls for doors include rehanging and/or planing a door so that it no longer binds with the door jamb or threshold. Examples of interim controls for cabinets include adjusting cabinet door hinges to eliminate binding and/or installing tracks under drawers to eliminate friction.

d. Windows.

- (1) Windows that do not operate freely may be a significant source of lead-based paint chips and lead-contaminated dust. Interim controls for double-hung wooden windows include stripping and resealing window sashes, installing window track liners, and covering window wells to eliminate abrasion of painted surfaces and provide a smooth cleanable surface in the well. All window components that are designed to be operable must continue to be operable following interim controls.

B. Impact surfaces.

1. Remediation of impact surfaces is required when lead-based paint on an impact surface is damaged, abraded, rubbed, impacted or otherwise deteriorated and/or the damaged lead-based paint is caused by impact from a related building component such as a door knob that knocks into a wall, or a door that hits against its frame.
 - a. Treatments for impact surfaces must protect the lead-based paint from impact. Examples of interim controls include re-hanging doors so they open and close properly or installing a door stop with an impact absorbing tip to prevent a door from striking a wall or baseboard.

3.16.12 Covering Painted Surfaces

A. Encapsulation.

1. Encapsulation is a process that makes lead-based paint inaccessible by providing a barrier between the lead-based paint and the environment. Depending on the

particular circumstances and product, encapsulation may be used to achieve abatement that can be expected to eliminate exposure to lead-based paint for at least twenty (20) years under normal conditions.

- a. Encapsulants are coatings or rigid materials that rely on adhesion to the surface and are not mechanically fastened to the substrate.
- b. Encapsulation of lead-based paint with household paints, varnishes, or stains is considered an interim control that requires ongoing monitoring and maintenance.
- c. Examples of rigid encapsulation systems that may be considered a form of abatement include, but are not limited to, fiberglass wall mats, fabric-backed vinyl wall coverings, laminate, sheet flooring, tile, or other durable materials that do not readily tear, chip, or peel.
- d. Liquid encapsulation products that may be considered a form of abatement, when approved in advance by the Department, are high viscosity specialty coatings that may contain anti-ingestion ingredients to discourage oral contact with the encapsulated surface and deter ingestion of paint chips.
- e. Proper assessment of the suitability of the surface and substrate for encapsulation is essential prior to the application and installation of the product. All layers of the existing paint film must adhere well to each other, as well as the base substrate. If not, the encapsulation system may fail.
- f. Any physical defect in the substrate of a painted surface or component that is causing deterioration of the surface or component must be repaired prior to encapsulation. Examples of defective substrate conditions include, but are not limited to, dry rot, rust, moisture-related defects, crumbling plaster, and components that are not securely fastened.
- g. If the substrate is sound but the paint is deteriorating, paint removal or stabilization, pursuant to this Section, is required before the encapsulant is applied. Surface preparation should yield a substrate and coating that is clean, dry, sound, and deglossed. All dust and debris generated by the preparation should immediately be cleaned using a HEPA vacuum and/or wet cleaning.
- h. Specialty coatings used for lead abatement must meet the current ASTM standards for liquid encapsulant products, as a minimum. Specific use situations may warrant more stringent performance requirements, such as a system that also includes a mesh.
 - (1) Encapsulants without a mesh must meet the ASTM E1795 Standard Specification for Non-Reinforced Liquid Encapsulation Products for Leaded Paint in Buildings, as a minimum.
 - (2) Encapsulants with a mesh or other reinforcement must meet the ASTM E1797 Standard Specification for Reinforced Liquid Coating

Encapsulation Products for Leaded Paint in Buildings, as a minimum.

- (3) The manufacturer or distributor must be able to provide documentation from an independent and NVLAP (National Voluntary Laboratory Assessment Program) certified testing laboratory which demonstrates conformance with the applicable ASTM standard.
- i. Encapsulant products can be Interior only (Type I), Exterior only (Type II), or usable for Interior and Exterior (Type III). The minimum thickness for interior applications may differ from the minimum thickness for exterior applications. For an application to qualify as lead abatement, encapsulants must be applied to at least the minimum dry film thickness at which the coating met the ASTM Standard E1795 or E1797, as applicable.
 - (1) For the purposes of this Part, liquid encapsulation products that are not applied to at least the minimum dry film thickness at which the coating met the applicable ASTM standard are considered an interim control.
 - (2) For the purposes of this Part, the encapsulation product or system must be warranted by the manufacturer to perform for at least twenty (20) years in locations and conditions similar to those of the planned application and the installation process must be approved in advance by the Department to be considered a form of abatement.
- j. The encapsulation process must meet all requirements for the manufacturer's twenty (20)-year warranty, including but not limited to, surface assessment testing, proper preparation, approved primers, application methods, number and thickness of coats, periodic monitoring and touch up as necessary. Warranties solely against manufacturer's defects are insufficient.

B. Enclosure.

- 1. Enclosure is the installation of a rigid, durable barrier that is mechanically fastened to building components, with all edges and seams sealed with caulk or another sealant.
 - a. Enclosures are durable, rigid construction materials that are mechanically fastened to the substrate with screws, nails, or other mechanical fastening system that can be expected to last at least twenty (20) years under normal conditions.
 - b. While adhesives are frequently used for initial mounting purposes and for assistance in covering lead-based paint with the enclosure material, it is primarily mechanical fasteners that give enclosures their longevity.
 - c. Examples of durable enclosure materials include, but are not limited to, plywood or other flooring underlayment, suspended ceiling systems, new sheetrock, paneling, vinyl siding, and aluminum breaker or coil stock.

- d. Any physical defect in the substrate of a painted surface or component that is causing deterioration of the surface or component must be repaired prior to fastening the enclosure material. Examples of defective substrate conditions include dry rot, rust, moisture-related defects, crumbling plaster, and components that are not securely fastened. If the substrate is sound but the paint is deteriorating, paint removal or stabilization is not required before the enclosure is installed.
 - (1) Painted pipes can be enclosed with the same tape used to make plaster casts. The wrapped tape should overlap itself so that it is not dependent on adhering to the painted surface.
 - (2) Pipes can also be enclosed in a pipe chase constructed of wood and/or sheetrock, provided that all edges and seams are sealed.

3.16.13 Removing/Replacing Painted Components

A. Intact Component Removal.

- 1. Some building components (e.g. fences) or architectural systems (e.g. porches) may be removed without replacement as long as applicable building codes are observed. For some historic preservation projects, removal may not be permitted.
 - a. Mist the component to be removed with water, score seams, and remove the component intact to minimize paint chip and dust generation.
 - b. HEPA vacuum to remove any dust that may have accumulated behind the component or been generated during the removal process as soon as the component has been removed.

B. Component Replacement.

- 1. Removal of doors, windows, trim, and other building components and their replacement with new lead free components is the most desirable abatement method because it offers a truly permanent solution. For some preservation projects, replacement may not be permitted.
 - a. Remove components pursuant to § 3.16.13(A) of this Part.
 - b. Building components that contain lead-based paint may be removed for off-site stripping and sealing and then reinstalled. Because it is extremely difficult to completely remove all lead from a painted component, stripped components may not meet the lead free or lead safe standards in § 3.7 of this Part
 - c. Bring stripped and sealed or new lead free components into the work area only after all dust-generating activity is complete, waste has been contained, and the dust has been cleaned up by at least one HEPA vacuuming.

C. Demolition.

1. Using hammers or other tools that impact the integrity of a building component is considered demolition for the purposes of this Part. For some preservation projects, demolition may not be permitted. This includes, but is not limited to, partial demolition of a structure, total interior strip-outs, selective interior demolition, interior structural deconstruction, and gut rehabilitation.
 - a. Unless a variance request is approved by the Department, only a Lead Contractor shall perform interior demolition.
 - b. Additional requirements for demolition activities are specified in § 3.18.11 of this Part.

3.16.14 Dust Treatment Options

- A. Cleaning of lead-contaminated dust that was not generated by RRP, LHC, or LHR activities does not require lead professional licensure by the Department but must follow the lead safe work practices in § 3.16.13 of this Part. This includes immediate cleanup after spot removal or minor repair and maintenance activities.
- B. Disturbing painted surfaces in excess of the spot removal de minimus to remediate known or assumed sources of lead-contaminated dust requires lead professional licensure by the Department and is subject to all lead safe work practice requirements of §§ 3.16 and 3.17 or 3.18 of this Part, as applicable.
- C. Prohibited Cleaning Methods.
 1. The following cleaning methods are prohibited in all areas that contain known or suspected lead-contaminated dust, paint chips, or debris.
 - a. Dry sweeping; and/or
 - b. Using a vacuum cleaner which is not a true HEPA vacuum.
- D. Approved Cleaning Methods.
 1. The following cleaning methods are standard treatments for cleaning lead-contaminated dust:
 2. Bare Surfaces.
 - a. Uncarpeted floors and other hard surfaces must be cleaned by a process of:
 - (1) HEPA vacuuming;
 - (2) Wet washing with detergent;
 - (3) Rinsing with clean water, changing rinse water often;
 - (4) Followed by a final HEPA vacuuming; and
 - (5) Repeating the above sequence until no visible dust remains.

3. Covered Surfaces.
 - a. Surfaces covered by a rug, carpeting, upholstery, or fabric must be cleaned as follows:
 - (1) Lead-contaminated upholstery or fabrics must be thoroughly vacuumed using a HEPA vacuum, followed by steam extraction cleaning or another appropriate professional cleaning, if necessary.
 - (2) Installed carpeting that will not be removed must be thoroughly vacuumed using a HEPA vacuum with a beater bar attachment, followed by steam extraction cleaning or another appropriate professional cleaning, if necessary.
 - b. Protective measures must be used to prevent the spread of dust during removal of a rug, carpeting, or padding by:
 - (1) HEPA vacuuming the rug, carpeting, and/or padding using a beater bar attachment;
 - (2) Misting the rug, carpeting and/or padding with water;
 - (3) Cutting the rug, carpeting, and/or padding into pieces of a manageable size and weight, if necessary;
 - (4) Bagging or wrapping and sealing the pieces of the rug, carpeting, and/or padding before removing them from the room or area; and
 - (5) HEPA vacuuming and wet washing the floor surface, underneath where the rug, carpeting, and/or padding was removed, using the process specified in § 3.16.14(D)(2) of this Part.

3.16.15 Soil Treatment Options

- A. There are no standard treatments for soil. Approved treatments for soil depend upon the actual concentration of lead in the soil. The appropriate treatment must be used in order to meet the lead free or lead safe standards in § 3.7 of this Part.
 1. General Requirements.
 - a. Remediation of soil hazards does not require licensure by the Department, but must follow the lead safe work practices in § 3.16.15 of this Part.
 - b. All work that disturbs lead-contaminated soil must be performed while the soil is wet or damp to minimize the creation of dust.
 - c. Excavated soil must be handled and disposed pursuant to all DEM and DOT requirements.
 2. Prohibited Methods.

- a. Dry raking or shoveling of known or reasonably suspected lead-contaminated soil is prohibited.
 - b. Dry sweeping of known or suspected lead-contaminated soil, dust, paint chips, and/or other debris is prohibited.
 - c. Relocating excavated lead-contaminated soil to any area of the premises that does not require soil remediation is prohibited.
 - d. Any treatment in violation of local municipal codes is prohibited.
- 3. Lead in Soil: Less than 150 ppm.
 - a. No action is required for lead concentrations in soil below the lead free threshold in § 3.7 of this Part.
- 4. Lead in Soil: 150 ppm to less than 400 ppm.
 - a. No action is required for lead concentrations in soil within the lead safe concentration range in § 3.7 of this Part.
- 5. Lead in Soil: 400 ppm to less than 1,200 ppm.
 - a. Treatment options for bare soil with lead concentrations of four hundred (400) ppm to less than one thousand two hundred (1,200) ppm include:
 - (1) Interim control by complete covering of the existing soil with mulch to a depth of at least six inches (6"); stone or gravel to a depth of at least four inches (4"); lead free or lead safe soil to a depth of at least three inches (3"); sod or new grass.
 - (2) Abatement by excavating and removing existing soil, pursuant to all applicable DEM Regulations, to a depth of at least three inches (3") followed by replacement of at least three inches (3") of lead free or lead safe soil;
 - (3) Abatement by permanent covering with pavement; or
 - (4) A site-specific remediation plan approved in writing by the Department.
- 6. Lead in Soil: 1,200 ppm to less than 5,000 ppm.
 - a. Treatment options for bare soil with lead concentrations of one thousand two hundred (1,200) ppm to less than five thousand (5,000) ppm include:
 - (1) Interim control by leaving existing soil in place and installing landscaping fabric along with adequate containment to avoid erosion, followed by covering pursuant to § 3.16.15(A)(5)(a)((1)) of this Part;

- (2) Interim control by tilling existing soil with lead free or lead safe soil to reduce the concentration of lead to less than one thousand two hundred (1,200) ppm, followed by covering pursuant to § 3.16.15(A)(5)(a)((1)) of this Part;
- (3) Abatement by excavating and removing existing soil, pursuant to all applicable DEM Regulations, to a depth of at least three inches (3") followed by replacement of at least three inches (3") of lead free or lead safe soil;
- (4) Abatement by permanent covering with pavement; or
- (5) A site-specific remediation plan approved in writing by the Department.

7. Lead in Soil: 5,000 ppm or greater.

- a. Treatment options for soil with lead concentrations of five thousand (5,000) ppm or greater include:
- b. Abatement by excavating and removing existing soil, pursuant to all applicable DEM Regulations, to a depth of at least six inches (6") followed by replacement of at least six inches (6") of lead free or lead safe soil;
- c. Abatement by permanent covering with pavement; or
- d. A site-specific remediation plan approved in writing by the Department

3.16.16 Water Treatment Options

A. There are no standard treatments for water. Approved treatment options for drinking water depend upon the type of sample collected and the resulting lead concentration in the sample. The appropriate treatment(s) must be used in order to meet the lead free or lead safe standards in § 3.7 of this Part.

1. General Requirements.

- a. Remediation of lead in drinking water does not require licensure by the Department but must follow the lead safe work practices of § 3.16.16.
- b. Replacing pipes, joints, couplings or plumbing fixtures may require licensure by the Department of Labor and Training (DLT) and/or a permit from the municipality where the property is located.
- c. Any treatment in violation of local municipal code is prohibited.

2. First Draw Samples.

- a. Lead in Water: Less than 15 ppb.
 - (1) No action is required for lead concentrations below the lead free or lead safe thresholds in § 3.7 of this Part.

- b. Lead in Water: 15 ppb to less than 500 ppb.
 - (1) Analysis of a flushed water sample is required for a lead concentration above the lead hazard threshold in § 3.7 of this Part; the treatment will be determined by the result of the flushed sample.
- c. Lead in Water: 500 ppb or greater. The owner shall:
 - (1) The owner shall provide bottled water for drinking and cooking until the lead free or lead safe standards in § 3.7 of this Part are achieved;
 - (2) The sampled tap(s), and any other taps used for drinking or cooking, must be labeled with at least the following text: "Lead Warning: Do not use for drinking or cooking". To the extent practicable, the lead warning must be in the primary language of the occupants; and
 - (3) All lead-containing pipes, soldered joints, couplings, and fixtures must be replaced with lead free materials; or
 - (4) A site-specific remediation plan must be approved in writing by the Department for each dwelling unit.

3. Flushed Samples.

- a. Lead in Water: Less than 15 ppb.
 - (1) The occupants shall use only cold water for drinking and cooking; and
 - (2) Flush the tap(s) before using any water for drinking or cooking.
- b. Lead in Water: 15 ppb to less than 100 ppb.
 - (1) The owner shall provide bottled water for drinking and cooking until the lead free or lead safe standards in § 3.7 of this Part are achieved;
 - (2) The sampled tap(s), and any other taps used for drinking or cooking, must be labeled with at least the following text: "Lead Warning: Do not use for drinking or cooking". To the extent practicable, the lead warning must be in the primary language of the occupants; and
 - (3) All lead-containing pipes, soldered joints, couplings and fixtures must be replaced with lead free materials; or
 - (4) The owner may request a variance from the Department to install an NSF-approved water filtration system capable of reducing lead concentrations to the lead free or lead safe standards in § 3.7 of this Part, and sign a consent agreement with the Department to maintain the filtration system in accordance with the manufacturer's specifications; or

- (5) A site-specific remediation plan must be approved in writing by the Department for each dwelling unit.
 - c. Lead in Water: Greater than 100 ppb.
 - (1) The owner shall provide bottled water for drinking and cooking until the lead free or lead safe standards in § 3.7 of this Part are achieved;
 - (2) The sampled tap(s), and any other taps used for drinking or cooking, must be labeled with at least the following text: "Lead Warning: Do not use for drinking or cooking". To the extent practicable, the lead warning must be in the primary language of the occupants; and
 - (3) All lead-containing pipes, soldered joints, couplings and fixtures must be replaced with lead free materials; or
 - (4) A site-specific remediation plan must be approved in writing by the Department for each dwelling unit.
- 4. After plumbing work is completed.
 - a. Remove faucet aerators and flush the supply pipes by letting them run for several minutes to remove small pieces of loose solder; and
 - b. Clean out any debris from the faucet aerators before reinstalling them; or
 - c. Install new faucet aerators; and
 - d. Retest water, as necessary; and
 - e. Maintain any water filtration system(s) in accordance/ with the manufacturer's specifications.

3.16.17 Project Cleanup

- A. Cleanup procedures for spot removal or minor repair and maintenance activities are specified in § 3.16.14 of this Part.
- B. Cleanup procedures for RRP and LHC projects are specified in § 3.17.13 of this Part.
- C. Cleanup procedures for LHR projects are specified in § 3.18.13 of this Part.

3.16.18 Clearance Inspections

- A. The cleaning verification procedure requirements and clearance inspection options for RRP projects are specified in §§ 3.5.5(D), 3.17.15, and 3.17.16 of this Part.
- B. The cleaning verification procedure options and clearance inspection requirements for LHC projects are specified in §§ 3.5.5(C) and 3.17.17 of this Part.
- C. The clearance inspection requirements for LHR projects are specified in §§ 3.5.5(B) and 3.18.14 of this Part.

3.16.19 Waste Storage and Disposal

A. All lead-containing waste must either be disposed of daily, or stored in a secure location to prevent access by unauthorized persons prior to disposal.

1. Solid Waste.

- a. All solid waste from an RRP, LHC, or LHR project must be contained to prevent the release of dust, paint chips and/or other debris before the waste is removed from the work area(s) and/or project site for storage and/or disposal by:
 - (1) Collecting paint chips and small debris in single 6-mil or double 4-mil polyethylene trash bags, or appropriate containers;
 - (2) Storing larger building components in containers or wrapping bulk debris such as doors, windows, and woodwork in 6-mil polyethylene sheeting and sealing with duct tape;
 - (3) Using a covered chute to remove waste from the work area(s);
 - (4) Using a covered dumpster to store waste until the project is completed; and/or
 - (5) Using another method approved in writing by DEM Office of Waste Management.

2. Residential Waste.

- a. Solid waste materials generated at residential facilities are generally considered to be household waste and therefore exempt from DEM Rules and Regulations for Hazardous Waste Management.
- b. Liquid or other waste, including chemical paint strippers, must be properly characterized by the generator in accordance with DEM Rules and Regulations for Hazardous Waste Management.

3. Non-Residential.

- a. Waste material generated at child care centers or other non-residential facilities must be properly characterized based on laboratory analysis for TCLP lead, or on knowledge of the material.
 - (1) Disposable Personal Protective Equipment (PPE) and supplies, such as polyethylene sheeting, may be characterized as non-hazardous solid waste based on knowledge of the material and properly disposed.
 - (2) Manually or mechanically removed lead-based paint and wooden components or debris containing lead-based paint may be characterized as non-hazardous solid waste based on knowledge of the material and properly disposed.

- (3) Metal components containing lead-based paint may be may be characterized as non-hazardous solid waste based on knowledge of the material and properly disposed or recycled at a scrap metal facility.
 - (4) Liquid or other waste must be properly characterized based on laboratory analysis for TCLP lead and properly disposed.
 - (5) Chemical paint strippers must be properly characterized based on laboratory analysis for TCLP lead and other factors and properly disposed.
- 4. Waste Water.
 - a. Water used for cleanup must never be dumped on the ground, down a storm drain, or down a sink or tub. This water must be filtered and dumped in a toilet, or disposed pursuant to all applicable local water treatment authority, DEM, and DOT requirements.
- 5. Disposal.
 - a. All lead-containing waste material must be removed from the project site within seven (7) days of the project's completion.
 - b. Solid waste may be disposed in any construction and demolition landfill or a municipal solid waste landfill. The waste must be contained in a manner that prevents the release of any dust or debris and be transported from the project site pursuant to all applicable DEM and DOT requirements.
 - c. Materials characterized as hazardous waste must be transported pursuant to all DOT requirements and disposed pursuant to DEM Rules and Regulations for Hazardous Waste Management.

3.16.20 Recordkeeping

- A. Recordkeeping requirements of property owners are specified in § 3.8 of this Part.
- B. Recordkeeping requirements of the Lead Renovation Firm are specified in § 3.17.18 of this Part.
- C. Recordkeeping requirements of the Lead Contractor are specified in § 3.18.16 of this Part.

3.17 Additional Requirements for Renovation, Repair, and Painting and Lead Hazard Control

3.17.1 Applicability

- A. Only a Lead Renovation Firm licensed by the Department shall perform renovation, repair, and painting (RRP) or lead hazard control (LHC) activities in Rhode Island.
- B. The RRP Rule applies to:

1. Any window removal or replacement at regulated facilities or for compensation at target housing;
2. Demolition activities at regulated facilities or for compensation at target housing;
3. Construction and related activities that impact known or assumed lead- based paint at regulated facilities or for compensation at target housing;
4. Interim controls to address lead hazards; and
5. Any other work that disturbs lead-based paint at regulated facilities or for compensation at target housing for any reason.

C. The RRP Rule also applies when:

1. The owner specifically requests a Lead Renovation Firm; or
2. The funding agency specifically requires a Lead Renovation Firm.

3.17.2 Scope

A. RRP Projects.

1. A Lead Renovation Firm may perform the following work as an RRP project:
 - a. Intact removal of building components, including removal or window replacement, at a regulated facility or for compensation at target housing;
 - b. Non-demolition activities that disturb six square feet (6 ft²) or more of lead-based paint per interior room at a regulated facility or for compensation at target housing;
 - c. Activities that disturb twenty square feet (20 ft²) or more of exterior lead-based paint at a regulated facility or for compensation at target housing;
 - d. Non-demolition activities that modify portions of existing pre-1978 structures for the purpose of converting a building, or part of a building, into a residential facility or child care facility;
 - e. Activities performed to meet the renovation, repair, and painting (RRP) request of an owner; and/or
 - f. Activities performed to meet the renovation, repair, and painting (RRP) requirements of a funding agency.

B. LHC Projects.

1. A Lead Renovation Firm shall perform the following work as an LHC project:
 - a. Activities performed to address lead hazards;
 - b. Activities performed to meet one (1) or more lead free or lead safe standards in § 3.7 of this Part;

- c. Activities performed to obtain a Certificate of Conformance (HRC LHM Form-1);
- d. Activities performed to satisfy an Order to Correct Lead Hazards;
- e. Activities performed to meet the HUD Lead Safe Homes Rule in 24 C.F.R. Part 35;
- f. Activities performed to meet the lead hazard control (LHC) request of an owner; and/or
- g. Activities performed to meet the lead hazard control (LHC) requirements of a funding agency.

3.17.3 Responsibilities

A. Lead Renovation Firm.

- 1. For each RRP or LHC project, the Lead Renovation Firm shall ensure that the following requirements are met (when applicable):
 - a. The firm is licensed by the Department pursuant to §§ 3.10 and 3.11 of this Part;
 - (1) Any subcontractors are licensed by the Department pursuant to §§ 3.10 and 3.11 of this Part;
 - b. Pre-renovation education (PRE) information is distributed pursuant to § 3.17.4 of this Part;
 - c. The property owner is informed of the cleaning verification procedure and clearance inspection options and requirements;
 - d. For exterior work, Notification of Removal of Exterior Lead Based Paint is made pursuant to DEM Regulation No. 24;
 - e. A certified Lead Renovator is designated as the person responsible for oversight of each RRP or LHC project and discharges all of the Lead Renovator responsibilities identified in § 3.17.3(B) of this Part;
 - f. For RRP projects that include any variance from this Part granted by the Department, a Start Work Notification (Form PBLC-9), pursuant to § 3.17.5 of this Part, is received by the Department at least seven (7) days before the work begins, and the assigned Lead Renovator is designated on the SWN Form PBLC-9;
 - g. For all LHC projects, a Start Work Notification (Form PBLC-9), pursuant to § 3.17.5 of this Part, is received by the Department at least seven (7) days before the work begins, and the assigned Lead Renovator is designated on the SWN Form PBLC-9;

- h. All individuals working on behalf of the Lead Renovation Firm are either certified Lead Renovators or have been trained by a certified Lead Renovator, pursuant to § 3.17.3(B)(1)(c) of this Part, and the training is documented.
- i. All RRP and LHC work is performed pursuant to §§ 3.16 and 3.17 of this Part, and/or DEM Regulation No. 24, as applicable;
- j. The worker protection requirements of OSHA 29 C.F.R. 1926.62 and 29 C.F.R. 1910.125 are met;
- k. The waste transportation and disposal requirements of DEM and DOT are met; and
- l. The recordkeeping requirements of § 3.17.18 of this Part are met.

B. Lead Renovator.

- 1. For each RRP or LHC project, the Lead Renovator shall ensure that the following requirements are met (when applicable):
 - a. A certified Lead Renovator is physically on-site to perform and/or supervise all RRP or LHC activities;
 - b. The work area(s) are contained so that no lead dust, paint chips, or other debris leave the containment area(s) while the RRP or LHC work is in progress;
 - c. Any non-certified workers are trained in the lead safe work practice requirements which they must follow in performing their assigned tasks, and the training is documented;
 - d. All RRP or LHC tasks are performed following the lead safe work practice requirements in §§ 3.16 and 3.17 of this Part, and/or DEM "Removal of Lead Based Paint from Exterior Surfaces," 250-RICR-120-05-24, as applicable;
 - e. The documentation specified in § 3.17.18(A) of this Part is maintained on-site for the duration of the project;
 - f. The integrity of the containment is maintained for the duration of the project;
 - g. All warning signs remain in place and readable for the duration of the project;
 - h. The work area(s) are cleaned pursuant to § 3.17.13 of this Part;
 - i. A visual assessment of the work area(s) is conducted at the conclusion of the RRP or LHC work;

- j. The cleaning verification procedure is performed pursuant to § 3.17.15 of this Part;
- k. A complete and signed RRP checklist is provided to the owner;
- l. The owner and/or Lead Inspector or Lead Assessor, as applicable, is notified when the project is ready for the clearance inspection;
- m. The Lead Inspector or Lead Assessor, as applicable, who conducts the clearance inspection is provided with an appropriate lead certificate, signed by the Lead Renovator;
- n. Warning signs and critical barriers are removed after the cleaning verification is successfully completed and/or dust wipe clearance is achieved; and
- o. A copy of the lead certificate, signed by the Lead Inspector or Lead Assessor who conducted the clearance inspection, is obtained.

3.17.4 Pre-Renovation Education (PRE)

A. Pamphlet.

- 1. Not less than seven (7) days and no more than sixty (60) days before beginning an RRP or LHC project, the Lead Renovation Firm shall provide the Rhode Island version of the EPA pamphlet The Lead Safe Certified Guide to Renovate Right ("pamphlet"), available on the Department's website, to the owner, occupants, and/or parents, as applicable.

B. Notification Form.

- 1. The Pre-Renovation Notification (Form PBLC-29), or the equivalent, must include the following information:
 - a. The name, license number, and contact information for the Lead Renovation Firm;
 - b. The nature and location of the work; and
 - c. The start date and end date of the work.

C. Owner.

- 1. The Lead Renovation Firm shall inform the owner of the cleaning verification procedure or clearance inspection options and requirements, as applicable, and obtain:
 - a. PRE-Form PBLC-29, or the equivalent, signed by the owner; or
 - b. Proof of mailing the pamphlet and the US Postal Service delivery confirmation.

D. Occupants.

1. If the owner does not occupy the dwelling unit, the Lead Renovation Firm shall:
 - a. Obtain PRE-Form PBLC-29, or the equivalent, signed by the tenant;
 - b. Indicate on PRE-Form PBLC-29, or the equivalent, the date and time the pamphlet was delivered and the tenant was unavailable to sign the form or declined to sign the form; or
 - c. Obtain proof of mailing the pamphlet and a US Postal Service delivery confirmation.

E. Common Areas.

1. In addition to the requirements in § 3.17.4(D) of this Part, the Lead Renovation Firm shall provide notification to the occupants of any affected dwelling units by:
 - a. Posting signs, where they are most likely to be seen by the affected tenants, containing the information required in § 3.17.4(B) of this Part and how to get a free copy of the pamphlet; or
 - b. Providing the pamphlet to all affected tenants and completing a PRE-Form PBLC-29, or the equivalent, to document how each pamphlet was delivered.

F. Child care Facilities.

1. In addition to the requirements in § 3.17.4(C) of this Part, the Lead Renovation Firm shall provide notification to the parents of all children using the facility by:
 - a. Posting signs, where they are most likely to be seen by the affected families, containing the information required in § 3.17.4(B) of this Part and how to get a free copy of the pamphlet; or
 - b. Providing the pamphlet to all affected tenants and completing a PRE-Form PBLC-29, or the equivalent, to document how each pamphlet was delivered.

3.17.5 Start Work Notification (SWN)

- A. For any RRP project that includes any demolition, interior mechanical paint removal, window removal/replacement, or for which a variance from this Part was granted by the Department, a complete and accurate Start Work Notification (Form PBLC-9) must be received by the Department at least seven (7) days before the work begins.
- B. For all LHC projects, a complete and accurate Start Work Notification (Form PBLC-9) must be received by the Department at least seven (7) days before the work begins.
- C. For any project for which a variance from this Part was granted by the Department, a copy of the variance request and approval letter must be submitted with the SWN Form PBLC- 9.

- D. If the project will be done in phases, a separate SWN Form PBLC-9 must be submitted for each phase of the project.
- E. The Lead Renovator assigned to the project or phase must be designated on the SWN Form PBLC- 9; a revised form must be submitted to the Department if the assignment changes.
- F. The work must not begin prior to the start date indicated on the SWN Form PBLC-9.
- G. If the work does not begin within seven (7) days of the start date and/or end within seven (7) days of the end date indicated on SWN Form PBLC-9, a revised SWN Form PBLC-9 must be submitted to the Department.
- H. If the project or phase is canceled, or postponed with no known start date, a canceled SWN Form PBLC-9 must be submitted to the Department.

3.17.6 Worker Protection

RRP and LHC projects must be conducted using the work practice requirements specified in §§ 3.16 and 3.17 of this Part, 29 C.F.R. 1926.62 and 29 C.F.R. 1910.125.

3.17.7 Occupant Protection

- A. The owner shall make all reasonable efforts to ensure that occupants are not present during any RRP or LHC activities.
- B. The Lead Renovator shall ensure that occupants' belongings are protected from contamination by lead dust, paint chips, or other debris during the work by:
 - 1. Removing all movable objects from the work area or covering them with polyethylene sheeting secured in place with duct tape; and/or
 - 2. Covering all non-movable objects in the work area with polyethylene sheeting secured in place with duct tape.
- C. Both the owner and assigned Lead Renovator shall make reasonable efforts to ensure that no unauthorized person or pet enters or remains in a containment area until passing cleaning verification or dust wipe clearance, as applicable.

3.17.8 Containment

- A. Interior Containment.
 - 1. Before beginning any RRP or LHC project, the assigned Lead Renovator shall ensure that any interior work area is contained so that no lead dust, paint chips, or other debris leave a work area while the work is in progress.
 - 2. The assigned Lead Renovator shall ensure that containment is installed in such a manner that it does not interfere with occupant or worker egress in an emergency.

3. Critical barriers between work areas and non-work areas must be constructed. Barriers must consist of at least one (1) layer of polyethylene sheeting, sized to minimize seams, and be attached securely in place with duct tape.
4. All windows and doors in the work area must be closed.
5. Windows which open to an enclosed area must be securely locked or sealed with polyethylene sheeting and duct tape.
6. Doors used as an entrance to the work area must be covered with two (2) layers of polyethylene sheeting in a manner that allows workers to pass through while confining dust and debris to the work area.
7. A physical barrier, such as a cone or warning tape, must be placed outside the entry to the work area if the entry is not a door.
8. Installed carpeting may be removed and disposed, pursuant to § 3.16.14(D)(3) of this Part, at the beginning of the project and the exposed subfloor must be covered with polyethylene sheeting secured with duct tape.
9. Floors, including any remaining installed carpeting in the work area, must be covered with polyethylene sheeting secured with duct tape.
10. If using chemical strippers, a second smaller layer of floor sheeting must be placed immediately below the work area and duct taped to the top of the first layer.
11. When the scope of work encompasses less than the entire dwelling unit, interior room, or common area, floor covering is required as follows:
 - a. All installed carpets in the room or area must be completely covered with at least one (1) layer of polyethylene sheeting secured with duct tape.
 - b. Uncarpeted floors must be covered a minimum of six feet (6') in all directions around the paint being disturbed or a sufficient distance to contain the dust, whichever is greater.
 - c. Disposable tack pads may be duct taped to an outer corner of the polyethylene sheeting to remove dust from feet. If used, the tack pads must be replaced at least once each day.
12. Containment may stop at the edge of the vertical barrier when using a vertical containment system consisting of impenetrable barriers that extend from the floor to the ceiling and are tightly sealed at joints with the floor, ceiling and walls.
13. All HVAC equipment in or passing through the work area must be shut down and locked out. All intake and exhaust openings, as well as any seams in system components within the work area, must be sealed with polyethylene sheeting and/or duct tape.

14. All other openings between work areas and non-work areas, including but not limited to, doorways, drains, ducts, grills, grates, and diffusers must be sealed with polyethylene sheeting and duct tape.
15. The assigned Lead Renovator shall maintain the integrity of the containment by ensuring that the containment materials are not torn or displaced, and taking any other steps necessary to ensure that no lead dust, paint chips, or other debris leaves the work area during RRP or LHC activities.
16. The interior work area(s) must be secured against unauthorized entry at the end of each work day.
17. At the conclusion of each work day and at the conclusion of the project, waste that has been collected from the work activities must be stored under containment, in an enclosure, or behind a barrier outside of the work area which prevents access by unauthorized persons prior to removal for disposal.

B. Exterior Containment.

1. All toys and play equipment, including sandboxes, and outdoor furnishings within a minimum of fifty feet (50') from the work area and/or any other distance which spent abrasive, paint, particulate, dust and/or other debris may travel must be removed or covered with an impenetrable material.
2. A twenty-foot (20') perimeter around the work area must be established, if space permits. Access can be limited with cones, saw horses, and/or warning tape.
3. Doors used as entrances to the work area must be covered with two (2) layers of polyethylene sheeting in a manner that allows workers to pass through while confining dust and debris to the work area.
4. All windows and doors that are within twenty feet (20') of the work area must be closed. On multi-story buildings, all windows and doors within twenty feet (20') of the work area on the same floor and all windows and doors on all floors below, which are the same horizontal distance, must be closed.
5. If using abrasive blasting or mechanical paint removal equipment, all windows and doors on walls which will be disturbed must be closed and securely sealed from the outside. Air conditioning units on those walls must be turned off and covered with polyethylene sheeting secured with duct tape.
6. The ground below the work area must be covered with an impenetrable material to keep any and all spent abrasive, paint, particulate, dust, and/or other debris from being deposited on the ground. The ground sheeting must extend a minimum of ten feet (10') from the work area, if space permits. The ground sheeting must be attached by staking, weighing down, or any other method to ensure that it remains in place during the work activities.
7. Vertical containment shrouds must be erected if space does not permit the ground sheeting to extend a minimum of ten feet (10') from the work area and/or if there is visible movement of abrasive material, paint, dust, and/or other debris beyond the ground sheeting.

8. At the conclusion of each work day and at the conclusion of the project, waste that has been collected from the work activities must be stored under containment, in an enclosure, or behind a barrier outside of the work area which prevents access by unauthorized persons prior to disposal.

3.17.9 Special Requirements in Common Area Hallways

A. General Requirements.

1. Whenever an RRP or LHC project is being conducted in a common area hallway of an occupied multi-unit dwelling, the assigned Lead Renovator shall ensure the following:
 - a. All building and fire code requirements for means of egress are maintained; and
 - b. All residents and pets use alternative entrances and exits which do not require passage through a containment area.

B. Two (2) Common Hallways.

1. When two (2) separate common hallways are available for entrance and exit from occupied dwelling units, the assigned Lead Renovator shall:
 - a. Conduct the RRP or LHC work in one (1) hallway at a time, and achieve cleaning verification or dust wipe clearance, as applicable, in the first hallway prior to beginning work in the second hallway; and
 - b. Instruct all affected residents in writing to use only the hallway which is not undergoing RRP or LHC work.

C. One (1) Common Hallway.

1. When only one (1) common hallway is available for entrance and exit from occupied dwelling units, the assigned Lead Renovator shall:
 - a. Ensure that the affected dwelling units are vacated until after cleaning verification or dust wipe clearance is achieved; or
 - b. Ensure that all occupants of the units which have access to the common hallway:
 - (1) Received written notification specifying the dates and times of reduced hallway access and stating that children should not be allowed to linger or play in the hallway until after the area achieves cleaning verification or dust wipe clearance, as applicable.
 - (2) Exit the building each day prior to the start of any RRP or LHC work activities in the hallway and before setting up hallway containment; and

- (3) Do not return until after completion of the day's work and required cleaning.
2. Conduct a thorough cleaning at the end of each work day in the common hallway before any tenants are allowed to gain access to the hallway. The cleaning shall include the packaging and removal of all lead- containing debris, followed by a HEPA vacuum/wet wash sequence, pursuant to § 3.17.13 of this Part, until no visible dust remains.

3.17.10 Additional Requirements for Mechanical Paint Removal

- A. In addition to the interior containment requirements in § 3.17.8 of this Part, the following containment is also required for interior mechanical paint removal, to the maximum extent feasible:
 1. Floor sheeting must consist of two (2) layers of six (6)-mil polyethylene;
 2. Wall sheeting must consist of one (1) layer of six (6)-mil polyethylene sheeting;
 3. All windows and doors in the containment area must be covered and sealed with two (2) layers of six (6)-mil polyethylene sheeting and duct tape; and
 4. If baseboards are present, the floor/baseboard and baseboard/wall joints must be:
 - a. HEPA vacuumed and then caulked; or
 - b. Sealed with an additional layer of six (6)-mil polyethylene sheeting attached with duct tape above the top of the baseboard, extending down the wall and out onto the floor at least six inches (6") from the wall, and secured with duct tape.
 - c. If an additional layer of polyethylene sheeting is used to cover the baseboard area, this sheeting shall not be removed until all demolition and/or LHR work above the baseboard has been completed.

3.17.11 Additional Requirements for Demolition Activities

- A. Using hammers or other tools that impact the integrity of a building component is considered demolition for the purposes of this Part. Projects that include interior demolition, including, but not limited to, partial demolition of a structure, total interior strip-outs, selective interior demolition, interior structural deconstruction, and gut rehabilitation must be conducted in accordance with the lead safe work practice requirements § 3.16 of this Part and the following additional requirements:
 1. All RRP or LHC projects which include demolition also require compliance with the Department's Rules and Regulations for Asbestos Control (Part 1 of this Subchapter).
 2. RRP or LHC projects which include exterior demolition also require compliance with DEM Air Pollution Control No. 5: Fugitive Dust.

- B. In addition to the interior containment requirements in § 3.17.8 of this Part, the following containment is also required for interior demolition, to the maximum extent feasible:
1. Floor sheeting must consist of two (2) layers of six (6)-mil polyethylene;
 2. Wall sheeting must consist of one (1) layer of six (6)-mil polyethylene sheeting;
 3. All windows and doors in the containment area must be covered and sealed with two (2) layers of six (6)-mil polyethylene sheeting and duct tape; and
 4. If baseboards are present, the floor/baseboard and baseboard/wall joints must be:
 - a. HEPA vacuumed and then caulked; or
 - b. Sealed with an additional layer of six (6)-mil polyethylene sheeting attached with duct tape above the top of the baseboard, extending down the wall and out onto the floor at least six inches (6") from the wall, and secured with duct tape.
 - c. If an additional layer of polyethylene sheeting is used to cover the baseboard area, this sheeting must not be removed until all demolition and/or RRP or LHC work above the baseboard has been completed.

3.17.12 Control of Access

- A. The worksite must be secured against unauthorized entry, to the extent feasible, and without violating building safety or fire codes regarding means of egress.
- B. Warning signs, pursuant to § 3.16.9, must be posted at all entrances to the work area(s) before beginning RRP or LHC work.
- C. Both the owner and assigned Lead Renovator shall make reasonable efforts to ensure that no unauthorized person or pet enters or remains in a containment area until passing cleaning verification or dust wipe clearance, as applicable.

3.17.13 Cleaning

- A. Interior Cleaning.
1. The assigned Lead Renovator shall be responsible to ensure that all surfaces in the containment area(s) and any areas outside any containment area that were contaminated with visible dust, paint chips, or other debris from the RRP or LHC work, are cleaned in accordance with the following procedures:
 - a. Preliminary cleanup must be performed by HEPA vacuuming the containment area, carefully removing all protective coverings except containment barriers, misting the polyethylene sheeting with water, then carefully folding the sheeting upon itself to trap all dust, and bagging or sealing the sheeting with duct tape.

- b. For non-mechanical paint removal, final cleanup must begin no sooner than one (1) hour after preliminary cleanup was completed to ensure that airborne dust has time to settle.
- c. For mechanical paint removal, final cleanup must begin no sooner than twenty-four (24) hours after preliminary cleanup was completed to ensure that airborne dust has time to settle.
- d. Final cleanup must consist of HEPA vacuuming all surfaces in the containment area, followed by wet cleaning and changing rinse water as often as necessary, then a second HEPA vacuuming of those surfaces. This sequence of vacuuming, wet cleaning, rinsing, and vacuuming must be repeated until no visible residue is observed in the containment area or adjacent to the containment area. Particular attention must be made to floor, baseboard, and wall joints to ensure that no dust, paint chips, or other debris remains.
 - (1) Uncarpeted floors must be cleaned a minimum of two feet (2') beyond the contained work area.
 - (2) Carpeted floors in the entire room or common area must be cleaned using a HEPA vacuum with a beater bar attachment.
- e. HVAC system ductwork must be decontaminated and system filters replaced if the ductwork was contaminated during the RRP or LHC work.
- f. In addition, any areas outside the work area that were contaminated with visible dust, paint chips, or other debris must be cleaned using the above sequence of vacuuming, wet washing, rinsing, and vacuuming until no visible residue is observed outside the containment area. Particular attention must be made to pathways used to access work area(s) and pathways used to remove waste from work area(s).
- g. Precautions must be taken to ensure that all workers, tools, waste containers, and other items leaving a work area are free from dust, paint chips, and/or other debris. The removal of lead from PPE, tools, etc., by blowing, shaking, or any other means which disperses lead into the air is prohibited.
- h. All lead-containing waste materials must be wrapped, bagged, or placed in an appropriate container for storage and disposal.
- i. At the conclusion of the RRP or LHC work activities, the assigned Lead Renovator shall conduct a visual inspection to verify that no visible dust, paint chips, or other debris remain, and the project is ready for the cleaning verification procedure or a clearance inspection, as applicable.
- j. Cleaning verification or dust wipe sampling must begin no sooner than one (1) hour after final cleanup was completed to ensure that airborne dust has time to settle.

- k. Containment barriers and warning signs must not be removed until cleaning verification meets the EPA standards in 40 C.F.R. Part 745, or the assigned Lead Renovator is notified by the Lead Inspector or Lead Assessor, who conducted the clearance inspection, that the work areas are safe for re-occupancy.

B. Exterior Cleaning.

1. At the end of each workday:

- a. If a dry removal procedure was used, any and all spent abrasive, paint, particulate, dust, and/or other debris present on the ground sheeting and/or other containment materials must be misted with water, collected, and placed in an appropriate container.
- b. The Lead Renovator shall visually inspect all areas, including areas that extend beyond the sheeted area, to determine whether any spent abrasive, paint, particulate, dust and/or other debris escaped containment. If any spent abrasive, paint, particulate, dust and/or other debris generated by the operations is observed, it must be collected and placed in an appropriate container.
- c. Any and all liquid waste must be collected and stored in appropriate containers.
- d. Precautions must be taken to ensure that all workers, tools, waste containers, and other items leaving a work area are free from dust, paint chips, and/or other debris. The removal of lead from PPE, tools, etc., by blowing, shaking, or any other means which disperses lead into the air is prohibited.
- e. Ground sheeting, vertical shrouds, other containment materials, and waste containers should be stored in a secure area not easily accessible to the public prior to removal for disposal.

2. At project completion:

- a. Any and all spent abrasive, paint, particulate, dust, and/or other debris present on the ground sheeting and/or other containment materials must be misted with water, collected, and placed in an appropriate container. The sheeting must then be carefully folded upon itself and sealed with duct tape or bagged and goose-necked.
- b. The Lead Renovator shall visually inspect all areas, including areas that extend beyond the sheeted area, to determine whether any spent abrasive, paint, particulate, dust and/or other debris has escaped containment. If any spent abrasive, paint, particulate, dust and/or other debris generated by the project is observed, it must be collected and placed in an appropriate container.
- c. All waste must be contained to prevent the release of dust and debris when transported from the work areas.

- (1) All liquid waste must be collected in appropriate containers.
- (2) Any and all bags and waste containers must be securely sealed.
- d. Precautions must be taken to ensure that all workers, tools, waste containers, and other items leaving a work area are free from dust, paint chips, and/or other debris. The removal of lead from PPE, tools, etc., by blowing, shaking, or any other means which disperses lead into the air is prohibited.

3.17.14 Emergency Renovation Operations

A. If Emergency Renovation Operations were done by a person who was unable to comply with all requirements of this Part, the Lead Renovation Firm who completes the project shall indicate on the RRP checklist which provisions of this Part were not followed due to the emergency.

1. Exemptions.

- a. To the extent necessary to respond to the emergency, Emergency Renovation Operations are exempt from the following requirements:
 - (1) PRE-notification requirements in § 3.17.4 of this Part;
 - (2) Warning signs, containment, and waste handling requirements in §§ 3.16.9, 3.16.19, and 3.17.8 of this Part; and
 - (3) Lead Renovation Firm licensure and Lead Renovator certification, supervision, and training requirements in §§ 3.9, 3.10, 3.11, and 3.17.3 of this Part relating to the emergency work only.

2. Requirements.

- a. Emergency Renovation Operations are not exempt from the following requirements:
 - (1) Lead Renovation Firm licensure and Lead Renovator certification, training, and supervision requirements in §§ 3.9, 3.10, 3.11, and 3.17.3 of this Part relating to the final cleaning; and
 - (2) Cleaning verification or dust wipe clearance requirements in § 3.17.15 or 3.17.16 of this Part; and
 - (3) The recordkeeping requirements in § 3.17.18 of this Part.

3.17.15 RRP Cleaning Verification

A. General Requirements.

- 1. As a minimum, the assigned Lead Renovator shall perform the cleaning verification procedure at the conclusion of any interior RRP work. Cleaning

verification must be documented on the RRP checklist and meet the EPA standards in 40 C.F.R. Part 745 and § 3.17.15(C) of this Part.

2. If dust wipe sampling is performed, the results must meet the lead free or lead safe standards in § 3.7 of this Part, or the cleaning verification results are no longer valid.

B. Visual Assessment.

1. The assigned Lead Renovator shall visually inspect for dust, debris, or residue in the work area(s), adjacent to the work area(s), pathways to access the work area(s), and pathways used to remove waste from the work area(s).
2. If visible dust, debris, or residue is observed, the Lead Renovator shall re- clean those area(s) until no dust, debris, or residue is visible.
3. Once the visual assessment is completed and no dust, debris, or residue remain, the work area must pass cleaning verification, as a minimum.

C. Cleaning Verification Procedure.

1. The assigned Lead Renovator shall wipe the entire surface of each window sill in the work area using a single, wet, disposable cleaning cloth.
2. The Lead Renovator shall wipe the entire surface of each countertop and uncarpeted floor within the work area using wet disposable cleaning cloths.
 - a. If the surface of a countertop or floor is greater than forty square feet (40 ft²), the surface within the work area must be divided into roughly equal sections that are each less than forty square (40 ft²) and each section must be wiped separately using a new, wet disposable cleaning cloth.
 - b. A long-handled device with a head to which a wet disposable cleaning cloth is attached may be used to wipe floors and the cloth must remain damp at all times.
3. The Lead Renovator shall compare each wipe to the EPA cleaning verification card:
 - a. If the cloth matches or is lighter than the card, that surface section has been adequately cleaned; or
 - b. If the cloth is darker than the card, the Lead Renovator shall re- clean that surface section and wipe the surface section with a new, wet disposable cleaning cloth; and
 - c. If the cloth matches or is lighter than the card, that surface section has been adequately cleaned; or
 - d. If the second cloth does not match or is not lighter than the card, the Lead Renovator shall wait at least one (1) hour until the surface section has dried completely; and

- e. The Lead Renovator shall wipe the surface section with an electrostatically charged white disposable cleaning cloth designed to be used for cleaning hard surfaces; and
 - f. The surface section will be considered clean for the purposes of this Part.
- 4. When cleaning verification has been completed for all windowsills, countertops, and floors in the work area(s), critical barriers and warning signs may be removed.
 - 5. The cleaning verification procedure must be documented on an RRP checklist.

3.17.16 RRP Clearance Inspection

- A. The purpose of an RRP Clearance Inspection is to determine that the work area(s) are adequately cleaned and safe for re-occupancy.
 - 1. Interior.
 - a. A Lead Inspector or Lead Assessor shall conduct an RRP Clearance Inspection, pursuant to §§ 3.5.5(D) and 3.17.16 of this Part, as follows:
 - (1) The Lead Inspector or Lead Assessor shall visually inspect the work area(s), outside the work area(s), pathways to access the work area(s), and pathways used to remove waste for visible dust and debris before dust sampling.
 - (2) If visible dust or debris is observed, the Lead Inspector or Lead Assessor, as applicable, shall direct the Lead Renovator to re-clean the area(s) until no visible dust or debris remain.
 - (3) The Lead Inspector or Lead Assessor, as applicable, shall wait at least one (1) hour after final cleanup is completed before collecting any dust samples.
 - (4) If no visible dust or debris is observed, the Lead Inspector or Lead Assessor, as applicable, shall collect representative dust wipe samples in the work area(s), adjacent to the work area(s), pathways used to access the work area(s), and pathways used to remove waste.
 - (5) If any dust wipe sample result fails to meet the lead free or lead safe standards in § 3.7 of this Part, the Lead Inspector or Lead Assessor, as applicable, shall notify the owner to direct the Lead Renovator to re-clean the area(s) before dust sampling is repeated.
 - (6) If dust wipe sampling is performed, the results must meet the lead free or lead safe standards in § 3.7 of this Part, or the cleaning verification results are no longer valid.
 - 2. Exterior.

- a. A Lead Inspector or Lead Assessor, as applicable, may conduct an optional exterior clearance inspection as follows:
 - (1) The Lead Inspector or Lead Assessor, as applicable, shall visually inspect the work area(s) for fugitive dust, paint chips, and debris visible on the ground; soil sampling is not required.
 - (2) If visible dust or debris is observed, the Lead Inspector or Lead Assessor, as applicable, shall direct the Lead Renovator to re-clean the area(s) until no visible dust, paint chips, or debris remain.

B. Lead Certificate.

1. A worksite clearance inspection which will result in a Partial Lead Safe Certificate (Form PBLC-27) must be conducted by a Lead Inspector or Lead Assessor.
 - a. The Lead Renovator shall provide the owner a Partial Lead Safe Certificate (Form PBLC- 27), with the appropriate sections completed and signed by the Lead Renovator, prior to the clearance inspection; or
 - b. The Lead Renovator shall provide the Lead Inspector or Lead Assessor, as applicable, a Partial Lead Safe Certificate (Form PBLC-27) with the appropriate sections completed and signed by the Lead Renovator, at the clearance inspection; and
 - c. The work area(s) and scope of work must be clearly specified on the Partial Lead Safe Certificate (Form PBLC-27); and
 - d. When the dust wipe sample results meet the lead-free or lead-safe standards in § 3.7 of this Part, the Lead Inspector or Lead Assessor who conducted the RRP Clearance Inspection shall complete and sign the Partial Lead Safe Certificate (Form PBLC-27).

3.17.17 LHC Clearance Inspection

A. General Requirements.

1. The purpose of an LHC Clearance Inspection is to:
 - a. Determine that the LHC scope of work is completed and documented in a lead inspection report;
 - b. The child care center, single-family house, dwelling unit and common areas, or work area(s) were adequately cleaned;
 - c. Any environmental lead testing results meet the lead free or lead safe standards in § 3.7 of this Part; and
 - d. The child care center, single-family house, dwelling unit and common areas, or work area(s), as applicable, are safe for re-occupancy.

2. The owner shall arrange for a Lead Inspector to conduct a clearance inspection, pursuant to § 3.5.5(C) of this Part, and shall not allow re- occupancy of the child care center, single-family house, dwelling unit, common area(s), or work area(s), as applicable, until dust wipe clearance is achieved.
3. The clearance inspection may be a "work area" or "whole unit" inspection which includes interior paint, exterior paint, interior dust, exterior soil, and/or drinking water, as applicable.
4. For "work area" clearance inspections, the Partial Lead Safe Certificate (Form PBLC-27) must specify the area(s), media, and/or scope of work, as applicable.
5. If an initial Comprehensive Environmental Lead Inspection was not performed, a Lead Inspector shall conduct a Comprehensive Environmental Lead Inspection at the conclusion of the LHC project in order to issue a Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21), as applicable.
6. Alternatively, a Lead Inspector or Lead Assessor shall conduct an Independent Clearance Inspection, pursuant to HRC Lead Mitigation Regulations, for the purpose of issuing a Certificate of Conformance (HRC LHM Form-1).

B. Notification.

1. The assigned Lead Renovator shall notify the owner and/or the Lead Inspector that the work has been completed and the area(s) are ready for the clearance inspection.

C. Clearance Inspection.

1. The Lead Inspector shall conduct a "whole unit" clearance inspection as follows:
 - a. If an initial Comprehensive Lead Inspection was conducted, the Lead Inspector shall conduct an LHC Clearance Inspection, pursuant to §§ 3.5.5(C) and 3.17.17 of this Part, complete and sign the Conditional Lead certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21), as applicable; or
 - b. If an initial Comprehensive Environmental Lead Inspection was not conducted, the Lead Inspector shall conduct a Comprehensive Lead Inspection, pursuant to § 3.5.3 of this Part, complete and sign the Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21), as applicable; or
 - c. If the LHC project is done in phases or the scope of work is limited to certain areas, components, or media, the Lead Inspector shall conduct a "work area" clearance inspection. As a minimum, dust wipe clearance, pursuant to § 3.5.3(C) of this Part, must be achieved in any interior work area(s).
 - d. If the LHC project is done in phases, an interim clearance inspection is required at the conclusion of each phase, and a Certificate Partial Lead

Compliance (Form PBLC-27) must be obtained in order to determine that each work area, common area, interior dwelling unit, interior child care center, or building exterior, as applicable, is safe for re-occupancy; and

- e. The Lead Inspector, who conducted the final clearance inspection, shall complete and sign a Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21), as applicable, when the child care center, single-family house, or dwelling unit and common areas, as applicable, meet the lead free or lead safe standards in § 3.7 of this Part.
- f. Alternatively, if the purpose of the LHC project is to obtain a Certificate of Conformance (HRC LHM Form-1), the Lead Inspector or Lead Assessor, who conducted the HRC Independent Clearance Inspection, shall issue and sign HRC LHM Form-1.

D. Unacceptable Clearance Results.

1. Notification.

- a. The Lead Inspector, who conducted the clearance inspection, shall immediately notify the assigned Lead Renovator and the owner when the inspection results do not meet the requirements of this Part.

2. Visual Assessment.

- a. Upon notification that the clearance inspection failed the visual assessment:
 - (1) The assigned Lead Renovator shall ensure that the remaining work and/or cleaning, specified by the Lead Inspector who conducted the inspection, is completed and all surfaces within the containment area are free of visible dust, paint chips, or other debris; and
 - (2) The owner shall arrange for another clearance inspection.

3. Dust.

- a. Upon notification that one (1) or more dust samples failed to meet the lead free or lead safe standards in § 3.7 of this Part, the assigned Lead Renovator shall ensure that the final cleanup procedures are repeated, pursuant to § 3.17.13(A) of this Part.
 - (1) Clearance dust samples are intended to be representative of the entire child care center, single-family house, dwelling unit, common areas or work area, as applicable, being inspected. Therefore, if even one (1) sample failed to meet the lead free or lead safe standards in § 3.7 of this Part, lead hazards may exist throughout the child care center, single-family house, dwelling unit, common area, or work area, as applicable.

- (2) Re-cleaning should be performed as soon as possible after receiving failed dust clearance results to prevent lead dust on failed surfaces from migrating to other surfaces that successfully cleared.
- (3) The re-cleaning should not be focused on just those rooms and/or components for which the sampling results indicate that the previous round of cleaning was inadequate.
- (4) Re-cleaning, beyond the location where a failed sample was obtained, may be required to make the entire child care facility, single-family house, or dwelling unit and common areas meet the lead free or lead safe standards in § 3.7 of this Part.
- (5) When cleaning window wells, the interior sills should also be cleaned to minimize contamination of the sills during cleaning of the wells, even if the sills were not originally contaminated.
- (6) Subsequent dust sampling must include dust wipes from the entire child care facility, single-family house, dwelling unit, common area, or work area, as applicable, not just the location(s) where the previous failed sample(s) were obtained.
- (7) If a surface failed clearance twice, the owner should consider additional treatment options and/or further sealing of the surface prior to a second re-cleaning and a third round of dust wipe sampling.
- (8) Installed carpeting that failed dust clearance may need to be professionally cleaned, removed, or replaced, pursuant to § 3.16.14(D)(3) of this Part.
- (9) The owner shall arrange for another clearance inspection.

4. Soil.

- a. Upon notification that one (1) or more soil samples failed a clearance inspection, the assigned Lead Renovator shall arrange for the additional work required to meet the lead free or lead safe standards in § 3.7 of this Part.
 - (1) The owner shall arrange for another clearance inspection.
 - (2) If the dwelling unit otherwise meets the requirements of this Part, the dwelling unit may be occupied provided that the owner meets the notification requirements, pursuant to § 3.8 of this Part.

5. Water.

- a. Upon notification that one (1) or more water samples failed a clearance inspection, the assigned Lead Renovator shall arrange for any additional work required to meet the lead free or lead safe standards in § 3.7 of this Part.

- (1) The owner shall arrange for another clearance inspection.
- (2) If the child care center, single-family house, or dwelling unit otherwise meets the requirements of this Part, the child care center, single-family house, or dwelling unit, as applicable, may be occupied provided that the owner meets the lead warning and bottled water requirements, pursuant to § 3.16.16 of this Part, until acceptable lead in drinking water results are achieved.

E. Acceptable Clearance Results.

1. Notification.

- a. The Lead Inspector who conducted the clearance inspection shall immediately notify the assigned Lead Renovator and owner when the inspection results meet the requirements of this Part.
- b. Re-occupancy. Upon notification of successful dust wipe clearance, the assigned Lead Renovator shall remove any remaining critical barriers and warning signs.

2. Lead Certificate.

- a. The Lead Inspector, who conducted the clearance inspection, shall:
 - (1) Complete and sign the appropriate lead certificate;
 - (2) Provide a copy of the signed lead certificate to the Lead Renovator; and
 - (3) Provide a copy of the lead certificate and inspection report to the Department, owner, and occupants if not the owner, pursuant to § 3.8 of this Part.

3.17.18 Recordkeeping

A. The Lead Renovator shall maintain the following information for each RRP or LHC project on-site for the duration of the project (when applicable):

1. Documentation of the Lead Renovation Firm's license;
2. Documentation of the Lead Renovator's certification;
3. Documentation of training for all non-certified workers;
4. Documentation of distribution of the Pre-Renovation Education Form PBLC-29, or the equivalent;
5. A copy of the Start Work Notification (Form PBLC-9) and any revised SWN Form PBLC- 9 for the project;

6. Copies of any correspondence with regulatory agencies concerning the project (e.g. building permits, variances, notices or orders from the Department);
 7. Results of any test kit or paint chip sample results for all surfaces affected by RRP activities;
 8. Lead Inspection Report, EPA Test Kit Documentation Form, EPA Paint Chip Sample Collection Form, or the equivalents by a Lead Inspector, Lead Assessor, or Lead Renovator, as applicable; and
 9. The RRP checklist to be completed by the Lead Renovator.
- B. The Lead Renovation Firm shall retain and, if requested, make available to the Department all records necessary to demonstrate compliance with this Part for a period of at least three (3) years following completion of each RRP or LHC project including (when applicable):
1. All items specified in § 3.17.18(A) of this Part;
 2. A copy of the DEM Notification of Removal of Lead Based Paint and a list of the parties to whom it was delivered;
 3. Documentation of the cleaning verification procedure;
 4. A complete and accurate RRP checklist, signed by the Lead Renovator assigned to the RRP or LHC project;
 5. A copy of an appropriate lead certificate signed by the Lead Inspector or Lead Assessor, who conducted the clearance inspection;
 6. Documentation of compliance with the worker protection requirements of OSHA 24 C.F.R. 1926.62 and 24 C.F.R. 1910.125; and
 7. Documentation of compliance with all applicable DEM and DOT regulations for transportation and disposal of waste.

3.18 Additional Requirements for Lead Hazard Reduction

3.18.1 Applicability

- A. The lead hazard reduction (LHR) requirements of this Section are applicable when:
1. The work includes interior demolition at a regulated facility or for compensation at target housing;
 2. The owner is in receipt of any of the following from the Department:
 - a. Order to Correct Lead Hazards;
 - b. Notice of Violation;
 - c. Second Notice of Violation; or

- d. Any other notice or order specifying that lead hazard reduction and a Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21) is required.
3. The owner specifically requests a Lead Contractor; or
4. The funding agency specifically requires a Lead Contractor.

3.18.2 Scope

- A. LHR projects include, but are not limited to, the following:
 1. Lead abatement or interim control activities performed to correct lead hazards;
 2. Activities performed to satisfy an Order to Correct Lead Hazards, Notice of Violation, Second Notice of Violation, or any other notice or order from the Department requiring lead hazard reduction and a Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21);
 3. Interior demolition at a regulated facility or for compensation at target housing;
 4. Activities performed to meet the lead hazard reduction request of an owner; and/or
 5. Activities performed to meet the lead hazard reduction requirement of a funding agency.

3.18.3 Responsibilities

- A. Lead Contractor Responsibilities.
 1. For each LHR project, the Lead Contractor shall ensure that the following requirements are met (when applicable):
 - a. The organization is licensed by the Department pursuant to §§ 3.10 and 3.12 of this Part;
 - b. Any subcontractors are licensed by the Department pursuant to §§ 3.10 and 3.12 of this Part;
 - c. Pre-renovation education (PRE) information is distributed pursuant to § 3.18.4 of this Part;
 - d. The property owner is informed of the clearance inspection and Certificate of Conditional Lead Compliance (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21) requirements;
 - e. For exterior work, Notification of Removal of Exterior Lead Based Paint is made pursuant to DEM "Removal of Lead Based Paint from Exterior Surfaces," 250-RICR-120-05-24;

- f. The Start Work Notification (Form PBLIC-9), pursuant to § 3.18.5 of this Part, is received by the Department at least seven (7) days before the work begins;
- g. The Lead Supervisor assigned to each LHR project is designated on the Start Work Notification (Form PBLIC-9) and discharges all of the Lead Supervisor responsibilities delineated in § 3.18.3(B) of this Part;
- h. All individuals working on behalf of the Lead Contractor are licensed Lead Supervisors or Lead Workers;
- i. An access log book with consecutively numbered pages is maintained at each LHR project site;
- j. All LHR work is performed pursuant to §§ 3.16 and 3.18 of this Part, and/or DEM "Removal of Lead Based Paint from Exterior Surfaces," 250-RICR-120-05-24, as applicable;
- k. The worker protection requirements of 24 C.F.R. 1026.62 and 24 C.F.R. 1910.125 are met;
- l. The waste transportation and disposal requirements of DEM and DOT are met; and
- m. The recordkeeping requirements of § 3.18.16 of this Part, are met.

B. Lead Supervisor.

- 1. For each LHR project, the assigned Lead Supervisor shall ensure that the following requirements are met (when applicable):
 - a. A Lead Supervisor is physically on-site to perform and/or supervise all LHR activities; the Department is notified by telephone, pursuant to § 3.18.5(H) of this Part, when on-site preparation for the LHR project begins;
 - b. The work area(s) are contained so that no lead dust, paint chips, or other debris leave the containment area(s) while the LHR work is in progress;
 - c. All Lead Supervisor and Lead Worker licenses are either worn or prominently posted at the LHR project site;
 - d. Each person gaining access to a containment area prints and signs their name in the access log book, documenting the date and time entering and leaving the containment area, and includes their LHR license number or affiliation and reason for entering the containment area;
 - e. All LHR tasks are performed following the lead safe work practice requirements pursuant to §§ 3.16 and 3.18 of this Part, and/or DEM Regulation No. 24, as applicable;
 - f. The documentation requirements of § 3.18.16(A) of this Part are maintained on-site for the duration of the project;

- g. The integrity of the containment is maintained for the duration of the project;
- h. Warning signs remain in place and readable for the duration of the project;
- i. The work area(s) are cleaned pursuant to § 3.18.13 of this Part;
- j. The owner and/or Lead Inspector, as applicable, are notified when the project is ready for the clearance inspection;
- k. The Lead Inspector, who conducts the clearance inspection, is provided with an appropriate lead certificate signed by the Lead Supervisor;
- l. Warning signs and critical barriers remain in place until after dust wipe clearance is achieved; and
- m. A copy of the lead certificate, signed by the Lead Inspector who conducted the clearance inspection, is obtained.

3.18.4 Pre-Renovation Education (PRE)

A. Pamphlet.

- 1. Not less than seven (7) and no more than sixty (60) days before beginning an LHR project, the Lead Contractor shall provide a copy of the EPA pamphlet Protect Your Family from Lead in Your Home (“pamphlet”), which includes What You Should Know about the Rhode Island Lead Law, to the owner and/or occupants, as applicable.

B. Notification Form.

- 1. The Pre-Abatement Notification (Form PBLC-12), or the equivalent, must include the following information:
 - a. The name, license number, and contact information of the Lead Contractor;
 - b. The nature and location of the work; and
 - c. The start date and end date of the work.

C. Owner.

- 1. The Lead Contractor shall inform the owner of the clearance inspection requirement and obtain a signed PRE-Form PBLC-12, or the equivalent.

D. Occupants.

- 1. If the owner does not occupy the dwelling unit, the Lead Contractor shall obtain a signed PRE-Form PBLC-12, or the equivalent, from the tenant.

E. Common Areas.

1. In addition to the requirements pursuant to § 3.18.4(D) of this Part, the Lead Contractor shall provide notification to the occupants of any affected dwelling units by:
 - a. Posting signs, where they are most likely to be seen by the affected tenants, containing the information required in § 3.18.4(B) of this Part and instructions on how to obtain a free copy of the pamphlet; or
 - b. Providing the pamphlet to all affected tenants and completing a PRE-Form PBLC-12, or the equivalent, to document how each pamphlet was delivered.

3.18.5 Start Work Notification (SWN)

- A. A complete and accurate Start Work Notification (Form PBLC-9) must be received by the Department at least seven (7) days before the LHR work begins.
- B. For any LHR project for which a variance from this Part was granted by the Department, a copy of the variance request and approval letter must be submitted with SWN Form PBLC-9.
- C. If the LHR project will be done in phases, a separate SWN Form PBLC-9 must be submitted for each phase.
- D. The Lead Supervisor assigned to the project or phase must be indicated on SWN Form PBLC-9; a revised SWN Form PBLC-9 must be submitted to the Department if the assignment changes.
- E. The work must not begin prior to the start date indicated on SWN Form PBLC-9.
- F. If the work does not begin within seven (7) days of the start date and/or end within seven (7) days of the end date indicated on SWN Form PBLC-9, a revised SWN Form PBLC-9 must be submitted to the Department.
- G. If the work is canceled, or postponed with no known start date, a canceled SWN Form PBLC-9 must be submitted to the Department.
- H. In addition to submission of SWN Form PBLC-9, the assigned Lead Supervisor shall notify the Department by telephone when on-site preparation for the LHR project or phase begins.

3.18.6 Worker Protection

- A. Medical Monitoring.
 1. The Lead Contractor shall comply with all applicable federal laws governing medical surveillance (29 C.F.R. 1926.62(j)) including, but not limited to, providing annual blood lead testing, as a minimum, for all employees who conduct LHR activities.
- B. Personal Protective Equipment (PPE).

1. Lead Contractor employees shall wear disposable gloves, hair covering, and shoe covers as well as outerwear which is either disposable or laundered separately, at all times while in a containment area. This requirement also applies to any other person entering any containment area while LHR work is in progress.
 - a. All PPE must be removed immediately prior to leaving a containment area and must be placed in containers for disposal, pursuant to § 3.16.19 of this Part, or must be bagged and laundered separately from any other clothing. The removal of lead from protective clothing by blowing, shaking, or any other means which disperses lead into the air is prohibited.
 - b. Persons entering a containment area for a clearance inspection, after final cleanup has been completed, shall wear disposable shoe covers, but are not required to wear gloves, hair covering, or outerwear.
- C. Respiratory Protection Program (RPP).
 1. Lead Contractor employees entering a containment area shall comply with all applicable state and federal requirements concerning respiratory protection for workers engaged in LHR activities. This requirement also applies to any other persons entering any containment area during the LHR project.
 - a. The Lead Supervisor who accompanies a person authorized to enter a containment area, pursuant to § 3.18.11(C) of this Part, shall warn such person of the danger of entering a containment area without respiratory protection.

3.18.7 Occupant Protection

- A. If the owner occupies the dwelling unit, the owner shall ensure that all occupants have vacated the premises for the duration of the project.
- B. If the owner does not occupy the dwelling unit, the owner shall ensure that occupants are not present during LHR activities by:
 1. Providing written notification to the tenants of the proposed dates of the LHR project and request that they vacate the premises for the duration of the project;
 2. Instructing the tenants that access to all containment areas is prohibited until after successful clearance testing;
 3. Requesting permission to change locks during the LHR project; and
 4. Informing the tenants how they will receive a pro-rata adjustment or abatement of their rent if they must vacate the dwelling unit for three (3) days or more.
- C. The assigned Lead Supervisor shall ensure that the occupants' belongings are protected from contamination by lead dust, paint chips, or other debris during the LHR project by:
 1. Removing all movable objects from the work area or covering them with six (6)-mil polyethylene sheeting secured in place with duct tape;

2. Covering all non-movable objects in the work area with six (6)-mil polyethylene sheeting secured in place with duct tape; and
3. HEPA vacuuming and/or wet cleaning all objects and surfaces in the contained work area of all visible dust, paint chips, or other debris before covering them.

3.18.8 Containment

A. Interior.

1. Before beginning any LHR project, the assigned Lead Supervisor shall ensure that any interior work area is contained so that no lead dust, paint chips, or other debris leaves the containment area while the LHR work is in progress.
2. The assigned Lead Supervisor shall ensure that containment is installed in such a manner that it does not interfere with occupant or worker egress in an emergency.
3. Critical barriers between work areas and non-work areas must be constructed. Barriers must consist of at least one (1) layer of six (6)-mil polyethylene sheeting, sized to minimize seams, and secured with duct tape.
4. All windows and doors in the work area must be closed.
5. Windows which open to an enclosed area must be securely locked or sealed with six (6)-mil polyethylene sheeting and duct tape.
6. Doors used as an entrance to the work area must be covered with two (2) layers of six (6)-mil polyethylene sheeting in a manner that allows workers to pass through while confining dust and debris to the work area.
7. Installed carpeting may be removed and disposed, pursuant to § 3.16.14(D) of this Part, at the beginning of the project and the exposed subfloor must be covered with six (6)-mil polyethylene sheeting secured with duct tape.
8. Floors, including any remaining installed carpeting, must be covered with six (6)-mil polyethylene sheeting secured with duct tape.
9. If using chemical strippers, a second smaller layer of floor sheeting must be placed immediately below that work area and duct taped to the top of the first layer.
10. Containment may stop at the edge of the vertical barrier when using a vertical containment system consisting of impenetrable barriers that extend from the floor to the ceiling and are tightly sealed at joints with the floor, ceiling and walls.
11. All HVAC equipment in or passing through the work area must be shut down and locked out. All intake and exhaust openings, as well as any seams in system components within the work area, must be sealed with six (6)-mil polyethylene sheeting and/or duct tape.

12. All other openings between work areas and non-work areas, including but not limited to, doorways, drains, ducts, grills, grates, and diffusers must be sealed with six (6)-mil polyethylene sheeting and duct tape.
13. The assigned Lead Supervisor shall maintain the integrity of the containment by ensuring that the containment materials are not torn or displaced and taking any other steps necessary to ensure that no lead dust, paint chips, or other debris leave the work area during LHR work.
14. The interior work area must be secured against unauthorized entry at the end of each work day.
15. At the conclusion of each work day and at the conclusion of the project, waste that has been collected from the work activities must be stored under containment, in an enclosure, or behind a barrier outside of the work area which prevents access by unauthorized persons prior to removal for disposal.

B. Exterior.

1. All toys and play equipment, including sandboxes, and outdoor furnishings within a minimum of fifty feet (50') from the work area and/or any other distance which spent abrasive, paint, particulate, dust, or other debris may travel must be removed or covered with an impenetrable material and secured with duct tape.
2. A twenty-foot (20') perimeter around the work area must be established, if space permits. Access can be limited with cones, saw horses, and/or warning tape.
3. Doors used as entrances to the work area must be covered with two (2) layers of six (6)-mil polyethylene sheeting in a manner that allows workers to pass through while confining dust and debris to the work area.
4. All windows and doors that are within twenty feet (20') of the work area must be closed. On multi-story buildings, all windows and doors within twenty feet (20') of the work area on the same floor and all windows and doors on all floors below, which are the same horizontal distance, must be closed. Air conditioning units in these areas must be turned off and covered with six (6)-mil polyethylene sheeting secured with duct tape.
5. If using mechanical paint removal equipment, all windows and doors on walls where paint will be disturbed must be closed and securely sealed from the outside.
6. The ground below the work area must be covered with an impenetrable material to keep any and all spent abrasive, paint, particulate, dust, or other debris from being deposited on the ground. The ground sheeting must extend a minimum of ten feet (10') from the work area, if space permits. The ground sheeting must be attached by staking, weighing down, or any other method to ensure that it remains in place during the work activities.
7. Vertical containment shrouds must be erected if space does not permit the ground sheeting to extend a minimum of ten feet (10') from the work area and/or if there is visible movement of paint, dust, or other debris beyond the ground sheeting.

8. At the conclusion of each work day and at the conclusion of the project, waste that has been collected from the work activities must be stored under containment, in an enclosure, or behind a barrier outside of the work area which prevents access by unauthorized persons prior to removal for disposal.

3.18.9 Special Requirements in Common Area Hallways

A. General Requirements.

1. Whenever an LHR project is being conducted in a common hallway of an occupied multi-unit dwelling, the assigned Lead Supervisor shall ensure the following:
 - a. All building and fire code requirements for means of egress are maintained; and
 - b. All residents and pets use alternative entrances and exits which do not require passage through a containment area.

B. Two (2) Common Hallways.

1. When two (2) separate common hallways are available for entrance and exit from occupied dwelling units, the assigned Lead Supervisor shall:
 - a. Conduct the LHR work in one (1) hallway at a time, and achieve dust wipe clearance in the first hallway prior to beginning work in the second hallway; and
 - b. Provide written notification to all affected tenants to use only the hallway which is not undergoing LHR work.

C. One (1) Common Hallway.

1. When only one (1) common hallway is available for entrance and exit from occupied dwelling units, the assigned Lead Supervisor shall:
 - a. Ensure that the affected dwelling units are vacated until after dust wipe clearance is achieved; or
 - b. Ensure that all occupants of the units which have access to the common hallway:
 - (1) Received written notification specifying the dates and times of reduced hallway access and stating that children should not be allowed to linger or play in the hallway until after dust wipe clearance is achieved;
 - (2) Exit the building each day prior to the start of any LHR work activities in the hallway and before setting up containment; and
 - (3) Do not return until after completion of the day's work and required cleaning.

- c. Conduct a thorough cleaning at the end of each work day in the common hallway before any tenants are allowed to gain access to the hallway. The cleaning must include the packaging and removal of all lead-containing waste, followed by a HEPA vacuum/wet wash sequence, pursuant to § 3.18.13(A) of this Part, until no visible dust remains.

3.18.10 Additional Requirements for Mechanical Paint Removal

- A. In addition to the interior containment requirements in § 3.18.8 of this Part, the following containment is also required for interior mechanical paint removal, to the maximum extent feasible:
 1. Floor sheeting must consist of two (2) layers of six (6)-mil polyethylene;
 2. Wall sheeting must consist of one (1) layer of six (6)-mil polyethylene sheeting;
 3. All windows and doors in the containment area must be covered and sealed with two (2) layers of six (6)-mil polyethylene sheeting and duct tape; and
 4. If baseboards are present, the floor/baseboard and baseboard/wall joints must be:
 - a. HEPA vacuumed and then caulked; or
 - b. Sealed with an additional layer of six (6)-mil polyethylene sheeting attached with duct tape above the top of the baseboard, extending down the wall and out onto the floor at least six inches (6") from the wall, and secured with duct tape.
 - c. If an additional layer of polyethylene sheeting is used to cover the baseboard area, this sheeting shall not be removed until all demolition and/or LHR work above the baseboard has been completed.

3.18.11 Additional Requirements for Demolition Activities

- A. Using hammers or other tools that impact the integrity of a building component is considered demolition for the purposes of this Part. Projects that include interior demolition, including, but not limited to, partial demolition of a structure, total interior strip-outs, selective interior demolition, interior structural deconstruction, and gut rehabilitation must be conducted in accordance with the lead safe work practice requirements § 3.16 of this Part and the following additional requirements:
 1. All LHR projects which include demolition also require compliance with the Department's Rules and Regulations for Asbestos Control (Part 1 of this Subchapter).
 2. LHR projects which include exterior demolition also require compliance with DEM "Fugitive Dust," 250-RICR-120-05-5.
- B. In addition to the interior containment requirements in § 3.18.8 of this Part, the following containment is also required for interior demolition, to the maximum extent feasible:
 1. Floor sheeting must consist of two (2) layers of six (6)-mil polyethylene;

2. Wall sheeting must consist of one (1) layer of six (6)-mil polyethylene sheeting;
 3. All windows and doors in the containment area must be covered and sealed with two (2) layers of six (6)-mil polyethylene sheeting and duct tape; and
 4. If baseboards are present, the floor/baseboard and baseboard/wall joints must be:
 - a. HEPA vacuumed and then caulked; or
 - b. Sealed with an additional layer of six (6)-mil polyethylene sheeting attached with duct tape above the top of the baseboard, extending down the wall and out onto the floor at least six inches (6") from the wall, and secured with duct tape.
 - c. If an additional layer of polyethylene sheeting is used to cover the baseboard area, this sheeting shall not be removed until all demolition and/or LHR work above the baseboard has been completed.
- C. If a Lead Contractor is performing only the demolition portion of a project, the premises must be cleaned of all dust and debris, to the extent feasible, after completion of all demolition and lead hazard reduction work and prior to any other trades gaining access to the project area.
1. The remaining work may be completed by Department-licensed Lead Renovation Firms in accordance with §§ 3.16 and 3.17 of this Part.
 2. The Lead Contractor is responsible for the final cleaning and obtaining Conditional Lead Safe Certificates (Form PBLC-15) or Full Lead Safe Certificates (Form PBLC-21), as applicable.

3.18.12 Control of Access

- A. The worksite must be secured against unauthorized entry by changing locks and/or the addition of padlocks to all entrances to an interior containment area, when practicable, provided that the entrance(s) can be locked without violating building safety or fire codes regarding means of egress.
- B. Warning signs, pursuant to § 3.16.9 of this Part, must be posted at all entrances to the work area(s) before beginning the LHR work.
- C. Both the owner and assigned Lead Supervisor shall take reasonable precautions to ensure that no unauthorized person or pet enters or remains in a containment area until acceptable clearance is achieved, pursuant to this Section.
1. For the purposes of this Part, the following persons are permitted to enter a containment area:
 - a. A licensed lead professional employed by the Lead Contractor;
 - b. An appropriately trained, licensed, and supervised subcontractor of the Lead Contractor;

- c. A federal, state or local inspector/enforcement official with jurisdiction over one (1) or more of the activities within the work area;
 - d. A tenant only to access a common hallway when no other means of access or egress is available; and
 - e. Specialized trades people (e.g. plumbers, electricians) only when responding to an emergency, provided that a detailed explanation is submitted in writing to the Department on the next business day.
2. The following persons may enter a containment area only when accompanied by a Lead Supervisor, as appropriate:
 - a. The property owner or agent; or
 - b. An agent of a lender with a security interest in the dwelling.
 3. The Lead Supervisor, who accompanies a person authorized to enter a containment area pursuant to this Section, shall warn such person of the danger of entering a containment area without respiratory protection.
 - a. The assigned Lead Supervisor shall ensure that all persons who enter a containment area print and sign their names in the access log book, to document the date and time entering and leaving the containment area, and include their lead professional license number or affiliation and reason for entering the containment area.

3.18.13 Cleaning

A. Interior.

1. The assigned Lead Supervisor shall be responsible to ensure that all surfaces in the containment area, including, but not limited to, all vertical surfaces such as walls and windows, all horizontal surfaces such as floors, woodwork, window sills and window wells, the exterior surfaces of appliances, furniture, and other personal belongings of occupants remaining in a containment area, and any areas outside the work area that were contaminated with visible dust, paint chips, or other debris from the LHR work, are cleaned in accordance with the following procedures:
 - a. Preliminary cleanup must be performed by HEPA vacuuming the containment area, carefully removing all protective coverings except containment barriers, misting the polyethylene sheeting with water, then carefully folding the sheeting upon itself to trap all dust, and bagging or sealing the sheeting with duct tape.
 - b. Final cleanup must begin no sooner than one (1) hour after preliminary cleanup was completed to ensure that airborne dust has time to settle.
 - c. Final cleanup must consist of HEPA vacuuming all surfaces in the containment area, followed by wet cleaning and changing rinse water as often as necessary, then a second HEPA vacuuming of those surfaces.

This sequence of vacuuming, wet washing, rinsing, and vacuuming must be repeated until no visible residue is observed in the containment area. Particular attention must be made to floor, baseboard, and wall joints to ensure that no visible dust, paint chips, or other debris remain.

- d. HVAC system ductwork must be decontaminated and system filters replaced if the ductwork was contaminated during the LHR work.
- e. In addition, any areas outside the work area that were contaminated with visible dust, paint chips, or other debris must be cleaned using the above sequence of vacuuming, wet washing, rinsing, and vacuuming until no visible residue is observed outside the containment area. Particular attention must be made to pathways used to access work area(s) and pathways used to remove waste from work area(s).
- f. Precautions must be taken to ensure that all workers, tools, waste containers, and other items leaving a work area are free from visible dust, paint chips, or other debris. The removal of lead from PPE, tools, etc., by blowing, shaking, or any other means which disperses lead into the air is prohibited.
- g. All lead-containing waste materials must be wrapped, bagged, or placed in an appropriate container for storage and disposal.
- h. At the conclusion of the LHR work, the assigned Lead Supervisor shall conduct a visual inspection to verify that no visible dust, paint chips, or other debris remain, and the project is ready for the clearance inspection.
- i. Dust wipe sampling must begin no sooner than one (1) hour after final cleanup was completed to ensure that airborne dust has time to settle.
- j. Containment barriers and warning signs must not be removed until the assigned Lead Supervisor is notified by the Lead Inspector, who conducted the clearance inspection, that the work area(s) are safe for re-occupancy.

B. Exterior.

- 1. At the end of each workday:
 - a. If a dry removal procedure was used, any and all spent abrasive, paint, particulate, dust, or other debris present on the ground sheeting and/or other containment materials must be misted with water, collected, and placed in an appropriate container.
 - b. The assigned Lead Supervisor shall visually inspect all areas, including areas that extend beyond the sheeted area, to determine whether any spent abrasive, paint, particulate, dust or other debris escaped containment. If any spent abrasive, paint, particulate, dust or other debris generated by the operations is observed, it must be collected and placed in an appropriate container.

- c. Any and all liquid waste must be collected and stored in appropriate containers.
 - d. Precautions must be taken to ensure that all workers, tools, waste containers, and other items leaving a work area are free from visible dust, paint chips, or other debris. The removal of lead from PPE, tools, etc., by blowing, shaking, or any other means which disperses lead into the air is prohibited.
 - e. Ground sheeting, vertical shrouds, other containment materials, and waste containers should be stored in a secure area not easily accessible to the public prior to removal for disposal.
2. At project completion:
- a. Any and all spent abrasive, paint, particulate, dust, or other debris present on the ground sheeting and/or other containment materials must be misted with water, collected, and placed in an appropriate container. The sheeting must then be carefully folded upon itself and sealed with duct tape or bagged.
 - b. The assigned Lead Supervisor shall visually inspect all areas, including areas that extend beyond the sheeted area, to determine whether any spent abrasive, paint, particulate, dust or other debris has escaped containment. If any spent abrasive, paint, particulate, dust or other debris generated by the project is observed, it must be collected and placed in an appropriate container.
 - c. All waste must be contained to prevent the release of dust and debris when transported from the work area(s).
 - (1) All liquid waste must be collected in appropriate containers.
 - (2) Any and all bags and waste containers must be securely sealed.
 - d. Precautions must be taken to ensure that all workers, tools, waste containers, and other items leaving a work area are free from visible dust, paint chips, or other debris. The removal of lead from PPE, tools, etc., by blowing, shaking, or any other means which disperses lead into the air is prohibited.

3.18.14 LHR Clearance Inspection

- A. The property owner shall arrange for a Lead Inspector to conduct a clearance inspection, pursuant to § 3.5.5(B) of this Part, and shall not allow re-occupancy of the single-family house or dwelling unit and common areas, or work area(s), as applicable, until acceptable dust wipe clearance is achieved.
 - 1. Notification.

- a. The assigned Lead Supervisor shall notify the owner and/or the Lead Inspector, as applicable, that the work has been completed and the area(s) are ready for the clearance inspection.
- 2. Inspection.
 - a. The Lead Inspector shall conduct a clearance inspection as follows:
 - (1) If an initial Comprehensive Lead Inspection was conducted, the Lead Inspector shall conduct an LHR Clearance Inspection, pursuant to §§ 3.5.5(B) and 3.18.14 of this Part, complete the appropriate sections and sign the Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21), as applicable; or
 - (2) If an initial Comprehensive Lead Inspection was not conducted, the Lead Inspector shall conduct a Comprehensive Lead Inspection, pursuant to § 3.5.3 of this Part, complete and sign the Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21), as applicable; or
 - (3) If the LHR project is done in phases, an interim clearance inspection is required at the conclusion of each phase, and a Partial Lead Safe Certificate (Form PBLC-27) must be obtained in order to determine that each area is safe for re- occupancy; and
 - (4) The Lead Inspector, who conducted the final clearance inspection, shall complete and sign a Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC-21), as applicable, when the single-family house or dwelling unit and common areas meet the lead free or lead safe standards in § 3.7 of this Part.
 - b. The expiration date of a final Conditional Lead Safe Certificate (Form PBLC-15) must not exceed two (2) years from the date of achieving acceptable interior dust wipe clearance.
- B. Unacceptable Clearance Results.
 - 1. Notification.
 - a. The Lead Inspector, who conducted the clearance inspection, shall immediately notify the assigned Lead Supervisor and the owner when the inspection results do not meet the requirements of this Part.
 - 2. Visual Assessment.
 - a. Upon notification that the clearance inspection failed the visual assessment:
 - (1) The assigned Lead Supervisor shall ensure that the remaining work and/or cleaning, specified by the Lead Inspector who conducted the

inspection, is completed and all surfaces within the containment area are free of visible dust, paint chips, or other debris; and

- (2) The owner shall arrange for another clearance inspection.

3. Dust.

- a. Upon notification that one (1) or more dust samples failed to meet the lead free or lead safe standards in § 3.7 of this Part, the assigned Lead Supervisor shall ensure that the final cleanup procedures are repeated, pursuant to § 3.18.13(A) of this Part.
 - (1) Clearance dust samples are intended to be representative of the entire single-family house, dwelling unit, or common area, as applicable, being tested. Therefore, if even one (1) sample failed to meet the lead free or lead safe standards in § 3.7 of this Part, lead hazards may exist throughout the single-family house, dwelling unit, or common area.
 - (2) Re-cleaning should be performed as soon as possible after receiving failed dust clearance results to prevent lead dust on failed surfaces from migrating to other surfaces that successfully cleared.
 - (3) The re-cleaning should not be focused on just those rooms and/or components for which the sampling results indicate that previous round of cleaning was inadequate.
 - (4) Re-cleaning, beyond the location where a failed sample was obtained, may be required to make the entire single-family house, dwelling unit, or common area meet the lead free or lead safe standards in § 3.7 of this Part.
 - (5) When re-cleaning window wells, the interior sills should also be re-cleaned to prevent contamination of the sills during cleaning of the wells, even if the sills were not originally contaminated.
 - (6) Subsequent dust sampling must include dust wipes from the entire single-family house, dwelling unit, or common area, as applicable, not just the location(s) where the previous failed sample(s) were collected.
 - (7) If a surface failed clearance twice, the owner should consider additional treatment options and/or further sealing of the surface(s) prior to a second re-cleaning and a third round of dust wipe sampling.
 - (8) Installed carpeting that failed dust clearance may need to be professionally cleaned, removed, or replaced, pursuant to § 3.16.14(D)(3) of this Part.
 - (9) The property owner or Lead Contractor shall arrange for another Clearance Inspection.

4. Soil

- a. Upon notification that one (1) or more soil samples failed a Clearance Inspection, the assigned Lead Supervisor shall arrange for the additional work required to meet the lead free or lead safe standards in § 3.7 of this Part.
 - (1) The property owner, or Lead Contractor shall arrange for another clearance inspection.
 - (2) If the dwelling unit otherwise meets the requirements of this Part, the dwelling unit may be occupied provided that the owner meets the notification requirements, pursuant to § 3.8 of this Part.

5. Water.

- a. Upon notification that one (1) or more water samples failed a clearance inspection, the assigned Lead Supervisor shall arrange for the additional work required to meet the lead free or lead safe standards in § 3.7 of this Part.
 - (1) The property owner or Lead Contractor shall arrange for another Clearance Inspection.
 - (2) If the dwelling unit otherwise meets the requirements of this Part, the unit may be occupied provided that the owner meets the lead warning and bottled water requirements, pursuant to § 3.16.16 of this Part, until acceptable lead in drinking water results are obtained.

C. Acceptable Clearance Results.

1. Notification.

- a. The Lead Inspector who conducted the Clearance Inspection shall immediately notify the assigned Lead Supervisor and owner when the inspection results meet the requirements of this Part.

2. Re-occupancy.

- a. Upon notification of successful dust wipe clearance, the assigned Lead Supervisor shall remove any remaining critical barriers and warning signs, and restore any changed locks.

3. Lead Certificate.

- a. The Lead Inspector, who conducted the Clearance Inspection, shall:
 - (1) Complete and sign the Conditional Lead Safe Certificate (Form PBLC-15) or Full Lead Safe Certificate (Form PBLC- 21), as applicable;

- (2) Provide a copy of the signed lead certificate to the Lead Supervisor;
and
- (3) Provide a copy of the lead certificate and inspection report to the owner and occupants, if not the owner, pursuant to § 3.5.1(D) of this Part.

3.18.15 Waste Storage and Disposal.

The assigned Lead Supervisor shall either dispose of all lead- containing waste daily, or store all lead-containing waste in a secure location to prevent access by unauthorized persons prior to removal for disposal, pursuant to § 3.16.19 of this Part.

3.18.16 Recordkeeping

A. Lead Supervisor Responsibilities.

- 1. The assigned Lead Supervisor shall maintain the following information for each LHR project on-site for the duration of the project (when applicable):
 - a. Documentation of the Lead Contractor license;
 - b. The access log book, pursuant to §§ 3.18.3(A)(1)(i) and 3.18.3(B)(1)(d) of this Part;
 - c. Documentation of compliance with all applicable OSHA medical monitoring requirements (e.g. blood lead test results, respirator fit test results);
 - d. The methodology and results of any air sampling conducted during the LHR project;
 - e. A copy of the Start Work Notification (Form PBLC-9) and any revised SWN Form-PBLC-9s;
 - f. Copies of any correspondence with regulatory agencies concerning the project (e.g. all municipal building or demolition permits, and any variances, notices or orders from the Department);
 - g. Interim Clearance Inspection results which document any previously completed and successfully cleared work area(s) as safe for re-occupancy;
and
 - h. A current copy of this Part.

B. Lead Contractor Responsibilities.

- 1. The Lead Contractor shall retain and, if requested, make available to the Department all records necessary to demonstrate compliance with this Part for each LHR project for a period of at least three (3) years following completion of that project including (when applicable):
 - a. All items specified in § 3.18.16(A) of this Part;

- b. Documentation of compliance with all notifications pursuant to § 3.18.4 of this Part;
- c. A copy of the DEM Notification of Removal of Lead Based Paint and a list of the parties to whom it was delivered;
- d. Documentation of compliance with the licensing and supervision requirements, pursuant to this Section and §§ 3.9 and 3.12 of this Part;
- e. Documentation of compliance with OSHA 24 C.F.R. 1926.62 and 24 C.F.R. 1910.125 for the project;
- f. Documentation of compliance with all applicable DEM and DOT regulations for transportation and disposal of waste for the project; and
- g. A copy of the lead certificate signed by the Lead Inspector who performed the clearance inspection.

3.19 Compliance and Enforcement

3.19.1 Licenses and Certifications

A. Denial of Applications.

- 1. Any person who neglects or refuses to pay an administrative fine or penalty cannot obtain or renew any Department-issued license or certification until all outstanding administrative fines or penalties have been paid.
- 2. The Department may deny an application for licensure or certification pursuant to this Part if the Department determines that the applicant has not complied with or has not demonstrated the ability to comply fully with all applicable requirements established by the Act and/or this Part.
- 3. If the applicant appeals the denial, a hearing will be scheduled in accordance with the provisions of § 3.19.11 of this Part.

B. Action against a License or Certification.

- 1. The Department may restrict, limit, suspend, revoke, or take other disciplinary action against any license or certification issued pursuant to this Part in accordance with R.I. Gen. Laws § 23-24.6-20(e) for noncompliance with this Part, including, but not limited to:
 - a. False representation of credentials as an appropriately licensed or certified lead professional;
 - b. Obtaining licensure or certification based on misrepresentation or fraud;
 - c. Using a license or certification for fraudulent, deceptive, or unethical purposes;

- d. Failure to discharge activities in accordance with the Act or this Part, including employers who fail to comply with applicable OSHA requirements;
 - e. Failure to meet requirements of this Part and/or within the allotted time frame, including, but not limited to:
 - (1) Failure of a Lead Contractor or Lead Renovation Firm to distribute appropriate pre-renovation education information to owners and occupants required by EPA/HUD and this Part;
 - (2) Failure of a licensed lead professional to notify the Department of any changes to information submitted in an application for licensure or certification from the Department;
 - (3) Failure to successfully complete the training required by this Part; and/or
 - (4) Failure of a Lead Inspector, Lead Assessor, or Lead Renovator to distribute lead test results, lead inspection reports, and/or lead certificates in accordance with the requirements of this Part.
 - f. Issuing fictitious results, reports, or certificates;
 - g. Failure to meet the terms or conditions of any notice, order, or consent agreement with the Department; and
 - h. Any good cause within the meaning and purpose of the Act or this Part.
- 2. A person whose license or certification was issued by reciprocity shall immediately notify the Department in writing of any final administrative action taken against the licensee by EPA or another state during the term of said license. The Department may subject the license by reciprocity to such action taken by EPA or the other state.
 - 3. A person whose license or certification is restricted, limited, suspended, or revoked may request a hearing in accordance with the administrative procedures contained in § 3.19.11 of this Part.

3.19.2 Failure to Comply

- A. The following violations are acts of noncompliance for which the Department may initiate an enforcement response against an owner, their agent, or another regulated person:
 - 1. Failure to maintain the premises of a regulated facility in a lead safe condition;
 - 2. Failure of a non-exempt residential rental unit or child care facility to have an appropriate lead certificate;
 - 3. Failure to comply with the lead disclosure requirements in § 3.8 of this Part;

4. Failure to grant access to a premises for inspection by State Inspectors or the Department's duly-authorized designees, upon presenting identification and appropriate credentials;
5. Failure to hire appropriately licensed or certified lead professionals to conduct regulated activities;
6. Failure of a person conducting regulated activities to be appropriately licensed or certified, pursuant to this Part;
7. Failure to comply with the requirements of any Department-issued or approved lead professional license or certification;
8. Failure to comply with the terms of any Department notice, order, or consent agreement and/or by the deadline specified in the notice, order, or consent agreement;
9. Failure to establish, maintain, and/or provide the Department access to the records required by this Part; and
10. Failure to adhere to any other applicable conditions or requirements of this Part.

3.19.3 Enforcement Response

- A. Whenever the Department determines that any person fails to comply with any requirements of the Act, this Part, or any Department-issued notice, order, consent agreement, license or certification, the Department may pursue enforcement action pursuant to this Part, to correct the noncompliance and/or impose a fine or penalty.
- B. All fines and/or penalties will be assessed in accordance with the provisions of the Department's Penalty Matrix in § 3.19.5(C) of this Part below.
- C. The Department can also refer the noncompliance to OSHA, EPA, HUD, the Rhode Island Department of Attorney General, other state agencies, district courts, and/or local municipalities for additional enforcement actions.
- D. Nothing contained in this Section shall limit the Department from requiring immediate compliance with any and all terms of an order, when, in the Department's discretion, circumstances present an immediate risk to the health or safety of a child, workers in or occupants of a building toward which the order is directed, and/or the general public.

3.19.4 Enforcement Options

- A. Pursuant to the authorities defined in R.I. Gen. Laws Chapters 23-1 and 23-24.6, the Department may pursue any combination of administrative and/or judicial enforcement actions, depending upon the circumstances and gravity of each case, including, but not limited to:
 1. Enforcement of compliance with this Part and the Act;
 2. Where there have been instances of childhood lead poisoning, determination and prioritization of properties with "clear and significant health risks".

3. Issuance of compliance notices or orders, including but not limited to:
 - a. Order to Correct Lead Hazards;
 - b. Notice of Violation;
 - c. Second Notice of Violation;
 - d. Notice of Noncompliance;
 - e. Cease Work Order; and/or
 - f. Immediate Compliance Order.
 4. Assessment of administrative fines and penalties;
 5. Recording a notice, order, or consent agreement as a Notice of Lis Pendens against the title of the property, and/or recording any outstanding fees or administrative penalties as a lien against the property with the Registry of Deeds in the municipality where the property is located;
 6. Coordination of enforcement actions including, but not limited to the following state, federal and local agencies:
 - a. Municipal building officials;
 - b. Municipal housing code enforcement;
 - c. Rhode Island Housing Resources Commission (HRC);
 - d. Rhode Island Department of Environmental Management (DEM);
 - e. Rhode Island Contractor's Registration and Licensing Board (CRB);
 - f. Rhode Island Department of Business Regulation (DBR);
 - g. US Environmental Protection Agency (EPA);
 - h. US Department of Housing and Urban Development HUD); and/or
 - i. US Occupational Safety and Health Administration (OSHA).
 7. Pursuit of criminal or civil remedies through the Department of Attorney General, district courts, or municipal courts; and/or
 8. Revocation, suspension, limitation, restriction, or other disciplinary action regarding a license or certification issued pursuant to this Part; and/or
 9. Revocation of a lead certificate or inspection exemption issued pursuant to this Part.
- B. Nothing herein shall preclude the Department from resolving outstanding violations or penalties through a consent agreement at any time the Department deems appropriate.

- C. The imposition of one (1) or more remedies and/or penalties provided shall not prevent the Department from jointly exercising any other remedy available, except:
1. Fines or penalties levied pursuant to R.I. Gen. Laws § 23-24.6-27 shall be in lieu of any administrative fines or penalties issued pursuant to R.I. Gen. Laws § 45-24.3-18(a), and
 2. No municipality shall issue any fine or penalty for the same violation.

3.19.5 Penalties

A. Applicability and Scope.

1. Pursuant to the provisions of R.I. Gen. Laws § 23-24.6-27, the Department may impose an administrative fine or penalty of up to five thousand dollars (\$5,000.00) per violation per day for each current or past violation of:
 - a. The Act or any regulations promulgated pursuant to the Act; and/or
 - b. Any notices, orders, or consent agreements issued pursuant to the Act or this Part.
2. The Department, in its discretion, may adjust the fine or penalty upward or downward based on the criteria listed in this Section, provided that no fine or penalty exceeds \$5,000.00 per violation per day.

B. Assessment of Fines and Penalties.

1. The total amount of any administrative fine or penalty to be levied shall be calculated according to the guidelines in this Section and provided in the Department's Penalty Matrix in § 3.19.5(C) of this Part below.
2. The penalty may be based on the gravity of the violation. That portion will be calculated according to the applicable "Penalty Matrix" in § 3.19.5(C) of this Part. The applicable penalty range is reached by first determining the "Type of Violation" and the "Deviation from the Standard" of the alleged violation.
3. "Type of Violation" - refers to the nature of the legal requirement allegedly violated.
 - a. Type I violations include violations of legal requirements identified by the Director as directly related to the protection of the public health, safety, welfare or environment. Such violations include, but are not necessarily limited to:
 - (1) Acts which pose an actual or potential for harm to the public health, safety, welfare or the environment;
 - (2) Acts or failures to act which are of major importance to the regulatory program;
 - (3) Any failure to obtain a required license or approval from the Director;

- (4) Any failure to report an unauthorized activity which actually or potentially threatens the public health, safety, welfare or the environment;
 - (5) Any failure to take remedial action to mitigate a known or suspected harm; and/or
 - (6) Any failure to comply with an order of the Director which is presently enforceable.
 - b. Type II violations include violations of legal requirements identified by the Director as important but indirectly related to the protection of the public health, safety, welfare or environment. Such violations include, but are not necessarily limited to:
 - (1) Acts which pose an indirect actual or potential for harm to the public health, safety, welfare or the environment;
 - (2) Acts or failures to act which are of moderate importance to the regulatory program; and/or
 - (3) Failure to comply with any procedure required by any law administered by the Director, or by a rule or regulation adopted pursuant to the Director's authority for the prevention of harm to the public health, safety, welfare or the environment.
 - c. Type III violations include violations of legal requirements identified by the Director as important but incidental to the protection of public health, safety, welfare or the environment. Such violations include, but are not necessarily limited to:
 - (1) Acts of noncompliance with inspection standards, reporting requirements or methods which are incidental to the Department's ability and obligation to enforce the laws administered by the Director.
- 4. "Deviation of the standard" - refers to the degree to which the violation is out of compliance with the legal requirement allegedly violated. The Deviation from the Standard may be determined without consideration of factor (I) enunciated below in cases of strict liability. In all other cases, the Department's assessment of whether a violation is a minor, moderate or major deviation from the standard is based upon an evaluation of one or more of the following factors except to the extent already considered:
 - a. The extent to which the act or failure to act was out of compliance;
 - b. Environmental conditions;
 - c. The amount of the pollutant;
 - d. The toxicity or nature of the pollutant

- e. The duration of the violation;
- f. The areal extent of the violation;
- g. Whether the person took reasonable and appropriate steps to prevent and/or mitigate the non-compliance;
- h. Whether the person has previously failed to comply with any regulations, order, statute, license, permit or approval issued or adopted by the Department, or any law which the Department has the authority or responsibility to enforce;
- i. The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable;
- j. Any other factor(s) that may be relevant in determining the amount of a penalty, provided that said other factor(s) shall be set forth in the Notice of Violation or other written notice of the assessment of a penalty.

C. Penalty Matrix

		TYPE OF VIOLATION		
		I	II	III
DEVIATION FROM THE STANDARD	MAJOR	Up to \$5,000	Up to \$2,500	Up to \$1,000
	MODERATE	\$2,500 to \$1,000	\$1,000 to \$500	\$500 to \$100
	MINOR	Up to \$1,000	Up to \$500	Up to \$100

1. Multiple Violations. For the purposes of determining the total administrative fine or penalty to be assessed:
 - a. Each violation at any premises may, within the Department's discretion, be considered as a separate violation.

- b. When multiple violations of this Part or of any notice, order, or consent agreement issued by the Department are to be counted as separate violations, each act is counted as separate and distinct from any other act:
 - (1) By its nature;
 - (2) Time or place; or
 - (3) Risk of harm to the public health.
- c. When applicable, the period of time for calculating the fine or penalty for a violation begins on the day following the:
 - (1) Receipt or posting of a notice or order issued by the Department;
 - (2) Expiration of a compliance period; Expiration of a consent agreement; or
 - (3) Expiration of an extension of a compliance period or consent agreement.
- d. Each day of a continued violation may be considered a separate violation and compounded for each day during which the violation is repeated, continued, or remains in place.

D. Criteria for Assessment of Fines and Penalties.

- 1. In making a decision to assess or not assess an administrative fine or penalty the Department, in its discretion, may weigh the relevance of each factor in any particular case, as well as the amount of any such administrative fine or penalty. The Department shall consider, but not be limited to, the following:
 - a. The ability of the violator to comply;
 - b. The willfulness of the violation(s);
 - c. The total number of violations;
 - d. The cumulative number of days of noncompliance;
 - e. Any prior record of noncompliance with any regulation, notice, order, consent agreement, license or certification issued or adopted by the Department;
 - f. The economic benefit derived by the violator from noncompliance;
 - g. Any costs incurred by the state related to the investigation and enforcement of the noncompliance;
 - h. The ability of the violator to pay potential fines and penalties;
 - i. Actual or potential injury to public health and safety; and/or

j. Any other factors that the Department considers relevant.

E. Payment of Fines and Penalties.

1. Unless another time period is specified in the Department's order, any administrative fine or penalty assessed pursuant to this Section shall be due and payable within thirty (30) days of service of the notice of the order.
2. If the person named in the order requests a hearing, pursuant to R.I. Gen. Laws § 23-24.6, within thirty (30) days of receipt of the notice of the order the 30-day payment period shall be stayed pending a hearing on the matter.
3. All payments must be made in the form of a cashier's check, certified check, money order, or any other method approved by the Department, payable to: General Treasurer, State of Rhode Island.

F. Failure to Pay.

1. If, after demand, any person assessed an administrative fine or penalty pursuant to this Section neglects or refuses to pay, the assessed amount together with interest and any other costs that may accrue will be a lien filed in favor of the state upon:
 - a. The violator's current and future Rhode Island income tax refunds; and/or
 - b. The violator's real property subject to the order, recorded with the Registry of Deeds in the municipality where the property is located.

3.19.6 Extension of Compliance Period

- A. Requests for extensions to the compliance period specified in this Part, or a Department-issued notice, order, or consent agreement, shall be made in writing to the Department.
- B. Extensions may be granted, at the discretion of the Department, based on the circumstances of a particular case and if an extension is not considered to pose a threat to the health or safety of children, other occupants of the building, and/or the general public.
- C. Owners who request an extension to the compliance period specified in this Part, or a Department-issued notice or order, shall enter into a consent agreement with the Department and complete temporary lead hazard control measures within a time frame approved by the Department.
- D. In deciding whether to grant an extension, as well as any condition(s) attached to such an extension, the Department shall consider, but not be limited to, the following factors:
 1. The current threat to public health posed by the violation(s);
 2. The severity of the violation(s);
 3. The progress made toward correcting the violation(s); and

4. Any prior or concurrent instances of noncompliance by the person named in the notice, order, or agreement.
- E. Persons, who fail to comply with the terms of this Part, or a Department-issued notice, order, or consent agreement, may be subject to additional escalated enforcement action by the Department, HRC, DEM, CRB, OSHA, Department of the Attorney General, and/or the municipality where the violation occurred.
- F. Unless an extension is granted by the Department in writing, the Department may assess a fine or penalty for failure to comply with this Part, or a Department- issued notice, order, or consent agreement, by the compliance period specified in this Part, or the deadline specified in a Department-issued notice, order, or consent agreement.
- G. The Department may declare any extension granted pursuant to this Section immediately null and void if the Department determines that the terms of the notice, order, or consent agreement have been violated.

3.19.7 Injunctive Relief

- A. If an owner fails to comply with the lead safe standards of this Part, as applicable:
 1. Households of an “at risk occupant” may seek injunctive relief from a court with jurisdiction against the owner in the form of a court order to compel compliance with the requirements for lead hazard control or lead hazard reduction, as applicable.
 2. Such cases brought before the court shall be granted an accelerated hearing.

3.19.8 Equal Access to Justice.

The Department’s Rules and Regulations Relating to Equal Access to Justice (Part 10-05-3 of this Title) define the process and procedures to carry out the provisions of R.I. Gen. Laws Chapter 42-92 and provide for equal access to justice for small businesses and individuals.

3.19.9 Declaratory Rulings

- A. In accordance with R.I. Gen. Laws § 42-35-8, any person affected by any statutory provision administered by the Department or affected by any rule or order of the Department and this Part, may petition the Department for a declaratory ruling as to the applicability of such statute, rule or order. The petition shall clearly and concisely identify:
 1. The precise statute, rule, or order under which a declaratory ruling is sought;
 2. How the petitioner is affected by the statute, rule, or order; and
 3. The petitioner's position on how the applicable statute, rule, or order should be interpreted, including citations to any applicable documents or law that support the petitioner's position.

3.19.10 Variance from this Part

- A. A variance from compliance with one (1) or more provisions of this Part may be granted by the Department in a specific case if the Department determines that a literal enforcement of the provision(s) would result in unnecessary hardship to a regulated person and that such a variance will not be contrary to the public health or public interest.
- B. A request for a variance must be filed by an applicant in writing, setting forth in detail the basis upon which the request is made. The applicant must further certify that the measures taken pursuant to the variance will be as protective of public health as this Part.
- C. After filing of a request for a variance with the Department, and within thirty (30) days thereafter, the Department shall notify the applicant of its approval or denial, unless the Department has indicated that additional time is needed.
- D. If the applicant appeals the denial, a hearing will be scheduled in accordance with the provisions of § 3.19.11 of this Part.
- E. The Department may declare any variance granted pursuant to this Section immediately null and void if the Department determines that the terms of the variance have been violated.

3.19.11 Administrative Hearing and Judicial Review

- A. Any person who is subject to enforcement action by the Department or who is otherwise aggrieved by a final decision of the Department has the right to request an administrative hearing to contest the action or decision, provided that no request for a hearing on an immediate compliance order issued pursuant to R.I. Gen. Laws § 23-1-21 may be made.
- B. Any request for a hearing must be made in writing and must be received by the Department within thirty (30) days of service of the Department's notice or order. Failure to make a timely request for a hearing or electing to waive such a hearing shall result in a final order of the Department.
- C. If a timely request for a hearing is made, the hearing shall be conducted in accordance with the provisions of R.I. Gen. Laws Chapter 42-35 and Rules and Regulations Governing the Practices and Procedures before the Department of Health (Part 10-05-4 of this Title).
- D. Judicial review of any final decision of the Administrative Hearing Officer shall be available in accordance with R.I. Gen. Laws § 42-35-15.

3.20 Communications and Correspondence

3.20.1 Inquiries and Correspondence.

- A. All inquiries and correspondence pertaining to this Part should be directed to:

<p>Rhode Island Department of Health Division of Environmental Health</p> <p>Center for Healthy Homes and Environment</p>

Three Capitol Hill, Room 206 Providence, RI 02908-5097

Website: <http://www.health.ri.gov/healthrisks/poisoning/lead/>

E-mail: doh.leadprogram@health.ri.gov

Information Line: (401) 222-5960

Fax: (401) 222-2456, 222-7759

3.20.2 Lead Professional License Applications.

- A. Initial application forms are available on the Department's website at and should be mailed to:

Rhode Island Department of Health Division of Environmental Health

Center for Healthy Homes and Environment

Three Capitol Hill, Room 206 Providence, RI 02908-5097

Website: <http://www.health.ri.gov/licensing/environmental/#lead>

E-mail: doh.website@health.ri.gov

Information Line: (401) 222-5960

Fax: (401) 222-2456, 222-7759

- B. Renewal application forms are mailed to the licensee approximately sixty (60) days prior to expiration.
- C. A change of address form is available at: <http://health.ri.gov/forms/changeofaddress/Professions.pdf>.

3.20.3 Lead Training Courses.

Lists of currently certified lead training courses are available at: <http://www.health.ri.gov/find/environmentallead/professionals/>

3.20.4 Lead Professionals.

Lists of currently licensed lead professionals are available at: <http://www.health.ri.gov/find/environmentallead/professionals/>

3.20.5 Lead Poisoning Publications and Forms.

All public educational materials and forms required by this Part are available at: [http://www.health.ri.gov/publications/bytopic.php?parm=Lead Poisoning](http://www.health.ri.gov/publications/bytopic.php?parm=Lead%20Poisoning)

3.20.6 Lead Inspection Reports and Certificates.

Reports and certificates for lead inspections performed pursuant to this Part must be submitted electronically using the Department's electronic lead inspection reporting system at: <https://lirs.health.ri.gov/LIRS/>

3.20.7 Property Search Lists.

Searchable lists of properties with lead certificates, or properties cited by the Department which are ineligible for Certificates of Conformance, are available at: <http://www.health.ri.gov/find/environmentallead/propertystatus/>

3.21 Interpretation and Severability

3.21.1 Interpretation and Severability.

The provisions of this Part shall be liberally construed and shall be held to be in addition to, and not in substitution for or a limitation of, the provisions of any other regulation or law. If any provision or part thereof of this Part or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, the remainder of this Part and the application of such provisions to any other persons or circumstances other than those to which it is held invalid shall not be affected thereby.