

**Ohio Administrative Code
Chapter 3701-30**

3701-30-01 Definitions.

- (A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.
- (B) "Certified nurse practitioner" means a registered nurse who holds a valid certificate of authority issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a certified nurse practitioner.
- (C) "Child at risk of lead poisoning" means any child under six years of age who meets one or more of the following:
 - (1) Is medicaid eligible in accordance with Chapter 5111. of the Revised Code;
 - (2) Lives in a high risk zip code as designated by the director;
 - (3) Lives in or regularly visits a residential unit, child care facility, or school built before 1950;
 - (4) Lives in or regularly visits a residential unit built before 1978 that has deteriorated paint; this may include a day care center, preschool, the home of a child care provider or a relative.
 - (5) Lives in or regularly visits a residential unit built before 1978 with recent ongoing or planned renovation/remodeling;
 - (6) Has a sibling or playmate that has or did have lead poisoning; or
 - (7) Frequently comes in contact with an adult who has a lead-related hobby, or occupation.
 - (8) Lives near an active lead smelter, battery recycling plant, or other industry known to generate airborne lead dust.
- (D) "Child care facility" means each area of any of the following in which child care, as defined in section 5104.01 of the Revised Code, is provided to children under six years of age:
 - (1) A child day-care center, type A family day-care home, or type B family day-care home as defined in section 5104.01 of the Revised Code; or
 - (2) A preschool program or school child program as defined in section 3301.52 of the Revised Code.
- (E) "Clearance examination" means an examination to determine whether the lead hazards in a residential unit, child care facility, or school have been sufficiently controlled. A clearance examination includes a visual assessment, collection and analysis of environmental samples.
- (F) "Clinical nurse specialist" means a registered nurse who holds a valid certificate of authority issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a clinical nurse specialist.

- (G) "Director" means the director of the Ohio department of health, the director's designee, or the director's authorized agent.
- (H) "Lead abatement" means a measure or set of measures designed for the single purpose of permanently eliminating lead hazards. "Lead abatement" includes all of the following:
- (1) Removal of lead-based paint and lead-contaminated dust;
 - (2) Permanent enclosure or encapsulation of lead-based paint;
 - (3) Replacement of surfaces or fixtures painted with lead-based paint;
 - (4) Removal or permanent covering of lead-contaminated soil;
 - (5) Preparation, cleanup, and disposal activities associated with lead abatement;
- "Lead abatement" does not include any of the following:
- (a) Preventative treatments performed pursuant to section 3742.41 of the Revised Code;
 - (b) Implementation of interim controls;
 - (c) Activities performed by a property owner on a residential unit to which both of the following apply:
 - (i) It is a freestanding single-family home used as the property owner's private residence;
 - (ii) No child under six years of age who has lead poisoning resides in the unit.
- (I) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health as set forth in rule 3701-32-19 of the Administrative Code.
- (J) "Lead-contaminated dust" means surface dust that contains an area or mass concentration of lead at or in excess of the level that is hazardous to human health as set forth in rule 3701-32-19 of the Administrative Code.
- (K) "Lead-contaminated soil" means soil that contains lead at or in excess of the level that is hazardous to human health as set forth in rule 3701-32-19 of the Administrative Code.
- (L) "Lead-contaminated water pipes" means water pipes containing lead materials resulting in contamination of the water supply with lead at or in excess of the level that is hazardous to human health as set forth in rule 3701-32-19 of the Administrative Code.
- (M) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as set forth in rule 3701-32-19 of the Administrative Code. "Lead hazard" includes lead-based paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes.
- (N) "Lead poisoning" means a confirmed level of lead in human blood of five micrograms

per deciliter or greater.

- (O) "Manager" means a person, who may be the same person as the owner, responsible for the daily operation of a residential unit, child care facility, or school.
- (P) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.
- (Q) "Primary health care provider" means any person or government entity that provides well child health care services, such as annual examinations and immunizations to children under six years of age. "Primary health care provider" includes, but is not limited to, physicians, certified nurse practitioners, clinical nurse specialists, local health departments, medical clinics, offices and hospitals.
- (R) "Public health lead investigation" means an investigation conducted by a public health lead investigator in accordance with rule 3701-30-07 of the Administrative Code.
- (S) "Public health lead investigator" means an employee or contractor of the director or a designated board of health who is:
 - (1) A licensed lead risk assessor in the state of Ohio; and
 - (2) A registered sanitarian, or registered sanitarian-in-training, .
- (T) "Public health lead risk assessment" means a lead risk assessment conducted by a public health lead investigator in accordance with rule 3701-30-08 of the Administrative Code.
- (U) "Residential unit" means a dwelling or any part of a building being used as an individual's private residence.
- (V) "School" means a public or nonpublic school in which children under six years of age receive education.

Effective: 11/20/2014

Five Year Review (FYR) Dates: 06/19/2014 and 06/01/2019

CERTIFIED ELECTRONICALLY

Certification

11/10/2014

Date

Promulgated Under:	119.03
Statutory Authority:	3742.50
Rule Amplifies:	3742.01
Prior Effective Dates:	4/1/2004

3701-30-02 Primary health care provider responsibility.

Primary health care providers of children under six years of age shall do the following:

- (A) Determine if the child has had a blood lead screening test. If the child has had a blood lead screening test, determine at what age the child was tested and the blood lead screening test result.
- (B) If the child has not had a blood lead screening test and is between the ages of nine months and seventy-two months, determine if the child is at risk of lead poisoning as defined in paragraph (C) of rule 3701-30-01 of the Administrative Code.
- (C) If any child under six years of age is determined to be at risk of lead poisoning but has not had a blood lead screening test or has had a blood lead screening test but the results are not available, the primary health care provider shall order a blood lead screening test. It is recommended that a child at risk of lead poisoning have a blood lead screening test at the time of the child's one and two year well child visits and annually thereafter as medically indicated.
- (D) The primary health care provider shall make a good faith effort to obtain results of all blood lead screening tests performed on a child at risk of lead poisoning.
- (E) Nothing in this rule is intended to preclude a primary health care provider from following the procedures in Chapter 5160. of the Revised Code for medicaid eligible children or from ordering blood lead screening tests on a child less than nine months of age or greater than six years of age.

Effective: 11/20/2014

Five Year Review (FYR) Dates: 07/10/2014 and 06/01/2019

CERTIFIED ELECTRONICALLY

Certification

11/10/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3742.50
Rule Amplifies: 3742.30
Prior Effective Dates: 4/1/2004

3701-30-03 Blood lead screening tests.

- (A) Blood lead screening tests of children at risk of lead poisoning shall be conducted either by:
- (1) Venous draw; or
 - (2) Capillary test, collected in a capillary tube or on filter paper.
- (B) If the blood lead screening test is conducted by a capillary blood test collected in a capillary tube or on filter paper and the result is five micrograms per deciliter or greater, a confirmatory blood lead screening test by venous collection only shall be performed as soon as possible but no later than ninety days from the previous capillary test.
- (C) Point-of-care testing using waived test methods, such as the Lead Care® II device, may not be used for confirmatory blood lead tests. NOTE: the level of .8µg/dL is the confirmation threshold recommended by the manufacturer of the Lead Care® II device to minimize possible false negatives.
- (D) The director shall provide written guidance for follow up of elevated blood lead screening test results.

Effective: 11/20/2014

Five Year Review (FYR) Dates: 06/19/2014 and 06/01/2019

CERTIFIED ELECTRONICALLY

Certification

11/10/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3742.50
Rule Amplifies: 3742.30
Prior Effective Dates: 4/1/2004

3701-30-04

Religious exception.

- (A) The provisions of this chapter requiring blood lead screening tests of all children at risk of lead poisoning do not apply if the parents of the child object thereto on the grounds that such screening conflicts with their religious tenets and practices.
- (B) Objection to a blood lead screening test shall be documented in the child's medical record.

R.C. 119.032 review dates:

06/12/2014 and 06/01/2019

CERTIFIED ELECTRONICALLY

Certification

06/12/2014

Date

Promulgated Under:
Statutory Authority:
Rule Amplifies:
Prior Effective Dates:

119.03
3742.50
3742.30
4/1/2004

3701-30-05 Record-keeping and reporting requirements.

- (A) Any clinical laboratory that performs any analysis of human blood on a child under sixteen years of age and residing in Ohio to detect or determine levels of lead shall collect and report to the director all of the following information on a form prescribed by the director:
 - (1) Child's name and parent's or guardian's name;
 - (2) Child's street and mailing address, including the city, state, county and zip code;
 - (3) Child's social security number, date of birth, gender, race and ethnicity;
 - (4) Telephone number, with area code, where the parents or guardians can be reached;
 - (5) Specimen matrix (blood);
 - (6) Analyte (lead);
 - (7) Procedure used to obtain the specimen and the date it was obtained;
 - (8) Physician's or healthcare provider's first name, last name, address, telephone number, and national provider identifier, if applicable;
 - (9) Child's medicaid number, if any;
 - (10) Clinical laboratory improvement amendments of 1998 (CLIA) number of the laboratory performing the analysis; and
 - (11) The accession number, the date the sample was analyzed, and the test result in micrograms per deciliter.
- (B) Any physician or healthcare provider requesting analysis of blood of a child under sixteen years of age and residing in Ohio to detect or determine levels of lead shall complete each request for analysis with the information required in paragraphs (A)(1) to (A)(9) of this rule of the Administrative Code.
- (C) The clinical laboratory analyzing human blood to detect or determine levels of lead shall report the information required in paragraphs (A)(1) to (A)(11) of this rule, to the director in a format prescribed by the director by electronic transfer, unless otherwise authorized by the director. All electronic transfers of information shall be transmitted to the director within seven calendar days of obtaining the result.
- (D) The director shall forward any test result required to be reported by a clinical laboratory which indicates the presence of lead in any child under sixteen years of age and residing in Ohio to the appropriate local board of health approved by the director pursuant to section 3742.34 of the Revised Code within ten calendar days of receiving the information.
- (E) The director shall place all results of a child's blood lead analysis on the state's immunization registry.
- (F) Any clinical laboratory that performs any analysis of human blood to detect or

determine levels of lead in a person sixteen years of age or older and residing in Ohio shall comply with the requirements in rule 3701-32-14 of the Administrative Code.

Effective: 11/20/2014

Five Year Review (FYR) Dates: 06/19/2014 and 06/01/2019

CERTIFIED ELECTRONICALLY

Certification

11/10/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3742.50
Rule Amplifies: 3742.01
Prior Effective Dates: 4/1/2004, 7/5/09

3701-30-06 Delegation of authority.

- (A) The director of health may delegate to a board of health the authority as the director's authorized agent to conduct public health lead investigations and/or public health lead risk assessments of residential units, child care facilities and/or schools and to enforce this chapter of the Administrative Code if the board of health meets the following criteria:
 - (1) Employs or contracts with one or more public health lead investigators that have been approved by the director; and
 - (2) Utilizes equipment and supplies as deemed necessary by the director to perform the duties of a public health lead investigator.
- (B) A board of health that accepts the delegation of authority pursuant to paragraph (A) of this rule, shall do one or more of the following as set forth in the order of delegation:
 - (1) Conduct public health lead investigations and public health lead risk assessments, in accordance with the requirements of this chapter of the Administrative Code, within their delegation of authority;
 - (2) Issue and enforce lead hazard control orders within their delegation of authority as required by this chapter of the Administrative Code;
 - (3) Maintain and make available to the director all records relating to work performed under this delegation of authority and supporting documentation for a minimum of six years. If an audit, litigation, or other action related to the delegation of authority is initiated during this time period the board shall retain such records until the action is concluded and all issues resolved or the six years ended, whichever is later;
 - (4) The board agrees to be bound by the same standards of confidentiality that apply to employees of the Ohio department of health and the state of Ohio;
- (C) A board of health that accepts the delegation of authority pursuant to paragraph (A) of this rule, may obtain an order to enter the property from a court of competent jurisdiction in the county in which the property is located, if the occupant, owner, or manager fails or refuses to permit entry.

Effective: 11/20/2014

Five Year Review (FYR) Dates: 06/19/2014 and 06/01/2019

CERTIFIED ELECTRONICALLY

Certification

11/10/2014

Date

Promulgated Under:	119.03
Statutory Authority:	3742.50
Rule Amplifies:	3742.34
Prior Effective Dates:	4/1/2004, 7/6/09

3701-30-07 Public health lead investigations.

When the director becomes aware that an individual under six years of age has lead poisoning the director shall conduct a public health lead investigation to determine the source of the lead poisoning. When the director becomes aware that an individual between six years and sixteen years of age has lead poisoning, the director may conduct a public health lead investigation to determine the source of the lead poisoning.

- (A) For children with a blood lead level of five micrograms per deciliter or greater but less than ten micrograms per deciliter the director shall cause the completion of a comprehensive questionnaire on a form prescribed by the director. In the event the comprehensive questionnaire is completed by someone other than a public health lead investigator, the questionnaire shall be reviewed and approved by a public health lead investigator. The public health lead investigator shall complete and provide a public health lead investigation report, on a form prescribed by the director, to the child's parent or guardian along with educational materials prescribed by the director. (B) For children with a blood lead level of ten micrograms per deciliter or greater the director shall conduct an on-site investigation of a residential unit, child care facility or school. The investigation shall be performed by a public health lead investigator.
- (1) Prior to or during an on-site investigation, the public health lead investigator shall:
 - (a) Review known records and reports on applicable residential units, child care facilities, or schools made by any licensed lead inspector, lead abatement contractor, lead risk assessor, lead abatement project designer, lead abatement worker, clearance technician, or someone trained in essential maintenance practices; and
 - (b) Complete a comprehensive questionnaire on a form prescribed by the director.
- (2) Based on the review of known records and reports and the completion of the comprehensive questionnaire the public health lead investigator shall do the following as appropriate:
 - (a) A visual assessment of the residential unit, child care facility, or school recording findings on a form prescribed by the Director;
 - (b) X-ray fluorescence (XRF) analysis of deteriorated paint on or in:
 - (i) Interior surfaces, exterior surfaces, and common areas of the residential unit, child care facility, or school; and
 - (ii) Attached or unattached structures located within the same lot line as the residential unit, child care facility, or school, including garages, play equipment, and fences;
 - (c) Other non-property samples (e.g. glazed dinnerware, ceramic cookware, toys, folk remedies, etc.) for analysis as deemed necessary to determine a possible source of lead poisoning.

- (C) After performing the components set forth in paragraph (B) of this rule, the public health lead investigator shall continue the investigation in accordance with the following:
- (1) If the public health lead investigator is able to determine that a residential unit, child care facility or school is a possible source of lead poisoning, the public health lead investigator shall conduct a public health lead risk assessment of one or more residential units, child care facilities or schools in accordance with rule 3701-30-08 of the Administrative Code;
 - (2) If the public health lead investigator is not able to determine that a residential unit, child care facility or school is a possible source of lead poisoning, the public health lead investigator shall take targeted environmental samples, to determine if the residential unit, child care facility or school is a possible source of lead poisoning. The targeted environmental samples may include the following:
 - (a) Dust samples, for analysis, as appropriate, from the following areas including porches and other exterior living areas as defined in rule 3701-32-01 of the Administrative Code, kitchens, bedrooms, living rooms, and dining rooms;
 - (b) Soil samples, for analysis, as appropriate, from bare soil surfaces on play areas, the drip line of the residential unit, child care facility or school, and the yard; and
 - (c) First draw or flushed water samples for analysis, as appropriate, from the tap most commonly used for drinking water, infant formula, or food preparation. Water samples shall be collected in accordance with sample methods specified in paragraph (B) of rule 3745-81-86 of the Administrative Code.

If the results of the analysis of any of the targeted environmental samples exceed the hazard level as set forth in rule 3701-32-19 of the Administrative Code, the public health lead investigator may conclude that the residential unit, child care facility or school is a possible source of lead poisoning and conduct a public health lead risk assessment of the residential unit, child care facility or school in accordance with rule 3701-30-08 of the Administrative Code.

If the results of the analysis of the targeted environmental samples are below the hazard level as set forth in rule 3701-32-19 of the Administrative Code, the public health lead investigator may conclude that the residential unit, child care facility or school is not a possible source of the lead poisoning. The public health lead investigator shall then investigate any other residential unit, child care facility or school that the public health lead investigator reasonably suspects to be a possible source of lead poisoning.
 - (3) If the public health lead investigator is able to determine that essential maintenance practices have been performed in accordance with sections 3742.41 to 3742.46 of the Revised Code and all rough, pitted or porous horizontal surfaces have been covered in accordance with section 3742.41 of the Revised Code, the public health lead investigator shall presume the residential unit, child care facility or school is not the source of the lead

poisoning. The public health lead investigator shall then investigate any other residential unit, child care facility or school the public health lead investigator reasonably suspects to be a possible source of lead poisoning.

- (D) At the conclusion of the public health lead investigation, which may include one or more public health lead risk assessments conducted in accordance with rule 3701-30-08 of the Administrative Code, the public health lead investigator shall prepare and provide a report in a format prescribed by the director. The report shall contain the following information, unless it is otherwise included in a public health lead risk assessment report created pursuant to rule 3701-30-08 of the Administrative Code:

- (1) Date(s) of the public health lead investigation;
- (2) Address, unit number, and date of construction of each residential unit, child care facility or school investigated;
- (3) Name, address, and telephone number of the owner or manager of each residential unit, child care facility or school investigated;
- (4) Name, license number, and signature of the public health lead investigator conducting the public health lead investigation and the name, address, and telephone number of the agency employing each public health lead investigator;
- (5) Name, address, and telephone number of each environmental lead analytical laboratory approved pursuant to rule 3701-82-02 of the Administrative Code performing the analysis of any collected samples;
- (6) Results of the visual assessment of each residential unit, child care facility or school investigated;
- (7) The testing method and sampling procedure for paint analysis employed and the specific locations of each component tested for the presence of lead;
- (8) All data collected from on-site testing, including the quality control data and, if an XRF is used, its serial number;
- (9) For residential units the following statement displayed at the top of the report in bold letters:

Ohio law (section 5302.30 of the Revised Code) requires every person who intends to transfer any residential real property by sale, land installment contract, lease with option to purchase, exchange, or lease for a term of ninety-nine years and renewable forever, to complete and provide a copy to the prospective transferee of the applicable property disclosure forms, disclosing known hazardous conditions of the property, including lead-based paint hazards.

Federal law (24 CFR part 35 and 40 CFR part 745) requires sellers and lessors of residential units constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than six years of age resides or is expected to reside in such housing) or any zero-bedroom dwelling to disclose and provide a copy of this report to new purchasers or lessees before they become obligated under a lease or sales contract. Property owners and sellers are also required to distribute an educational pamphlet approved by the United States environmental protection agency and include standard warning

language in sales contracts or in or attached to lease contracts to ensure that parents have the information they need to protect children from lead-based paint hazards.

- (10) Background information regarding the physical characteristics and occupant use patterns that may cause lead hazard exposure to one or more children;
 - (11) Results of the lead loading analysis of dust samples, in micrograms per square foot, by location of samples recorded on a diagram of the floor plan of each residential unit, child care facility or school investigated;
 - (12) Results of the lead concentration analysis of soil samples, in parts per million, by location of sample recorded on a plot plan of each residential unit, child care facility or school investigated;
 - (13) Results of the lead concentration analysis of water samples, in parts per billion;
 - (14) Other sources of lead identified by the public health lead investigator in the child's environment; and
 - (15) Any other information required by the director.
- (E) A copy of the complete public health lead investigation report including any and all public health lead risk assessment information obtained pursuant to the public health lead investigation and required to be reported under paragraph (C) of rule 3701-30-08 of the Administrative Code shall be provided to the child's parent or guardian.

Effective: 11/20/2014

Five Year Review (FYR) Dates: 06/19/2014 and 06/01/2019

CERTIFIED ELECTRONICALLY

Certification

11/10/2014

Date

Promulgated Under:	119.03
Statutory Authority:	3742.50
Rule Amplifies:	3742.35
Prior Effective Dates:	4/1/2004, 7/5/09

3701-30-08 Public health lead risk assessment.

- (A) When the director determines that a residential unit, child care facility, or school is a possible source of the child's lead poisoning, the director shall conduct a public health lead risk assessment of that property in accordance with paragraphs (G)(1) to (G)(9) of rule 3701-32-07 of the Administrative Code. If a public health lead investigator completed one or more of the components of the public health lead risk assessment when conducting a public health lead investigation in accordance with rule 3701-30-07 of the Administrative Code within the previous twenty-eight calendar days, the public health lead investigator is not required to repeat those components.
- (B) The public health lead investigation and public health lead risk assessment may be completed in the same day. Prior to or within three calendar days of a public health lead risk assessment, the public health lead investigator shall send written notice to the owner or manager of a property where a public health lead risk assessment is to be or has been conducted. The notice shall be sent by regular mail or hand-delivered and state that the property is suspected of being a possible source of a child's lead poisoning and the date the public health lead risk assessment will be or has been conducted.
- (C) At the conclusion of the public health lead risk assessment, the public health lead investigator shall prepare a report for each residential unit, child care facility or school where a public health lead risk assessment was conducted. The report shall be written in a format prescribed by the director. The report shall contain the following, as applicable:
 - (1) Date of the public health lead risk assessment;
 - (2) Address, unit number, and date of construction of each residential unit, child care facility or school assessed;
 - (3) Name, address, and telephone number of the owner or manager of each residential unit, child care facility or school assessed;
 - (4) Name, license number, and signature of the public health lead investigator conducting the public health lead risk assessment and the name, address, and telephone number of the agency employing each public health lead investigator;
 - (5) Name, address, and telephone number of each environmental lead analytical laboratory approved pursuant to rule 3701-82-02 of the Administrative Code performing the analysis of any collected environmental samples;
 - (6) Results of the visual assessment of each residential unit, child care facility or school assessed;
 - (7) The testing method and sampling procedure for paint analysis employed and the specific locations of each component tested for the presence of lead;
 - (8) All data collected from on-site testing, including quality control data and if an XRF is used, its serial number;

- (9) For residential units, the following statement displayed at the top of the report in bold letters:

Ohio law (section 5302.30 of the Revised Code) requires every person who intends to transfer any residential real property by sale, land installment contract, lease with option to purchase, exchange, or lease for a term of ninety-nine years and renewable forever, to complete and provide a copy to the prospective transferee of the applicable property disclosure forms, disclosing known hazardous conditions of the property, including lead-based paint hazards.

Federal law (24 CFR part 35 and 40 CFR part 745) requires sellers and lessors of residential units constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than six years of age resides or is expected to reside in such housing) or any zero-bedroom dwelling to disclose and provide a copy of this report to new purchasers or lessees before they become obligated under a lease or sales contract. Property owners and sellers are also required to distribute an educational pamphlet approved by the United States environmental protection agency and include standard warning language in sales contracts or in or attached to lease contracts to ensure that parents have the information they need to protect children from lead-based paint hazards.

- (10) Background information regarding the physical characteristics and occupant use patterns that may cause lead hazard exposure to one or more children;
- (11) Results of the lead loading analysis of dust samples, in micrograms per square foot, a copy of the lab report, and a diagram of the floor plan of each residential unit, child care facility or school assessed illustrating the sample locations;
- (12) Results of the lead concentration analysis of soil samples, in parts per million, a copy of the lab report, and a diagram of each residential unit, child care facility or school assessed illustrating the sample locations;
- (13) Results of the lead concentration analysis of water samples, in parts per billion and a copy of the lab report;
- (14) A description of the location and type of identified lead hazards; and
- (15) A description of recommended control options for each identified lead hazard as outlined in rule 3701-30-10 of the Administrative Code .
- (16) A copy of the Performance Characteristics Sheet for the X-Ray Fluorescence (XRF) instrument utilized for paint analysis.
- (D) The report shall be sent by certified mail return receipt requested or hand delivered to all relevant property owners or managers within fourteen calendar days of receipt of laboratory test results.

Five Year Review (FYR) Dates: 06/19/2014 and 06/01/2019

CERTIFIED ELECTRONICALLY

Certification

11/10/2014

Date

Promulgated Under:	119.03
Statutory Authority:	3742.50
Rule Amplifies:	3742.36
Prior Effective Dates:	4/1/2004, 7/5/09

3701-30-09 Lead hazard control order.

- (A) If the director determines, based on the public health lead risk assessment that one or more lead hazards exist in a residential unit, child care facility, or school are contributing, in whole or in part, to a child's lead poisoning the director shall issue an order to have each lead hazard controlled. The areas of each residential unit, child care facility, or school that may be subject to the lead hazard control order include the following:
 - (1) The interior and exterior surfaces and all common areas of the residential unit, child care facility, or school;
 - (2) Every attached or unattached structure located within the same lot line as the residential unit, child care facility, or school, including garages, play equipment, and fences; and
 - (3) The lot or land that the residential unit, child care facility, or school occupies.
- (B) A lead hazard control order shall be in writing and specify the following:
 - (1) Each lead hazard to be controlled;
 - (2) The date by which the residential unit, child care facility, or school must pass a clearance examination demonstrating that each lead hazard has been sufficiently controlled. The date by which the residential unit, child day-care facility, or school must pass clearance shall be ninety calendar days from receipt of the lead hazard control order; and
 - (3) If the director determines that the health of the occupants of the residential unit, child care facility, or school, may be at risk during the lead hazard control work, the director may require that the occupants be removed from the residential unit, child care facility, or school until the residential unit, child care facility, or school passes a clearance examination.
- (C) The director may grant an extension to the date by which a clearance examination of the property subject to a lead hazard control order must be passed. The request shall be in writing, set forth the reasons for the extension request and describe the measures that have been implemented to protect the child from further lead poisoning.
- (D) The lead hazard control order shall be sent by certified mail return receipt requested or hand delivered to the owner and manager of the property that is the subject of the lead hazard control order. Any order that is returned undelivered will be re-sent by regular mail and after three calendar days will be assumed to be delivered. Any order that is returned undelivered for a second time shall be posted at the property that is the subject of the lead hazard control order.
- (E) If the lead hazard control order applies to a building in which there is more than one residential unit, the director shall have a copy of the order delivered to the occupants of each residential unit or require that the owner or manager of the building deliver a copy of the order to the occupants of each residential unit.
- (F) If the lead hazard control order applies to a child care facility or school, the owner

shall have a copy of the order delivered to the parent, guardian, or custodian of each child under six years of age who receives child care or education at the facility or school or require the owner or manager of the child care facility or school to have a copy of the order so delivered.

- (G) If ownership of a property subject to a lead hazard control order is transferred after the issuance of a lead hazard control order, the property remains subject to the order. The director shall deem the individual or entity listed on the property deed as the owner and shall send documents or otherwise communicate with the deed holder until the hazards are sufficiently controlled and the order is lifted.

Effective: 11/20/2014

Five Year Review (FYR) Dates: 06/19/2014 and 06/01/2019

CERTIFIED ELECTRONICALLY

Certification

11/10/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3742.50
Rule Amplifies: 3742.01
Prior Effective Dates: 4/1/2004, 7/5/09

3701-30-10 Method of control.

- (A) The owner or manager of a residential unit, child care facility, or school that receives a lead hazard control order shall choose a method of controlling each lead hazard from the methods listed in this rule that enables the residential unit, child care facility, or school to pass the clearance examination. Except as specified in paragraphs (D) and (E) of this rule, lead hazards identified in the lead hazard control order shall be controlled by a licensed lead abatement contractor as required by section 3742. of the Revised Code and Chapter 3701-32 of the Administrative Code. -
- (B) The following are acceptable measures of control for lead hazards and shall be applied in accordance with the United States department of housing and urban development guidelines, which are available on the internet at www.hud.gov/offices/lead/lbp/hudguidelines/index.cfm and in state libraries, and other applicable federal, state, and local laws:
 - (1) Deterioration of lead-based paint on a non-friction or non-impact surface shall be controlled using one or more of the following methods:
 - (a) Removal of the lead-based painted component and replacement with a lead-free component;
 - (b) Paint removal by separation of the lead-based paint from the substrate using heat guns (operated below eleven hundred degrees fahrenheit), chemicals, or certain abrasive measures either onsite or offsite;
 - (c) Enclosure of the lead-based painted component with durable materials. Durable materials include wallboard, drywall, paneling, siding, coil stock and the sealing or caulking of edges and joints so as to prevent or control chalking, flaking, peeling, scaling or loose lead-containing substances from becoming part of house dust or otherwise accessible to children;
 - (d) Encapsulation of lead-based painted component with a durable surface coating approved in rule 3701-32-13 of the Administrative Code;
 - (e) Any other lead safe method of permanently removing the lead hazard as approved by the director; or
 - (f) Paint stabilization as defined in rule 3701-32-01 of the Administrative Code and a written ongoing maintenance and monitoring schedule.
 - (2) Deterioration of lead-based paint on friction or impact surfaces shall be controlled using one or more of the following methods:
 - (a) Removal of the lead-based painted component and replacement with lead-free component;
 - (b) Lead-based paint removal by separation of the lead-based paint from the substrate using heat guns (operated below eleven hundred degrees fahrenheit), chemicals or certain abrasive measures either onsite or offsite;
 - (c) Enclosure of impact surfaces with durable materials. Durable material

include wallboard, drywall, paneling, a quarter inch or thicker plywood or other underlayment for floors, coil stock and the sealing or caulking of edges and joints so as to prevent or control chalking, flaking, peeling, scaling or loose lead-containing substances from becoming part of house dust or otherwise accessible to children. The underlayment for floors must be covered with a cleanable, impermeable surface;

- (d) Any other lead safe method of permanently removing the lead hazard as approved by the director; or
 - (e) Immobilization of the friction points or application of a treatment that will prevent abrasion of the friction surface and a written ongoing maintenance and monitoring schedule.
- (3) Deterioration of lead-based paint on a chewable surface shall be controlled using one or more of the following methods:
- (a) Removal of lead-based painted component and replacement with lead-free components;
 - (b) Lead-based paint removal by separation of the lead-based paint from the substrate using heat guns (operated below eleven hundred degrees fahrenheit), chemicals or certain abrasive measures either onsite or offsite;
 - (c) Enclosure of the lead-based painted component with a material that cannot be penetrated by a child's teeth;
 - (d) Encapsulation of the lead-based painted component by coating and sealing of the component with a durable surface coating approved in rule 3701-32-13 of the Administrative Code; or
 - (e) Any other lead safe method of permanently removing the lead hazard as approved by the director.
- (4) Lead-contaminated dust shall be controlled using one or more of the following methods:
- (a) Elimination or control of the source creating the lead-contaminated dust using an appropriate control method listed in this rule and followed with specialized cleaning to eliminate the lead-contaminated dust. Specialized cleaning includes the use of a HEPA vacuum, wet-mopping and/or wet-scrubbing; or
 - (b) Elimination of the lead-contaminated dust through specialized cleaning when the source creating the lead-contaminated dust cannot be identified. Specialized cleaning includes the use of a HEPA vacuum, wet-mopping or wet-scrubbing.
- (5) Lead-contaminated soil shall be controlled using one or more of the following methods:
- (a) Covering of the lead-contaminated bare soil with a permanent covering such as concrete or asphalt;
 - (b) Removal of the top six inches of lead-contaminated bare soil and replacing it

with six inches of new soil having a lead concentration of less than four hundred parts per million;

- (c) Covering of the lead-contaminated soil with an impermanent covering and a written ongoing maintenance and monitoring schedule. Impermanent covering includes sod and artificial turf. Gravel and mulch may be used as an impermanent covering if applied at a minimum of six inches in depth; or
 - (d) Any other lead safe method of permanently removing the lead hazard as approved by the director.
- (6) Lead-contaminated water pipes shall be controlled using one or more of the following methods:
- (a) Removal of plumbing fixtures and replacement with lead-free fixtures;
 - (b) Any other lead safe method of permanently removing the lead hazard as approved by the director; or
 - (c) Flushing of water lines that are used for drinking or cooking for a minimum of one minute when water has not been used in the last six hours.
- (C) The following practices are prohibited to be used as a method of control:
- (1) Open flame burning or torching;
 - (2) Machine sanding or grinding without a HEPA local vacuum exhaust tool;
 - (3) Abrasive blasting or sandblasting without a HEPA local vacuum exhaust tool;
 - (4) Use of a heat gun operating above one thousand one hundred degrees fahrenheit;
 - (5) Charring paint;
 - (6) Dry sanding;
 - (7) Dry scraping, except when done as follows:
 - (a) In conjunction with a heat gun operating at not more than one thousand one hundred degrees fahrenheit;
 - (b) Within one foot of an electrical outlet;
 - (c) To treat defective paint spots totaling not more than two square feet in an interior room or space or twenty square feet on an exterior surface.
 - (8) Uncontained hydroblasting or high-pressure washing; and
 - (9) Paint stripping in a poorly ventilated space using a volatile stripper that is considered a hazardous substance under 16 C.F.R. 1500.3 (Effective February 14, 2014) or a hazardous chemical under 29 C.F.R. 1910.1200 (Effective February 8, 2013) or 29 C.F.R. 1926.59 (Effective June 20, 1996) in the type of work being performed.
- (D) In addition to or in lieu of the accepted measures of control for lead hazards

identified in paragraph (B) of this rule, upon written determination from the director, a property owner or manager may implement reasonable controls of lead hazards through the demolition of a building containing lead hazards. In order to be considered a reasonable control of lead hazards, all demolition efforts must be conducted in a manner that is protective of human health, the environment and is compliant with all applicable federal, state, and local laws.

- (E) A property owner or manager is not required to use a licensed lead abatement contractor when doing the following:
 - (1) Removal of mini blinds;
 - (2) Flushing of water lines that are used for drinking or cooking; and/or
 - (3) If the individual completed a training program approved by the director:
 - (a) Specialized cleaning not associated with lead abatement;
 - (b) Permanent immobilization of friction points on a window;
 - (c) Covering of lead-contaminated bare soil with an impermanent covering, such as sod, artificial turf, or six inches of gravel or mulch.
- (F) The owner or manager of a property subject to a lead hazard control order shall inform the director in writing on a form prescribed by the director as to which lead hazard control method has been chosen for each lead hazard. The notification shall be sent to the director by facsimile, electronic mail, or regular mail ten days prior to the start of the lead hazard control work and shall be signed by the licensed lead abatement contractor hired to perform the lead hazard control work. The director may provide written comments to the owner or manager within ten calendar days of receipt of the proposed methods of control.
- (G) After each lead hazard has been sufficiently controlled by a licensed lead abatement contractor or lead abatement worker, the property owner or manager shall ensure the successful completion of a clearance examination by a licensed lead risk assessor or lead inspector in accordance with rule 3701-32-12 of the Administrative Code. The property owner or manager shall submit a copy of the clearance examination report to the director.
- (H) Upon a determination by the director that all lead hazards have been sufficiently controlled, an ongoing maintenance and monitoring plan is in place, when applicable, and a clearance examination has been passed, the director shall issue a notice to the property owner or manager that lifts the lead hazard control order.
- (I) After the lead hazard control order has been lifted the director shall provide the owner and manager of the residential unit, child care facility or school with information on methods of maintaining control of each lead hazard. In residential units the director or owner shall also provide information on control methods to the residents. In schools or child care facilities the director or owner shall provide information on control methods to the parents or guardians of children who frequent the property.

Effective: 11/20/2014

Five Year Review (FYR) Dates: 07/10/2014 and 06/01/2019

CERTIFIED ELECTRONICALLY

Certification

11/10/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3742.50
Rule Amplifies: 3742.38, 3742.39
Prior Effective Dates: 4/1/2004, 7/5/09

Refusal to comply.

- (A) If the owner and manager of a residential unit, child care facility or school does not comply with a lead hazard control order, the director shall issue a non-compliance order prohibiting the owner and manager from using the residential unit, child care facility or school as a residential unit, child care facility or school. The non-compliance order shall remain in effect until the director receives evidence that the residential unit, child care facility or school has passed a clearance examination.
- (B) When the owner and manager receives a non-compliance order prohibiting the use of the residential unit, child care facility or school the owner or manager shall take appropriate measures to notify each occupant of the residential unit(s), parent, guardian, or custodian of each child attending the child care facility or school to vacate the residential unit, child care facility or school until the residential unit, child care facility or school passes a clearance examination. This notification must be received by the occupant, parent, guardian, or custodian no less than ten days prior to vacating the residential unit, child care facility or school.
- (C) The director shall post a sign on one or more entrances to the residential unit, child care facility, or school that serves to warn the public and states the following information:
- (1) A warning that the residential unit, child care facility or school has a lead hazard; and
 - (2) A declaration that the residential unit, child care facility or school is unsafe for human occupation, especially for children under six years of age and pregnant women.
 - (3) Pursuant to Ohio Revised Code section 3742.99, removal of the sign is punishable by a fine and/or imprisonment. Each day of violation is a separate offense.
- (D) The sign shall remain posted until the director determines the lead hazards have been sufficiently controlled and the lead hazard control order is lifted.

R.C. 119.032 review dates:

06/12/2014 and 06/01/2019

CERTIFIED ELECTRONICALLY

Certification

06/12/2014

Date

3701-30-12 Lead poisoning prevention fund.

- (A) The department of health may use the monies in the lead poisoning prevention fund for the purposes of the child lead poisoning prevention program established under section 3742.31 of the Revised Code, to provide financial assistance to individuals who are unable to pay for either of the following:
 - (1) Costs associated with obtaining lead tests and lead poisoning treatment for treatment for children under six years of age who are not covered by private medical insurance or are under insured, are not eligible for the medicaid program or any other government health program, and do not have access to another source of funds to cover the costs of lead tests and any indicated treatments;
 - (2) Costs associated with having lead hazard control performed or having the preventive treatments specified in section 3742.41 of the Revised Code.
- (B) Distribution of the funds shall be made for the following as determined by the director:
 - (1) Costs associated with obtaining lead tests or lead poisoning treatment for children who qualify under the criteria set forth in paragraph (A) of this rule;
 - (2) Assist with costs for abatement of lead hazards identified in a lead hazard control order issued by the director of health and are determined to be cost-efficient. Priority for providing assistance to abate lead hazards shall be as follows:
 - (a) Owners of a freestanding single-family home used as the property owner's primary residence, in which a child under six years of age resides;
 - (b) Owners of a freestanding single-family home used as the property owner's primary residence, in which a child under six years of age is cared for on a regular basis;
 - (c) Owners of a freestanding single-family home used as the property owner's primary residence and have an individual at risk for lead poisoning residing in the property;
 - (3) Assist with the costs associated with taking a lead abatement contractor training course and obtaining a lead abatement contractor license if a property owner of a freestanding single-family residence used as the property owner's primary residence and subject to a lead hazard control order issued by the director of health agrees to abate the identified hazards after taking the course and obtaining a license;
 - (4) Costs of controlling lead hazards identified in a property subject to a lead hazard control order;
 - (5) Assist with the costs associated with preventive treatments implemented in accordance with section 3742.41 of the Revised Code, by an owner of a single-family residence used as the property owner's primary residence and an

individual at risk of lead poisoning resides in the property.

- (C) The director shall determine that individuals are unable to pay for lead hazard control or preventive treatments if they demonstrate that they are at or below three hundred per cent of the poverty income for their family size, as reported in the federal register by the United States department of health and human services, rounded up to the nearest five hundred dollars.
- (D) Monies approved for the distribution from the fund shall be paid directly to the health care provider for costs incurred with testing or treating a child with lead poisoning pursuant to paragraph (B)(1) of this rule, or the contractor performing abatement or preventive treatments on the property or the approved training and licensing agencies for costs associated with licensed lead abatement contractor training pursuant to paragraphs (B)(2) to (B)(5) of this rule.

Effective: 11/20/2014

Five Year Review (FYR) Dates: 06/19/2014 and 06/01/2019

CERTIFIED ELECTRONICALLY

Certification

11/10/2014

Date

Promulgated Under:	119.03
Statutory Authority:	3742.50
Rule Amplifies:	3742.01
Prior Effective Dates:	4/1/2004, 7/5/09

- (A) The director of health shall appoint individuals to the advisory council, created pursuant to section 3742.32 of the Revised Code. The terms of appointment shall be four years and may be renewed an indefinite number of times. The council:
- (1) Shall meet at least four times per year;
 - (2) Shall provide assistance in the ongoing development and implementation of the child lead poisoning prevention program created under section 3742.31 of the Revised Code, including but not limited to providing advice on the adoption, amendment or rescission of administrative rules, policies, preferred methods of financing the program, the program's strategic plan for eliminating childhood lead poisoning and other issues of relevance to the child lead poisoning prevention program;
 - (3) Shall submit a report of the state's activities to the governor, president of the senate, and speaker of the house on or before the first day of March each year;
 - (4) May establish workgroups to address specific issues related to the child lead poisoning prevention program; and
 - (5) May invite individuals not members of the council to attend the meetings and serve on workgroups.
- (B) Appointed members of the council shall attend no less than five of the eight meetings convened during a two year period, or three-fifths of the meetings if more than eight meetings are convened during a two year period.
- (C) Vacancies shall be filled in the manner provided for original appointments. Any individual appointed to fill a vacancy prior to the expiration of the term for which the individual's predecessor was appointed shall serve for the remainder of that term.
- (D) The child lead poisoning prevention program shall convene and facilitate meetings of the council and its workgroups. The program will be responsible for operational support of the functions of the council.

R.C. 119.032 review dates:

06/12/2014 and 06/01/2019

CERTIFIED ELECTRONICALLY

Certification

06/12/2014

Date

Promulgated Under:	119.03
Statutory Authority:	3742.50
Rule Amplifies:	3742.01
Prior Effective Dates:	7/15/2009

Ohio Administrative Code

Chapter 3701-32

3701-32-01 Definitions.

As used in Chapters 3701-32 and 3701-82 of the Administrative Code:

- (A) "ASTM" means the american society for testing and materials .
- (B) "Bare soil" means soil or sand, including sand found in sandboxes, not covered with grass, sod, or some other similar vegetation, or paving.
- (C) "Chewable surface" means any protruding interior or exterior painted or coated surface on which there is evidence of teeth marks.
- (D) "Child care facility" means each area of any of the following in which child care, defined in section 5104.01 of the Revised Code, is provided to children under six years of age:
 - (1) A child day-care center, type A family day-care home, or type B family day-care home as defined in section 5104.01 of the Revised Code; or
 - (2) A preschool program or school child program as defined in section 3301.52 of the Revised Code.
- (E) "Clearance area" means the portion of the property where lead abatement or non-abatement was performed and dust containment was established. The clearance area shall be the entire unit if dust containment was not established.
- (F) "Clearance examination" means an examination to determine whether the lead hazards in a residential unit, child care facility, or school have been sufficiently controlled. A clearance examination includes a visual assessment, collection, and analysis of environmental samples.
- (G) "Clearance technician" means a person, other than a licensed lead inspector or lead risk assessor, who performs a clearance examination.
- (H) "CLIA" means a clinical laboratory that is certified or in possession of a certificate of waiver issued by the United States department of health and human services pursuant to the "Clinical Laboratory Improvements Amedments of 1988" as set forth in Public Law 100578.
- (I) "Clinical laboratory" means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of substances derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease, or in the assessment or impairment of the health of human beings. "Clinical laboratory" does not include a facility that only collects or prepares specimens, or serves as a mailing service, and does not perform testing.
- (J) "Containment" means the physical measures taken to isolate the work area in order to ensure that dust and debris created or released during activities are not spread, blown or tracked outside the work area.
- (K) "Deteriorated paint" means any interior or exterior paint or other coating that is peeling, chipping, chalking, or cracking, or any paint or coating located on an

interior or exterior surface or fixture that is otherwise damaged or separated from the substrate, or paint on a friction or impact surface that shows abrasion or other evidence of damage to the paint from the friction or impact.

- (L) "Director" means the director of the Ohio department of health, the director's designee, or the director's authorized agent.
- (M) "Documented methodologies" means a method or methods, prescribed by legal requirements, recognized and published by a national organization, or developed and validated by the environmental lead analytical laboratory or personnel employing the method or methods. Sample collection methods, preparation procedures and analytical methods recommended by the United States environmental protection agency, national institutes of safety and health, ASTM, AOAC, APHA, the United States department of urban development and others may be acceptable if the environmental lead analytical laboratory or personnel has demonstrated acceptable performance for each particular matrix. Alternative procedures, or modifications, or both, of methods may be used only if they have been validated by the environmental lead analytical laboratory.
- (N) "ELPAT" means the environmental lead proficiency analytical testing program.
- (O) "Encapsulation" means the coating and sealing of surfaces with durable surface coating specifically formulated to be elastic, able to withstand sharp and blunt impacts, long-lasting, and resilient, while also resistant to cracking, peeling, algae, fungus, and ultraviolet light, so as to prevent any part of lead-containing paint from becoming part of house dust or otherwise accessible to children.
- (P) "Enclosure" means the resurfacing or covering of surfaces with durable materials such as wallboard or paneling, and the sealing or caulking of edges and joints to prevent or control chalking, flaking, peeling, scaling or loose lead-containing substances from becoming part of house dust or otherwise accessible to children.
- (Q) "Engineering controls" are measures, other than respiratory protection or administrative controls, implemented at the worksite to contain, control or otherwise reduce exposure to lead-containment dust and debris.
- (R) "Environmental lead analytical laboratory" means a facility that analyzes air, dust, soil, water, paint, film, or other substances, other than substances derived from the human body, for the presence and concentration of lead.
- (S) "Environmental samples" means paint-chip, dust, soil, water or air samples collected for the purpose of analysis.
- (T) "Essential maintenance practices" means preventive treatments performed as prescribed in section 3742.41 of the Revised Code in residential units, child care facilities or schools.
- (U) "Exterior living area" means a room equivalent located on the exterior of a residential unit, such as a porch, or patio that is used as living space as indicated by the presence of toys, other children's possessions or play patterns, information provided by the residents, property owners, or other observations.
- (V) "Flushed water sample" means a one-liter sample of tap water collected after the tap has been allowed to run at its maximum flow rate for a minimum of one minute before collecting the sample.

- (W) "Friction surface" means any interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.
- (X) "Hands-on assessment" means an evaluation which tests a trainee's ability to perform specified work practices and procedures in compliance with Chapters 3701-32 and 3701-82 of the Administrative Code.
- (Y) "Hands-on training" means direct practical experience in the operation or functioning of a skill or task and involves active participation by a student.
- (Z) "HEPA" means the designation given to a product, device, or system that has been equipped with a high-efficiency particulate air filter that is capable of removing particles of 0.3 microns or larger from air at 99.97 per cent or greater efficiency.
- (AA) "HEPA vacuum" means a vacuum cleaner that is HEPA rated by the manufacturer and that has been designed with a high-efficiency particulate air filter as the last filtration stage that is capable of capturing particles of 0.3 microns with 99.97 per cent or greater efficiency.
- (BB) "HUD " means the United States department of housing and urban development.
- (CC) "HUD guidelines" means the 2012 Edition of the "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing" issued by the United States department of housing and urban development pursuant to Section 1017 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, Public Law 102-550. The HUD guidelines may be accessed at www.hud.gov/lead.
- (DD) "Impact surface" means an interior or exterior surface that is subject to damage by repeated sudden force, such as certain parts of door frames.
- (EE) "Interim clearance examination" means a clearance examination performed prior to all abatement or non-abatement work being complete that may be used to show that an area of the property has been cleaned and hazards controlled well enough so that a non-licensed or non-certified person can occupy an area.
- (FF) "Interim controls" means a set of measures designed to reduce temporarily human exposure or likely human exposure to lead hazards. Interim controls include specialized cleaning, repairs, painting, temporary containment, ongoing lead hazard maintenance activities, and the establishment and operation of management and resident education programs.
- (GG) "Lead abatement":
 - (1) Means a measure or a set of measures, designed for the single purpose of permanently eliminating lead hazards. "Lead abatement" includes all the following:
 - (a) Removal of lead-based paint and lead-contaminated dust;
 - (b) Permanent enclosure or encapsulation of lead-based paint;
 - (c) Replacement of surfaces or fixtures painted with lead-based paint;
 - (d) Removal or permanent covering of lead-contaminated soil;
 - (e) Preparation, cleanup, and disposal activities associated with lead abatement.

- (2) "Lead abatement" does not include any of the following:
- (a) Preventive treatments performed pursuant to section 3742.41 of the Revised Code;
 - (b) Implementation of interim controls;
 - (c) Activities performed by a property owner on a residential unit to which both of the following apply:
 - (i) It is a freestanding single-family home used as the property owner's private residence;
 - (ii) No child under six years of age who has lead poisoning resides in the unit.
- (HH) "Lead abatement contractor" means any individual who engages in or intends to engage in lead abatement and who employs or supervises one or more lead abatement workers, including on-site supervision of lead abatement projects, or prepares specifications, plans, or documents for a lead abatement project.
- (II) "Lead abatement project" means one or more lead activities that are conducted by a lead abatement contractor or lead abatement project designer and are reasonably related to each other.
- (JJ) "Lead abatement project designer" means a person who is responsible for designing lead abatement projects and preparing a pre-abatement plan for all designed projects.
- (KK) "Lead abatement worker" means an individual responsible in a non-supervisory capacity for the performance of lead abatement.
- (LL) "Lead activity" means:
- (1) Any aspect of a lead inspection, lead risk assessment, lead hazard screen risk assessment, clearance examination; or
 - (2) In the case of a lead abatement project, any aspect of lead abatement that is conducted by a lead abatement contractor, lead abatement project designer, or lead abatement worker.
- (MM) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health as set forth in rule 3701-32-19 of the Administrative Code.
- (NN) "Lead-based paint sampling" means limited paint-chip sampling or XRF analysis performed to determine the presence or absence of lead-based paint on deteriorated paint surfaces or painted surfaces in a residential unit, child care facility, or school.
- (OO) "Lead-contaminated dust" means surface dust that contains an area or mass concentration of lead at or in excess of the level that is hazardous to human health as set forth in rule 3701-32-19 of the Administrative Code.
- (PP) "Lead-contaminated soil" means soil that contains lead at or in excess of the level that is hazardous to human health as set forth in rule 3701-32-19 of the

Administrative Code.

- (QQ) "Lead-contaminated water pipes" means water pipes containing lead materials causing the water supply to contain lead levels at or in excess of the level that is hazardous to human health as set forth in rule 3701-32-19 of the Administrative Code.
- (RR) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as set forth in rule 3701-32-19 of the Administrative Code. "Lead hazard" includes lead-based paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes.
- (SS) "Lead hazard control" means measures taken to reduce or eliminate a lead hazard, which includes, but is not limited to, lead abatement, interim controls, or both, as appropriate.
- (TT) "Lead hazard control order" means an order issued by the director under section 3742.37 of the Revised Code.
- (UU) "Lead hazard screen risk assessment" means a risk assessment that involves limited paint and dust sampling and that is conducted in compliance with paragraph (J) of rule 3701-32-07 of the Administrative Code.
- (VV) "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint. The inspection shall use a sampling or testing technique set forth in rule 3701-32-06 of the Administrative Code. A licensed lead inspector or laboratory approved pursuant to rule 3701-82-02 of the Administrative Code shall certify in writing the precise results of the inspection.
- (WW) "Lead inspector" means any individual who conducts a lead inspection, provides professional advice regarding a lead inspection, or prepares a report explaining the results of a lead inspection.
- (XX) "Lead risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead hazards in a residential unit, child care facility, or school, including information gathering from the unit, facility, or school's current owner's knowledge regarding the age and painting history of the unit, facility, or school and occupancy by children under six years of age, visual inspection, limited wipe sampling or other environmental sampling techniques, and any other activity as may be appropriate.
- (YY) "Lead risk assessor" means a person who is responsible for developing a written inspection, risk assessment and analysis plan; conducting inspections for lead hazards in a residential unit, child care facility, or school; interpreting results of inspections or risk assessments; identifying hazard control strategies to reduce or eliminate lead exposures; and completing a risk assessment report.
- (ZZ) "Lead-safe renovation" means the supervision or performance of services for the general improvement of all or part of an existing structure, including a residential unit, child care facility, or school, when the services are supervised or performed by a lead-safe renovator.
- (AAA) "Lead-safe renovator" means a person who has successfully completed a training program in lead-safe renovation approved pursuant to rule 3701-32-16 of the Administrative Code.

individual at risk of lead poisoning resides in the property.

- (C) The director shall determine that individuals are unable to pay for lead hazard control or preventive treatments if they demonstrate that they are at or below three hundred per cent of the poverty income for their family size, as reported in the federal register by the United States department of health and human services, rounded up to the nearest five hundred dollars.
- (D) Monies approved for the distribution from the fund shall be paid directly to the health care provider for costs incurred with testing or treating a child with lead poisoning pursuant to paragraph (B)(1) of this rule, or the contractor performing abatement or preventive treatments on the property or the approved training and licensing agencies for costs associated with licensed lead abatement contractor training pursuant to paragraphs (B)(2) to (B)(5) of this rule.

Effective: 11/20/2014

Five Year Review (FYR) Dates: 06/19/2014 and 06/01/2019

CERTIFIED ELECTRONICALLY

Certification

11/10/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3742.50
Rule Amplifies: 3742.01
Prior Effective Dates: 4/1/2004, 7/5/09

- (BBB) "Manager" means a person, who may be the same person as the owner, responsible for the daily operation of a residential unit, child care facility, or school.
- (CCC) "NLLAP" means the national lead laboratory accreditation program.
- (DDD) "Non-abatement lead activity" means activities such as paint stabilization, lead-safe renovation or essential maintenance practices and preventive treatments performed pursuant to section 3742.41 of the Revised Code, interim controls, or lead-safe renovation.
- (EEE) "Non-abatement lead project" includes one or more non-abatement lead activities in the scope of work being conducted on a residential unit, child care facility, or school.
- (FFF) "On-site supervision" means the supervisor is physically present at the worksite or available for immediate consultation by phone, pager, or answering service and able to be present at the work site within two hours.
- (GGG) "OSHA" means the United States occupational safety and health administration.
- (HHH) "Other lead assessment activity" means limited evaluation or sampling performed in a residential unit, child care facility or school by a lead risk assessor to determine the existence, nature, severity and location of any lead hazards.
- (III) "Owner" means a person, firm, corporation, guardian, conservator, receiver, trustee, executor, or other judicial officer who, alone or with others, owns, holds, or controls the freehold or leasehold title or part of the title to property, with or without actually possessing it. Owner includes a vendee in possession, but does not include a mortgagee or an owner of a reversionary interest under a ground rent lease.
- (JJJ) "Paint" means any substance applied to a surface as a surface coating, including, but not limited to, household paints, varnishes and stains.
- (KKK) "Paint stabilization" means repairing any physical defect in the substrate of any 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.
- (LLL) "Permanent" means an expected design life of at least twenty years.
- (MMM) "Play area" means an area of soil contact by children as indicated by, but not limited to, the presence of play equipment including, but not limited to sandboxes, swing sets, and sliding boards, toys, or other children's possessions, observations of play patterns, or information provided by parents, residents, care givers, or property owners.
- (NNN) "Principal instructor" means the individual who has primary responsibility for organizing and teaching a particular course.
- (OOO) "Proof of licensure" means the license certificate or the pocket license certificate.
- (PPP) "Replacement" means an activity that entails removing components such as windows, doors, and trim that have lead hazards on their surfaces and installing components free of lead hazards.

- (QQQ) "Residential unit" means a dwelling or any part of a building being used as an individual's private residence
- (RRR) "Room equivalent" means a separate part of the inside of a building, such as a bedroom, living room, dining room, kitchen, bathroom, laundry room, hallway, or utility room. To be considered a separate room, the room must be separated from adjoining rooms by built-in walls or archways that extend at least six inches from an intersecting wall. Half walls or bookcases count as room separators if built-in. Movable or collapsible partitions or partitions consisting solely of shelves or cabinets are not considered built-in walls. A screened in porch that is used as a living area is a room.
- (SSS) "School" means a public or nonpublic school in which children under six years of age receive education.
- (TTT) "Training hour" means at least fifty minutes of actual learning, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, or hands-on experience, or any combination of these processes.
- (UUU) "Training manager" means the individual responsible for administering a training program and monitoring the performance of the principal instructors, work practice instructors, and guest instructors.
- (VVV) "USEPA" means the United States environmental protection agency.
- (WWW) "Visual assessment" means the visual examination of a residential unit, child care facility or school to identify deteriorated paint, visible dust, paint-chips, debris or residue which may be lead-based.
- (XXX) "Window sill" means the portion of the horizontal window ledge that protrudes into the interior of the room, adjacent to the window sash when the window is closed. Window sill is often called the window stool.
- (YYY) "Window trough" or "window well" means, for the typical double-hung window, the portion of the exterior window sill between the interior window sill or stool and the frame of the storm window. If there is no storm window, the window trough is the area that receives the upper and lower window sashes when both sashes are lowered.
- (ZZZ) "Work practice instructor" means the individual who is responsible for teaching particular skills in a specific course.
- (AAAA) "XRF technology" means the science of the use of portable x-ray fluorescence lead in paint analyzers to determine lead concentration in paint.

Effective: 08/04/2014

R.C. 119.032 review dates: 04/01/2014 and 04/01/2019

CERTIFIED ELECTRONICALLY

Certification

07/23/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3742.03, 3742.50
Rule Amplifies: 3742.01, 3742.02, 3742.03, 3742.04, 3742.05,
3742.06, 3742.07, 3742.071, 3742.08, 3742.09,
3742.10, 3742.14, 3742.15, 3742.16, 3742.35,
3742.36, 3742.37, 3742.41, 3742.47
Prior Effective Dates: 12/30/1994 (Emer.), 4/9/95, 10/6/95 (Emer.),
11/23/95, 3/21/98, 6/19/03, 4/1/04, 7/5/09

3701-32-02 **Scope and applicability of rules.**

All individuals licensed pursuant to the rules of this chapter must comply with Chapter 3742. of the Revised Code and the applicable rules in Chapter 3701-32 of the Administrative Code. This chapter is applicable to residential units, child care facilities and schools. In addition:

- (A) Clearance technicians shall comply with rules 3701-32-03, 3701-32-04, 3701-32-05, 3701-32-12, 3701-32-15 and 3701-32-19 of the Administrative Code.
- (B) Lead inspectors shall comply with rules 3701-32-03, 3701-32-04, 3701-32-06, 3701-32-12, 3701-32-15, and 3701-32-19 of the Administrative Code.
- (C) Lead risk assessors shall comply with rules 3701-32-03, 3701-32-04, 3701-32-07, 3701-32-12, 3701-32-15 and 3701-32-19 of the Administrative Code.
- (D) Lead abatement workers shall comply with rules 3702-32-03, 3701-32-04, and 3701-32-09 of the Administrative Code.
- (E) Lead abatement contractors shall comply with rules 3701-32-03, 3701-32-04, 3701-32-08, 3701-32-15 and 3701-32-19 of the Administrative Code.
- (F) Lead abatement project designers shall comply with rules 3701-32-03, 3701-32-04, 3701-32-10, 3701-32-15 and 3701-32-19 of the Administrative Code.
- (G) Lead-safe renovators shall comply with rules 3701-32-03 and 3701-32-11 of the Administrative Code.
- (H) Individuals performing essential maintenance practices shall comply with rules 3701-32-03, 3701-32-17 and 3701-32-19 of the Administrative Code.
- (I) Manufacturers of encapsulants must comply with rule 3701-32-03 and 3701-32-13 of the Administrative Code.
- (J) Clinical lead laboratories must be approved pursuant to rule 3701-82-02 of the Administrative Code and comply with rules 3701-32-14 and 3701-30-05 of the Administrative Code.
- (K) Environmental lead laboratories must be approved pursuant to rule 3701-82-02 of the Administrative Code and comply with rule 3701-32-14 of the Administrative Code.
- (L) Training providers must be approved pursuant to rule 3701-32-16 or 3701-82-01 of the Administrative Code and must comply with rules 3701-32-16.1, 3701-32-16.2, 3701-32-16.3, or rules 3701-82-01.1, 3701-82-01.2, and 3701-82-01.3 of the Administrative Code.

R.C. 119.032 review dates: 04/01/2014 and 04/01/2019

CERTIFIED ELECTRONICALLY

Certification

04/01/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3742.03, 3742.50
Rule Amplifies: 3742.01, 3742.02, 3742.03, 3742.04, 3742.05,
3742.06, 3742.07, 3742.071, 3742.08, 3742.09,
3742.10, 3742.14, 3742.15, 3742.16, 3742.35,
3742.36, 3742.37, 3742.41, 3742.47
Prior Effective Dates: 4/1/2004, 7/5/09

3701-32-03 General provisions and prohibitions.

- (A) No person shall do any of the following when a residential unit, child care facility, or school is involved:
- (1) Perform a lead inspection without a valid lead inspector license or valid lead risk assessor license;
 - (2) Perform a lead risk assessment, lead hazard screen risk assessment, or lead risk assessment activity without a valid lead risk assessor license;
 - (3) Perform a clearance examination following lead abatement without a valid lead inspector license, or valid lead risk assessor license;
 - (4) Perform a clearance examination following non-abatement lead activities without a valid clearance technician license, unless that person holds a valid lead inspector license or valid lead risk assessor license;
 - (5) Supervise a lead abatement project without a valid lead abatement contractor license, or valid lead abatement project designer license;
 - (6) Provide professional advice regarding lead abatement without a valid lead abatement contractor license, or valid lead abatement project designer license;
 - (7) Perform lead abatement without a valid lead abatement worker license, valid lead abatement contractor license, or valid lead abatement project designer license;
 - (8) Perform lead abatement without the on-site supervision of a lead abatement contractor or lead abatement project designer;
 - (9) Act as a lead abatement project designer without a valid lead abatement project designer license;
 - (10) Knowingly authorize or employ an individual to perform lead abatement, unless the individual who will perform the lead abatement holds a valid lead abatement contractor license, valid lead abatement project designer license, or valid lead abatement worker license;
 - (11) Perform lead-safe renovation without the appropriate training as set forth in rule 3701-32-16 of the Administrative Code;
 - (12) Have lead-safe renovation performed in lieu of having lead abatement performed on a property at which a lead-poisoned child under six years of age has been identified;
 - (13) Perform lead hazard control on a property at which a lead-poisoned child has been identified, without holding a valid lead abatement contractor license, valid lead abatement project designer license, or valid lead abatement worker license;
 - (14) Employ or authorize any person to perform lead hazard control on a property where a lead hazard control order has been issued pursuant to rule 3701-30-09 of the Administrative Code, unless that person holds a valid lead abatement

- contractor license, valid lead abatement project designer license, or valid lead abatement worker license, until the lead hazard control order has been lifted;
- (15) Perform a clearance examination on a residential unit, child care facility, or school where lead hazard control orders have been issued pursuant to rule 3701-30-09 of the Administrative Code without a valid lead risk assessor or valid lead inspector license, until the lead hazard control order has been lifted;
 - (16) Interfere with an investigation conducted by the director or a board of health in accordance with section 3742.35 of the Revised Code;
 - (17) Perform interim controls without complying with 24 C.F.R. Part 35 (2004);
 - (18) Use an encapsulation product for the purposes of lead abatement that has not been approved by the director pursuant to division (H) of section 3742.03 of the Revised Code and rule 3701-32-13 of the Administrative Code;
 - (19) Use the services of an environmental lead analytical laboratory that has not been approved by the director pursuant to section 3742.09 of the Revised Code and rule 3701-82-02 of the Administrative Code;
 - (20) Collect or analyze composite dust wipe samples;
 - (21) Provide or offer to provide analysis of lead content in air, dust, soil, paint film or other substances, for the purposes of meeting the requirements of Chapter 3742. of the Revised Code and Chapter 3701-32 of the Administrative Code unless that person is approved by the director as an environmental lead analytical laboratory or employed by an environmental lead analytical laboratory approved by the director;
 - (22) Provide or offer to provide analysis of lead content in blood, for the purpose of meeting the requirements of Chapter 3742. of the Revised Code and Chapters 3701-30 and 3701-32 of the Administrative Code unless that person is approved by the director as a clinical laboratory or employed by a clinical laboratory approved by the director;
 - (23) Perform lead training for licensing purposes without a valid approval from the director; or
 - (24) Use a chemical test kit for sampling when conducting lead inspections or lead risk assessments.
- (B) When the requirements of Chapters 3701-32 and 3701-82 of the Administrative Code conflict with the HUD guidelines, individuals who engage in lead activities or non-abatement lead activities shall comply with the requirements of Chapters 3701-32 and 3701-82 of the Administrative Code.
 - (C) The director may issue an immediate cease work order to a person licensed pursuant to this chapter if the director determines that the license holder is violating the terms or conditions of the license in a manner that endangers or materially impairs the health or well-being of an occupant of a residential unit, child care facility, or school or a person employed to perform lead activities.
 - (D) If applicable, anyone engaging in lead abatement or non-abatement shall comply with Chapter 3714. of the Revised Code and rules in Chapter 3745-400 of the

Administrative Code for construction and demolition debris; Chapter 3734. of the Revised Code and the rules adopted thereunder, including Chapters 3745-40 to 3745-62, 3745-65 to 3745-69, 3745-218, 3745-248 and 3745-270 of the Administrative Code for hazardous waste; Chapter 3745-27 of the Administrative Code for solid waste; and Chapter 3745-29 of the Administrative Code for industrial solid waste landfills.

- (E) No person shall violate any provision of Chapter 3742. of the Revised Code or this chapter of the Administrative Code.

Effective: 08/04/2014

R.C. 119.032 review dates: 04/01/2014 and 04/01/2019

CERTIFIED ELECTRONICALLY

Certification

07/23/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3742.02, 3742.03
Rule Amplifies: 3742.04, 3742.05, 3742.06, 3742.07, 3742.071, 3742.08, 3742.09, 3742.10, 3742.14, 3742.15, 3742.16, 3742.35, 3742.36, 3742.37, 3742.38, 3742.39, 3742.41, 3742.42, 3742.43, 3742.44, 3742.45, 3742.46, 3742.49, 3742.50
Prior Effective Dates: 4/1/2004, 7/5/09

3701-32-04 General application procedures, provisions, and qualifications for clearance technician, lead inspector, lead risk assessor, lead abatement contractor, lead abatement worker or lead abatement project designer.

- (A) To apply for a license as a clearance technician, lead inspector, lead risk assessor, lead abatement contractor, lead abatement worker, or lead abatement project designer an individual shall:
- (1) Submit a complete application to the director, on forms prescribed by the director, for each discipline in which the applicant desires to receive a license;
 - (2) Individuals that submit with their applications, proof that they are a service member or veteran, or the spouse or surviving spouse of a service member or veteran will receive priority expedited licensure processing. Their applications will be reviewed within five business days of receipt and before all other applications for licensure.
 - (a) The acceptable proof of service member/veteran status documents are:
 - (i) Department of defense identification card (active, retired, temporary disability retirement list (TDRL));
 - (ii) DD214 military discharge certificate indicating disposition of discharge;
 - (iii) Report of separation from the national archives national personnel records center in St. Louis, Missouri; or
 - (iv) Veterans identification card from the department of veterans affairs.
 - (b) All acceptable proof documents, except veterans identification card, must show the veteran status as honorable, general, general under honorable conditions, or discharged or released under conditions other than dishonorable.
 - (3) Pay to the director the following non-refundable, biennial license fee by check or money order payable to "Treasurer, State of Ohio":
 - (a) For a clearance technician license, two hundred fifty dollars;
 - (b) For a lead inspector license, two hundred fifty dollars;
 - (c) For a lead risk assessor license, two hundred fifty dollars;
 - (d) For a lead abatement worker license, fifty dollars;
 - (e) For a lead abatement contractor license, five hundred dollars; or
 - (f) For a lead abatement project designer license, five hundred dollars.
 - (4) Pass any required examination; and
 - (5) Comply with any procedure the director has in place to implement a system under which a license contains picture identification.

- (B) An individual who is licensed, certified, or otherwise approved under the laws of another state to perform functions substantially similar to those of a lead abatement contractor, lead inspector, clearance technician, lead risk assessor, lead abatement project designer, or lead abatement worker may apply to the director for licensure.
 - (1) The director shall license the applicant upon a determination that the standards for licensure or approval in the other state are substantially equivalent to those established by Chapter 3742. of the Revised Code and Chapter 3701-32 of the Administrative Code, and upon payment of the fee set forth in paragraph (A)(3) of this rule.
 - (2) The director may require the applicant to pass an examination before licensing the applicant under this paragraph.
 - (3) Individuals licensed under this paragraph are subject to the same duties and requirements for renewal as other individuals licensed pursuant to Chapter 3742. of the Revised Code and Chapter 3701-32 of the Administrative Code.
- (C) In the case of an applicant for an initial lead activity license, the director shall:
 - (1) Notify the applicant of any deficiency, or needed modification to the application, or both; and
 - (2) Notify the applicant of the approval of the application for licensure within thirty calendar days of the date the applicant complies with the requirements of Chapter 3701-32 of the Administrative Code.
- (D) To qualify for an initial lead activity license, an individual shall:
 - (1) Successfully complete the initial course of instruction specific to the license for which the individual is applying. An individual is exempt from taking the course of instruction, approved by the director pursuant to section 3742.08 of the Revised Code and rule 3701-82-01 of the Administrative Code, if the individual meets one of the following:
 - (a) The individual is certified by the American board of industrial hygiene as an industrial hygienist or as an industrial hygienist-in-training; or
 - (b) The individual is registered as a sanitarian or sanitarian-in-training pursuant to Chapter 4736. of the Revised Code.
 - (2) Meet any of the following experience requirements:
 - (a) If applying for a lead risk assessor license, the individual shall meet or exceed one of the following:
 - (i) Be certified, licensed, or registered as an industrial hygienist, engineer, architect, or possess certification in a related field;
 - (ii) Have a bachelor's degree from an accredited college or university and two years experience in lead, asbestos, other environmental remediation work, or building construction;
 - (iii) Have an associates degree from an accredited college or university and two years experience in lead, asbestos, other environmental

remediation work, or building construction; or

- (iv) Have a high school diploma or equivalent and three years experience in lead, asbestos, other environmental remediation or building construction.
- (b) If applying for a lead abatement contractor license, the individual shall have:
 - (i) At least one year experience as a lead abatement worker; or
 - (ii) At least two years experience in asbestos, lead abatement, radon or other environmental remediation or building construction.
- (c) If applying for lead abatement project designer license, the individual shall meet or exceed one of the following:
 - (i) Have a bachelor's degree in engineering, architecture, or a related profession, and one year experience in building construction and design or a related field; or
 - (ii) Have four years experience in building construction and design or a related field.
- (E) Any individual approved for licensure pursuant to this rule, shall comply with the deadline for obtaining their license according to this paragraph or their approval for licensure shall expire. The deadline for obtaining the license is as follows:
 - (1) For any individual who has successfully completed an approved training course in the past twelve-month period, one year after the last day of the required training course;
 - (2) For any individual who is exempt from the training requirements, one year from the date the application is approved by the director; or
 - (3) For any candidate applying for licensure pursuant to paragraph (E) of this rule, the expiration date of the other state's license.
- (F) At the exam, the applicant shall provide photographic proof of identity, and any other identification that the director chooses to require, to the director or the director's designated examination administrator upon request.
- (G) To renew a license, all individuals, except for clearance technicians, shall:
 - (1) Successfully complete the appropriate Ohio-approved refresher course within two years of the date of initial or previous refresher training. If refresher training is not completed within two years the initial course must be repeated.. Clearance technicians shall complete a refresher course every fourth year from the date of their initial license.
 - (a) A lead abatement worker may take a lead abatement contractor refresher course in lieu of a lead abatement worker refresher course;
 - (b) A lead abatement project designer may take a lead abatement contractor refresher in lieu of a lead abatement project designer refresher; and

- (c) A lead inspector may take a lead risk assessor refresher course in lieu of a lead inspector refresher course.
 - (2) Submit a copy of the Ohio-approved refresher course completion certificate, as required;
 - (3) Submit a complete application, on forms prescribed by the director, specific for renewal, and pay the biennial fee set forth in paragraph (A)(3) of this rule; and
 - (4) Comply with any procedure that the director has in place to establish proof of identity.
- (H) To replace a license, an individual shall:
 - (1) Submit a complete application to the director, on forms prescribed by the director, specific for a replacement license; and
 - (2) The individual shall pay the fee for replacement of proof of licensure by check or money order payable to the "Treasurer, State of Ohio" as follows:
 - (a) For a lead abatement contractor license, one hundred dollars;
 - (b) For a lead abatement project designer license, one hundred dollars;
 - (c) For a lead inspector license, fifty dollars;
 - (d) For a lead risk assessor license, fifty dollars;
 - (e) For a lead abatement worker license, twenty-five dollars; or
 - (f) For a clearance technician license, fifty dollars.
- (I) Subject to Chapter 119. of the Revised Code, the director may refuse to issue or renew, or may suspend or revoke a license, if the licensee or applicant for the license:
 - (1) Has obtained or attempted to obtain:
 - (a) Training documentation through fraudulent means;
 - (b) Admission to or completion of an approved training program through misrepresentation of admission requirements;
 - (c) A license by misrepresenting his or her qualifications to meet licensure requirements;
 - (d) A license by misrepresenting related documents pertaining to education, training, professional registration, or experience; or by submitting fraudulent or deceptive information on an application for licensure;
 - (e) A license without payment of the licensing examination fee; or
 - (f) A license by cheating on the licensure examination;
 - (2) Fails at any time to meet the qualifications for a license;
 - (3) Violates or has violated any provision of Chapter 3742. of the Revised Code,

Chapter 3701-32 of the Administrative Code, or federal or local lead-based paint or lead hazard statutes or regulations;

- (4) Permits another individual to duplicate or use his or her proof of identity or licensure, evidence of training or examination documents;
 - (5) Performs lead activities without the appropriate license, or without having proof of licensure available for inspection at the job-site;
 - (6) Fails to maintain required records pursuant to Chapter 3701-32 of the Administrative Code;
 - (7) Interferes with an investigation conducted pursuant to section 3742.35 of the Revised Code; or
 - (8) Employs or authorizes use of lead abatement personnel that are not licensed pursuant to this chapter.
- (J) Each license or license renewal issued pursuant to Chapter 3701-32 of the Administrative Code expires two years after the date of issuance.
- (K) The director shall issue only one license for each licensing discipline to any individual.
- (L) Anyone licensed pursuant to rules 3701-32-05 to 3701-32-09 of the Administrative Code shall notify the director of any change to the information submitted on the initial or renewal application within two weeks after the change.
- (M) Anyone licensed pursuant to rules 3701-32-05 to 3701-32-09 of the Administrative Code shall carry proof of licensure on their person, or have proof of licensure available on site when performing a lead activity.

Effective: 08/06/2015

R.C. 119.032 review dates: 04/01/2019

CERTIFIED ELECTRONICALLY

Certification

07/27/2015

Date

Promulgated Under: 119.03
 Statutory Authority: 3742.03
 Rule Amplifies: 3742.02, 3742.04
 Prior Effective Dates: 11/30/1994 (Emer.), 5/11/95, 10/6/95 (Emer.), 11/23/95, 4/1/2004, 7/5/09, 8/4/14, 8/6/15

3701-32-05 **Clearance technician scope of practice and standards of conduct.**

- (A) A clearance technician is licensed to perform clearance examinations on non-abatement lead projects only.
- (B) A clearance technician shall not design, perform, prepare, or provide advice on:
 - (1) Lead inspections;
 - (2) Lead-based paint sampling;
 - (3) Lead risk assessments, lead hazard screen risk assessments, or other lead assessment activities;
 - (4) Lead abatement projects;
 - (5) Pre-abatement plans for designed abatement projects;
 - (6) Specifications for a lead abatement project; or
 - (7) Lead abatement activities, lead-safe renovation or essential maintenance practices.
- (C) A clearance technician shall not perform a clearance examination at a residential unit, child care facility or school for the purpose of determining compliance with a lead hazard control order issued pursuant to rule 3701-30-09 of the Administrative Code.
- (D) To apply for a license as a clearance technician, an individual shall comply with the applicable provisions of rule 3701-32-04 of the Administrative Code.
- (E) A clearance examination performed following non-abatement lead activities may be conducted by a clearance technician. The clearance technician shall comply with the requirements set forth in rule 3701-32-12 of the Administrative Code when performing a clearance examination following non-abatement lead activity.
- (F) A clearance technician shall prepare a report for each clearance examination performed following non-abatement lead activity. Each report shall be written in a format as prescribed by the director and shall comply with rules 3701-32-12 and 3701-32-15 of the Administrative Code.

R.C. 119.032 review dates: 04/01/2014 and 04/01/2019

CERTIFIED ELECTRONICALLY

Certification

04/01/2014

Date

Promulgated Under:	119.03
Statutory Authority:	3742.03
Rule Amplifies:	3742.02, 3742.04, 3742.05, 3742.08, 3742.10, 3742.14, 3742.15, 3742.16, 3742.17, 3742.39
Prior Effective Dates:	4/1/2004, 7/5/09

(A) A lead inspector is licensed to perform:

- (1) Lead inspections;
- (2) Lead-based paint sampling; and
- (3) Clearance examinations.

(B) A lead inspector shall not:

- (1) Perform lead risk assessments, lead hazard screen risk assessments, or other lead assessment activities;
- (2) Design lead abatement projects;
- (3) Prepare pre-abatement plans; or
- (4) Perform lead abatement, lead-safe renovations, or essential maintenance practices.

(C) To apply for a license as a lead inspector, an individual shall comply with the applicable provisions of rule 3701-32-04 of the Administrative Code.

(D) A lead inspector shall perform a lead inspection according to the procedures in Chapter 7 of the HUD guidelines. In addition, the lead inspector shall:

- (1) Submit any paint-chip samples collected to an environmental lead analytical laboratory approved pursuant to rule 3701-82-02 of the Administrative Code for lead concentration analysis; and
- (2) Prepare a lead inspection report for every lead inspection performed. Each report shall be written in a format prescribed by the director and shall comply with the requirements in rule 3701-32-15 of the Administrative Code. The report shall contain the following:
 - (a) Date of the lead activity;
 - (b) Address, unit number, and date of construction of the residential unit, child care facility or school;
 - (c) Name, address, and telephone number of the owner or manager of the residential unit, child care facility or school;
 - (d) Name, license number, and signature of the lead inspector conducting the testing and the name, address, and telephone number of the firm employing each lead inspector;
 - (e) Name, address, telephone number, and approval number of each environmental lead analytical laboratory used to perform the analysis of any collected samples;

- (f) All data collected from on-site testing, including quality control data, and, if an XRF is used, its serial number;
 - (g) Specific locations of all surfaces or components tested or sampled;
 - (h) A copy of the laboratory report with the results of the environmental samples expressed in terms appropriate to the sampling method used;
 - (i) The statement specified in paragraph (E) of rule 3701-32-15 of the Administrative Code displayed at the top of the report in bold letters; and
 - (j) When no lead-based paint is identified in a residential unit, the following statement in bold letters, "The results of this lead inspection indicate no lead in amounts greater than or equal to 1.0 mg/cm², 0.5 percent by weight, or 5,000 parts per million by weight, in paint was found on any building components of the residential unit using the lead inspection protocol in Chapter 7 of the HUD guidelines. Therefore, this residential unit qualifies for the exemption in 2 C.F.R. part 35 and 40 C.F.R. part 745 for target housing being leased is free of lead-based paint as defined in rule 3701-32-01 of the Administrative Code. However, some painted surfaces may contain levels of lead below 1.0 mg/cm², 0.5 percent by weight, or 5,000 parts per million by weight which could create lead dust or lead-contaminated soil hazards if the paint is turned into dust by abrasion, scraping, or sanding. This report should be kept by the lead inspector and should also be kept by the owner and all future owners for the life of the structure or dwelling."
- (E) A lead inspector shall comply with the requirements stated in rule 3701-32-12 of the Administrative Code when performing a clearance examination and preparing a clearance examination report.

R.C. 119.032 review dates: 04/01/2014 and 04/01/2019

CERTIFIED ELECTRONICALLY

Certification

04/01/2014

Date

Promulgated Under:	119.03
Statutory Authority:	3742.03
Rule Amplifies:	3742.02, 3742.04, 3742.05, 3742.08, 3742.10, 3742.15, 3742.16, 3742.17, 3742.39
Prior Effective Dates:	4/1/2004, 7/5/09

3701-32-07 Lead risk assessor scope of practice and standards of conduct.

- (A) A lead risk assessor is licensed to conduct:
 - (1) Lead inspections;
 - (2) Lead-based paint sampling;
 - (3) Clearance examinations;
 - (4) Lead risk assessments;
 - (5) Lead hazard screen risk assessments;
 - (6) Other lead assessment activities; and
 - (7) Identify lead hazard control strategies to reduce or eliminate lead exposures.
- (B) A lead risk assessor shall not:
 - (1) Design lead abatement projects;
 - (2) Prepare pre-abatement plans;
 - (3) Write lead abatement specifications; and
 - (4) Perform lead abatement, lead-safe renovation or essential maintenance practices.
- (C) To apply for a license as a lead risk assessor, an individual shall comply with the applicable provisions of rule 3701-32-04 of the Administrative Code.
- (D) For all lead activities performed by a lead risk assessor, the lead risk assessor, when applicable, shall:
 - (1) Submit any paint-chip, soil or air samples collected for lead concentration analysis to an environmental lead analytical laboratory approved pursuant to rule 3701-82-02 of the Administrative Code;
 - (2) Submit any dust samples collected for lead loading analysis to an environmental lead analytical laboratory approved pursuant to rule 3701-82-02 of the Administrative Code;
 - (3) Submit any water samples collected for lead concentration analysis to a laboratory approved pursuant to Chapter 3745-89 of the Administrative Code;
 - (4) Use documented methodologies incorporating adequate quality control procedures when collecting environmental samples;
 - (5) Use single-surface dust sampling techniques;
 - (6) Use an acceptable wipe material as defined by ASTM E 1792, "Standard specification for wipe sampling materials for lead in surface dust"; and
 - (7) For environmental samples, use the lead hazard levels set forth in rule

3701-32-19 of the Administrative Code to determine whether lead-based paint or lead hazards have been identified.

- (E) A lead risk assessor shall perform a lead inspection according to the procedures in Chapter 7 of the HUD guidelines. In addition, the lead risk assessor shall:
 - (1) Prepare a written lead inspection report for each lead inspection performed. Each report shall be written in a format prescribed by the director and shall comply with the requirements in rule 3701-32-15 of the Administrative Code. The report shall contain the following:
 - (a) Date of the lead activity;
 - (b) Address, unit number, and date of construction of the residential unit, child care facility or school;
 - (c) Name, address, and telephone number of the owner or manager of the residential unit, child care facility or school;
 - (d) Name, license number, and signature of the lead risk assessor conducting the testing and the name, address, and telephone number of the firm employing each lead risk assessor;
 - (e) Name, address, telephone number, and approval number of each environmental lead analytical laboratory used, to perform the analysis of any collected samples;
 - (f) All data collected from on-site testing, including quality control data, and, if an XRF is used, its serial number;
 - (g) Specific locations of all surfaces or components tested or sampled;
 - (h) A copy of the laboratory report with the results of the environmental samples expressed in terms appropriate to the sampling method used;
 - (i) The statement specified in paragraph (E) of rule 3701-32-15 of the Administrative Code displayed at the top of the report in bold letters; and
 - (j) When no lead-based paint is identified in a residential unit, the following statement in bold letters, "The results of this inspection indicate no lead in amounts greater than or equal to 1.0 mg/cm², 0.5 percent by weight, or 5,000 parts per million by weight in paint was found on any building components of the residential unit using the inspection protocol in Chapter 7 of the HUD guidelines. Therefore, this residential unit qualifies for the exemption in 24 C.F.R. part 35 and 40 C.F.R. part 745 for target housing being leased is free of lead-based paint, as defined in rule 3701-32-01 of the Administrative Code. However, some painted surfaces may contain levels of lead below 1.0 mg/cm², 0.5 percent by weight, or 5,000 parts per million by weight, which could create lead dust or lead-contaminated soil hazards if the paint is turned into dust by abrasion, scraping, or sanding. This report should be kept by the lead risk assessor and should also be kept by the owner and all future owners for the life of the structure or dwelling."
- (F) A lead risk assessor shall perform a lead hazard screen risk assessment according to the procedures in Chapter 5 of the HUD guidelines. In addition, the lead risk

assessor shall:

- (1) Collect background information regarding the physical characteristics and occupant use patterns in the residential unit, child care facility or school that may cause lead-based paint exposure to one or more children under six years of age;
- (2) When conducting a lead hazard screen risk assessment:
 - (a) Conduct a visual assessment of the residential unit, child care facility or school to determine whether any deteriorated paint is present and locate at least two dust sampling locations;
 - (b) Test each interior and exterior surface with deteriorated paint;
 - (c) Collect dust samples as follows:
 - (i) In a single-family residential unit the lead risk assessor shall collect one dust sample from the floor and one dust sample from the window sill, in rooms, hallways, and stairwells, where one or more children, under six years of age, are most likely to come in contact with dust; and
 - (ii) In a multi-family residential unit or child care facility, or school, the lead risk assessor shall collect, in addition to floor and window samples specified in paragraph (F)(2)(c)(i) of this rule, a dust sample from common areas where one or more children, under six years of age, are most likely to come into contact with dust.
 - (d) Prepare a written lead hazard screen risk assessment report for each lead hazard screen risk assessment performed. Each report shall be written in a format prescribed by the director and shall comply with the requirements set forth in rule 3701-32-15 of the Administrative Code. The report shall contain all of the following:
 - (i) Date of the lead activity;
 - (ii) Address, unit number, and date of construction of the residential unit, child care facility or school;
 - (iii) Name, address, and telephone number of the owner or manager of the residential unit, child care facility or school;
 - (iv) Name, license number, and signature of the lead risk assessor conducting the lead hazard screen risk assessment and the name, address, and telephone number of the firm employing each lead risk assessor;
 - (v) Name, address, telephone number, and approval number of each environmental lead analytical laboratory used to perform the analysis of any collected samples;
 - (vi) Results of the visual assessment, and a copy of the laboratory report with the results of any sampling analysis performed during the course of the lead hazard screen risk assessment;

- (vii) The testing method and sampling procedure for paint analysis employed and the specific locations of each component tested for the presence of lead;
 - (viii) All data collected from on-site testing, including quality control data and, if an XRF is used, its serial number;
 - (ix) Any recommendations for follow-up lead risk assessments or for further actions to remediate the lead hazards, if warranted; and
 - (x) The statement prescribed in paragraph (E) of rule 3701-32-15 of the Administrative Code prominently displayed at the top of the report in bold letters.
- (G) A lead risk assessor shall perform a lead risk assessment according to the procedures in Chapter 5 of the HUD guidelines. The lead risk assessor, as part of the risk assessment, shall:
- (1) Complete a questionnaire prescribed by the director;
 - (2) Review any previous testing reports, if available. The lead risk assessor may use the previous testing results in lieu of further testing if the previous testing results are found to be reliable according to Chapter 5 of the HUD guidelines;
 - (3) Perform a visual assessment of the interior and exterior of the residential unit, child care facility or school. During the visual assessment, identify, on forms prescribed by the director, all of the following:
 - (a) Overall building condition;
 - (b) Areas of bare soil;
 - (c) Interior and exterior surfaces with deteriorated paint;
 - (d) Painted surfaces that are impact points or subject to friction; and
 - (e) Chewable surfaces.
 - (4) Test the following deteriorated paint, by means of paint-chip sample analysis or XRF analysis, on or in the following:
 - (a) The interior and exterior surfaces and all common areas of the residential unit, child care facility or school; and
 - (b) Every attached or unattached structure located within the same lot line as the residential unit, child care facility or school, including garages, play equipment, and fences; and
 - (c) The lot or land occupied by the residential unit, child care facility or school.
 - (5) In residential units, dust samples shall be collected from living areas, in a minimum of four rooms, hallways or stairs. Sampling priority shall be given to those rooms where one or more children under six years of age are most likely to come into contact with dust. A minimum of nine dust samples shall be taken to represent each residential unit, including samplings from:

- (a) An interior window sill in no fewer than four room equivalents, hallways, or stairs. If the window system does not include a window sill, the sample shall be conducted from the nearest horizontal surface;
 - (b) A floor in a minimum of four room equivalents, hallways, or stairs. If there are fewer than four room equivalents, hallways, or stairs in the residential unit, all floors in the unit shall be sampled; and
 - (c) The floor inside of the principal entryway of the residential unit.
- (6) In multi-family residential units, in addition to the sampling requirements of paragraphs (G)(4) and (G)(5) of this rule, perform, at a minimum, sampling in the following locations:
 - (a) Common areas in the building where the lead risk assessor determines one or more children, under six years of age, are likely to come into contact with dust; and
 - (b) The floor inside of the principal entryway of the residential unit;
- (7) In child care facilities or schools, dust samples shall be collected from each room, hallway, or stairwell and other common areas in the child care facility or school. A lead risk assessor shall:
 - (a) For room equivalents up to three hundred square feet, collect a single-surface sample from a window sill and floor;
 - (b) For room equivalents greater than three hundred square feet up to two thousand square feet:
 - (i) Collect at least two dust samples from floors located in widely separated locations in "high traffic" areas regularly used or accessible to children under six years of age;
 - (ii) Collect at least two dust samples from interior window sills;
 - (c) For room equivalents over two thousand square feet:
 - (i) In addition to the samples required by paragraph (G)(7)(b)(i) of this rule, collect one additional dust sample from floors for each additional two thousand square foot area;
 - (ii) In addition to the samples required by paragraph (G)(7)(b)(ii) of this rule, collect one additional dust sample from alternating windows sills for each additional floor area of two thousand square feet, unless all the windows in the space were sampled as part of the requirements of paragraph (G)(7)(b)(ii) of this rule.
- (8) Collect soil samples for lead concentration analysis from a residential unit, child care facility or school from the following locations:
 - (a) Exterior play areas where bare soil is present; and
 - (b) Exterior non-play areas where bare soil is present, including the building foundation and drip line areas;

- (9) Collect water samples for lead concentration analysis, if warranted; and
- (10) Prepare a written lead risk assessment report for each lead risk assessment performed. Each report shall be written in a format prescribed by the director and shall comply with the requirements set forth in rule 3701-32-15 of the Administrative Code. The report shall contain all of the following:
 - (a) Date of the lead activity;
 - (b) Address, unit number, and date of construction of the residential unit, child care facility, or school;
 - (c) Name, address, and telephone number of the owner or manager of the residential unit, child care facility, or school;
 - (d) Name, license number, and signature of the lead risk assessor conducting the lead hazard screening assessment and the name, address, and telephone number of the firm employing each lead risk assessor;
 - (e) Name, address, telephone number, and approval number issued pursuant to rule 3701-82-02 of the Administrative Code of each environmental lead analytical laboratory used to perform the analysis of any collected samples;
 - (f) Results of the visual assessment;
 - (g) The testing method and sampling procedure for paint analysis employed and the specific locations of each component tested for the presence of lead;
 - (h) All data collected from on-site testing, including any quality control data, and, if an XRF is used, its serial number;
 - (i) Background information regarding the physical characteristics and occupant use patterns that may cause lead hazard exposure to one or more children under six years of age;
 - (j) A diagram of the floorplan of the residential unit, child care facility or school showing the environmental sample locations;
 - (k) A copy of the laboratory results of the lead loading analysis of dust samples, in micrograms per square foot, by location of sample;
 - (l) A copy of the laboratory results of the lead concentration analysis of soil samples, in parts per million or lead by weight, by location of sample;
 - (m) A copy of the laboratory results of the lead concentration analysis of water samples, in parts per billion;
 - (n) A description of the location and type of identified lead hazards;
 - (o) A description of recommended non-abatement, or abatement options, or both, as applicable, for each identified lead hazard and suggested prioritization for addressing each hazard. If the use of an encapsulant, enclosure, or non-abatement option is recommended, the lead risk assessment report shall recommend a maintenance and monitoring schedule for the encapsulation, enclosure or non-abatement to maintain control of each lead hazard identified; and

- (p) The statements prescribed in paragraph (E) of 3701-32-15 of the Administrative Code prominently displayed at the top of the report in bold letters.

Effective: 08/04/2014

R.C. 119.032 review dates: 04/01/2014 and 04/01/2019

CERTIFIED ELECTRONICALLY

Certification

07/23/2014

Date

Promulgated Under: 119.03

Statutory Authority: 3742.03

Rule Amplifies: 3742.02, 3742.04, 3742.05, 3742.08, 3742.10, 3742.15,
3742.16, 3742.17, 3742.39

Prior Effective Dates: 12/30/1994 (Emer.), 5/11/95, 10/6/95 (Emer.), 3/21/98,
6/19/03, 4/1/04, 7/5/09

3701-32-08 Lead abatement contractor scope of practice and standards of conduct.

- (A) A lead abatement contractor is licensed to do the following on residential units, child care facilities and schools, or the soil surrounding them, or both:
 - (1) Conduct lead abatement;
 - (2) Provide professional advice regarding lead abatement;
 - (3) Supervise one or more lead abatement workers;
 - (4) Write pre-abatement plans and lead abatement specifications; and
 - (5) Perform lead-safe renovation, essential maintenance practices, interim controls, and paint stabilization.
- (B) A lead abatement contractor shall not perform or provide advice on:
 - (1) Lead inspections;
 - (2) Lead-based paint sampling;
 - (3) Clearance examinations;
 - (4) Lead risk assessments;
 - (5) Other lead assessment activity; or
 - (6) Lead hazard screen risk assessments.
- (C) To apply for a license as a lead abatement contractor, an individual shall comply with the applicable provisions of rule 3701-32-04 of the Administrative Code.
- (D) A lead abatement contractor or lead abatement project designer shall be designated for each lead abatement project.
- (E) The designated lead abatement contractor or lead abatement project designer shall be present at the worksite during worksite preparation and during the post-abatement clean-up of the work areas. At any other time lead abatement is conducted, the designated contractor or designer shall be present at the worksite or shall be able to be present at the worksite within two hours. If not present at the worksite, the designated contractor or designer shall be available for immediate consultation by telephone, pager, or answering service. The designated lead abatement contractor or lead abatement project designer shall do the following:
 - (1) Prior to engaging in any lead abatement project, prepare a written respiratory protection plan in accordance with 29 C.F.R. 1910.134 (2012) and make the plan available to the director and all lead abatement workers at the project site upon request;
 - (2) Be responsible for ensuring all lead abatement is conducted in accordance with current and accepted methodologies, including but not limited to, the procedures in Chapters 8, 9, 11, 12, and 13 of the HUD guidelines;

- (3) Notify the director, on a form prescribed by the director, at least ten calendar days, or three calendar days if using the online notification system, prior to the commencement of a project, of the date and place a lead abatement project will commence. The designated lead abatement contractor or lead abatement project designer shall immediately notify the director in writing of any changes rendering the notice inaccurate;
- (4) Prepare a written pre-abatement plan prior to conducting a lead abatement project. The plan shall be unique to each project and shall be maintained at the work site during the lead abatement. The plan shall contain the following components:
 - (a) A written occupant protection plan describing protection measures and management procedures that will be taken to protect individuals from exposure to lead hazards. All measures undertaken shall comply with the procedures in Chapter 8 of the HUD guidelines;
 - (b) A written compliance plan describing protection measures and management procedures that will be taken to protect lead abatement personnel from exposure to lead hazards. The written compliance plan shall comply with the format as written in Chapter 9 of the HUD guidelines, and include both a daily sign-in log and respirator fit test dates;
 - (c) A respiratory protection plan as required in paragraph (E)(1) of this rule;
 - (d) A hazard communication plan as required by 29 C.F.R. 1910.1200 (2013) or 29 C.F.R. 1926.59 (2013); and
 - (e) If one has been issued in accordance with rule 3701-30-09 of the Administrative Code, a copy of the lead hazard control order.
- (5) Ensure all abatement activities are conducted according to the requirements of all applicable federal, state, and local regulations;
- (6) Use only encapsulants approved by the director pursuant to rule 3701-32-13 of the Administrative Code when performing encapsulation and apply in accordance with the procedures in Chapter 13 of the HUD guidelines;
- (7) Not provide advice on the need for lead abatement as a lead risk assessor and then participate in a lead abatement project resulting from the advice unless either of the following applies:
 - (a) The person is employed as a member of the staff of the owner or manager of the property on which the lead abatement is to be performed;
 - (b) A written contract for lead abatement is entered into stating both of the following:
 - (i) The person was involved in the lead testing or in the provision of professional advice, leading to the lead abatement contract; and
 - (ii) The party contracting for the lead abatement services should obtain a second opinion to verify any lead test results and assure the proposed lead abatement or project design is appropriate;

- (8) Ensure none of the following prohibited methods are utilized:
- (a) Open-flame burning, torching or charring of lead-based paint;
 - (b) Machine sanding or grinding or abrasive blasting or sandblasting lead-based paint unless the machine used is equipped with a HEPA exhaust control;
 - (c) Dry scraping or dry sanding lead-based paint unless the scraping or sanding is done in conjunction with heat guns or around electrical outlets or when treating defective paint spots totaling no more than two square feet in any one room, hallway, or stairwell, or totaling no more than twenty square feet on exterior surfaces;
 - (d) Use of a heat gun on lead-based paint above one thousand one hundred degrees Fahrenheit;
 - (e) Uncontained hydro-blasting or high pressure washing of lead-based paint; or
 - (f) Paint stripping in a poorly ventilated space using a volatile stripper considered a hazardous substance pursuant to 16 C.F.R 1500.3 (2011) or a hazardous chemical pursuant to 29 C.F.R. 1910.1200 (2013) or 29 C.F.R. 1926.59 (2013);
- (9) Ensure all persons involved in a lead abatement project follow the worker protection standards pursuant to 29 C.F.R. 1926.62 (2012) by OSHA;
- (10) Ensure each employee or agent who will come in contact with lead hazards or will be responsible for a lead abatement project receives a license and appropriate training as required by this Chapter before participating in a lead abatement project;
- (11) Ensure post-abatement cleaning is performed at the lead abatement project of the residential unit, child care facility or school in accordance with current and accepted methodologies including, but not limited to Chapter 14 of the HUD guidelines;
- (12) Ensure a lead risk assessor or lead inspector performs a clearance examination of the residential unit, child day-care facility or school according to the procedures set forth in rule 3701-32-12 of the Administrative Code. If the results of the clearance examination indicate lead levels are at or above the clearance standards set forth in rule 3701-32-19 of the Administrative Code, the designated lead abatement contractor or lead abatement project designer shall ensure the components represented by the failed sample or samples are re-cleaned and re-tested. A lead risk assessor or lead inspector shall perform any necessary clearance examination or clearance examinations to ensure the residential unit, child care facility or school meets the clearance standards; and
- (13) Prepare a written lead abatement project report for each lead abatement project conducted. The report shall be written in a format prescribed by the director and shall comply with the requirements of rule 3701-32-15 of the Administrative Code. The written report shall contain the following information concerning the lead abatement project:
- (a) Start and completion dates of the abatement;

- (b) Address, unit number, and date of construction of the residential unit, child care facility or school;
 - (c) Name, address, and telephone number of the owner of the residential unit, child care facility or school;
 - (d) Name and address of each firm conducting the abatement, the name of the designated lead abatement contractor or lead abatement project designer, and the name or names of other lead abatement personnel present at the abatement project;
 - (e) A detailed written description of the abatement, including the abatement methods used, location of rooms, the components where abatement occurred, or both, and the reason for selecting particular abatement methods for each component abated, and any suggested monitoring of encapsulants or enclosures.
 - (f) The occupant protection portion of the pre-abatement plan as required in paragraph (E)(4)(a) of this rule;
 - (g) The written compliance plan portion of the pre-abatement plan as required in paragraph (E)(4)(b) of this rule;
 - (h) A copy of all clearance examination reports as required by rule 3701-32-12 of the Administrative Code;
 - (i) If applicable, information on the storage, transport and disposal of any hazardous waste generated during the abatement;
 - (j) Name, license number, and address of each lead abatement contractor or project designer who prepared the pre-abatement plan for the lead abatement project, if any;
 - (k) The statements prescribed in paragraph (E) of rule 3701-32-15 of the Administrative Code prominently displayed at the top of the report in bold letters; and
- (14) Ensure there is a designated lead abatement worker present at the work site at all times when the designated lead abatement contractor or lead abatement project designer is not onsite. The designated lead abatement worker must have knowledge of the work scope and is responsible for maintaining and providing all onsite paperwork to include the written pre-abatement plan, lead risk assessment and lead hazard control order, if applicable.

Effective: 08/04/2014

R.C. 119.032 review dates: 05/07/2014 and 04/01/2019

CERTIFIED ELECTRONICALLY

Certification

07/23/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3742.03
Rule Amplifies: 3742.02, 3742.04, 3742.05, 3742.06, 3742.07, 3742.08,
3742.10, 3742.15, 3742.16, 3742.17, 3742.20, 3742.46,
3742.50
Prior Effective Dates: 11/30/1994 (Emer.), 5/11/95, 10/6/95 (Emer.), 11/23/95,
3/21/98, 6/19/03, 4/1/04, 7/5/09

Lead abatement worker scope of practice and standards of conduct.

- (A) A lead abatement worker is licensed to perform lead abatement. In a residential unit, child care facility or school, or the soil surrounding it, or both, a lead abatement worker may perform:
- (1) Lead abatement;
 - (2) Lead-safe renovation;
 - (3) Essential maintenance practices;
 - (4) Interim controls; and
 - (5) Paint stabilization.
- (B) A lead abatement worker shall not:
- (1) Supervise lead abatement;
 - (2) Perform or provide advice on lead inspections;
 - (3) Perform or provide advice on lead-based paint sampling;
 - (4) Perform or provide advice on clearance examinations;
 - (5) Perform or provide advice on lead risk assessments;
 - (6) Perform or provide advice on lead hazard screen risk assessments;
 - (7) Perform or provide advice on other lead assessment activity;
 - (8) Design lead abatement projects; or
 - (9) Prepare pre-abatement plans.
- (C) To apply for a license as a lead abatement worker, an individual shall comply with the applicable provisions of rule 3701-32-04 of the Administrative Code.
- (D) No lead abatement worker shall perform lead abatement without the on-site supervision of a lead abatement contractor or a lead abatement project designer.

R.C. 119.032 review dates: 04/01/2014 and 04/01/2019

CERTIFIED ELECTRONICALLY

Certification

04/01/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3742.03
Rule Amplifies: 3742.02, 3742.04, 3742.05, 3742.06, 3742.071,
3742.08, 3742.10, 3742.15, 3742.16, 3742.17,
3742.20, 3742.46, 3742.50
Prior Effective Dates: 12/30/1994 (Emer.), 5/11/95, 10/6/95 (Emer.),
11/23/95, 3/21/98, 6/19/03, 4/1/04, 7/5/09

3701-32-10 Lead abatement project designer scope of practice and standards of conduct.

- (A) A lead abatement project designer is licensed to do the following on residential units, child care facilities and schools, or the soil surrounding them, or both:
 - (1) Design lead abatement projects;
 - (2) Conduct lead abatement;
 - (3) Provide professional advice regarding lead abatement;
 - (4) Supervise one or more lead abatement workers;
 - (5) Write pre-abatement plans and lead abatement specifications; and
 - (6) Perform lead abatement, essential maintenance practices, interim controls, lead-safe renovation and paint stabilization.
- (B) A lead abatement project designer shall not perform or provide advice on:
 - (1) Lead inspections;
 - (2) Lead-based paint sampling;
 - (3) Lead hazard screen risk assessments;
 - (4) Other lead assessment activities; or
 - (5) Clearance examinations.
- (C) To apply for a license as a lead abatement project designer, an individual shall comply with the applicable provisions of rule 3701-32-04 of the Administrative Code.
- (D) A lead abatement contractor or lead abatement project designer shall be designated for each lead abatement project.
- (E) The designated lead abatement contractor or lead abatement project designer shall be present at the worksite during worksite preparation and during the post-abatement clean-up of the work areas. At any other time lead abatement is conducted, the designated contractor or lead abatement project designer shall be present at the worksite or shall be able to be present at the worksite within two hours. If not present at the worksite, the designated contractor or lead abatement project designer shall be available for immediate consultation by telephone, pager, or answering service. The designated lead abatement contractor or lead project designer shall do the following:
 - (1) Prior to engaging in any lead abatement project, prepare a written respiratory protection plan in accordance with 29 C.F.R. 1910.134 (2012) and make the plan available to the director and all lead abatement workers at the project site upon request;
 - (2) Be responsible for ensuring all lead abatement is conducted in accordance with

current and accepted methodologies, including, but not limited to, the procedures in Chapters 8, 9, 11, 12, and 13 of the HUD guidelines;

- (3) Notify the director, on a form prescribed by the director, at least ten calendar days, or three calendar days if using the online notification system, prior to the commencement of a project, of the date and place a lead abatement project will commence. The designated lead abatement contractor or lead abatement project designer shall immediately notify the director in writing of any changes rendering the notice inaccurate;
- (4) Prepare a written pre-abatement plan prior to conducting a lead abatement project. The plan shall be unique to each project and shall be maintained at the work site during the lead abatement. The plan shall contain the following components:
 - (a) A written occupant protection plan describing protection measures and management procedures that will be taken to protect individuals from exposure to lead hazards. All measures undertaken shall comply with the procedures Chapter 8 of the HUD guidelines;
 - (b) A written compliance plan describing measures and management procedures that will be taken to protect lead abatement personnel from exposure to lead hazards. The written compliance plan shall comply with the format as written in Chapter 9 of the HUD guidelines and shall include both a daily sign-in log and respirator fit test dates;
 - (c) A respiratory protection plan as required in paragraph (E)(1) of this rule;
 - (d) A hazard communication plan as required by 29 C.F.R. 1910.1200 (2013) or 29 C.F.R. 1926.59 (2013); and
 - (e) If one has been issued in accordance with rule 3701-30-09, a copy of the lead hazard control order.
- (5) Ensure all abatement activities are conducted according to the requirements of all applicable federal, state, and local regulations;
- (6) Use only encapsulants approved by the director under rule 3701-32-13 of the Administrative Code when performing encapsulation and apply in accordance with the procedures in Chapter 13 of the HUD guidelines;
- (7) Not provide advice on the need for lead abatement as a lead risk assessor and then participate in a lead abatement project resulting from the advice unless either of the following applies:
 - (a) The person is employed as a member of the staff of the owner or manager of the property on which the lead abatement is to be performed;
 - (b) A written contract for lead abatement is entered into stating both of the following:
 - (i) The person was involved in the lead testing or in the provision of professional advice, leading to the lead abatement contract; and
 - (ii) The party contracting for the lead abatement services should obtain a

second opinion to verify any lead test results and assure the proposed lead abatement or project design is appropriate;

- (8) Ensure none of the following prohibited methods are utilized:
 - (a) Open-flame burning, torching or charring of lead-based paint;
 - (b) Machine sanding or grinding or abrasive blasting or sandblasting lead-based paint unless the machine used is equipped with a HEPA exhaust control;
 - (c) Dry scraping or dry sanding lead-based paint unless the scraping is done in conjunction with heat guns or around electrical outlets or when treating defective paint spots totaling no more than two square feet in any one room, hallway, or stairwell, or totaling no more than twenty square feet on exterior surfaces;
 - (d) Use of a heat gun on lead-based paint above one thousand one hundred degrees Fahrenheit;
 - (e) Uncontained hydro-blasting or high pressure washing of lead-based paint; or
 - (f) Paint stripping in a poorly ventilated space using a volatile stripper considered a hazardous substance under 16 C.F.R 1500.3 (2011) or a hazardous chemical pursuant to 29 C.F.R. 1910.1200 (2013) or 29 C.F.R. 1926.59 (2013);
- (9) Ensure all persons involved in a lead abatement project follow the worker protection standards pursuant to 29 C.F.R. 1926.62 (2012) by OSHA;
- (10) Ensure each employee or agent who will come in contact with lead hazards or will be responsible for a lead abatement project receives a license and appropriate training as required by this chapter before participating in a lead abatement project;
- (11) Ensure post-abatement cleaning is performed at the lead abatement project of the residential unit, child care facility or school according to the procedures in Chapter 14 of the HUD guidelines;
- (12) Ensure a lead risk assessor or lead inspector performs a clearance examination of the residential unit, child care facility or school according to the procedures set forth in rule 3701-32-12 of the Administrative Code. If the results of the clearance examination indicate lead levels are at or above the clearance standards set forth in rule 3701-32-19 of the Administrative Code, the designated lead abatement contractor or lead abatement project designer shall ensure the components represented by the failed sample or samples are re-cleaned and re-tested. A lead risk assessor or lead inspector shall perform any necessary clearance examination or clearance examinations to ensure the residential unit, child care facility or school meets the clearance standards;
- (13) Prepare a written lead abatement project report for each lead abatement project conducted. The report shall be written in a format prescribed by the director and shall comply with requirements set forth in rule 3701-32-15 of the Administrative Code. The written report shall contain the following information concerning the lead abatement project:

- (a) Start and completion dates of the abatement;
 - (b) Address, unit number, and date of construction of the residential unit, child care facility or school;
 - (c) Name, address, and telephone number of the owner of the residential unit, child care facility or school;
 - (d) Name and address of each firm conducting the abatement, the name of the designated lead abatement contractor or lead abatement project, and the name or names of other lead abatement personnel present at the abatement project;
 - (e) A detailed written description of the abatement, including the abatement methods used, location of room equivalents, components, or both, where abatement occurred, and the reason for selecting particular abatement methods for each area abated, and any suggested monitoring of encapsulants or enclosures;
 - (f) The occupant protection portion of the pre-abatement plan prepared in accordance with paragraph (E)(4)(a) of this rule;
 - (g) The written compliance plan portion of the pre-abatement plan as required by paragraph (E)(4)(b) of this rule;
 - (h) A copy of all clearance examination reports as required by rule 3701-32-12 of the Administrative Code;
 - (i) If applicable, information on the storage, transport and disposal of any hazardous waste generated during the abatement;
 - (j) Name, license number, and address of each lead abatement contractor or project designer who prepared the pre-abatement plan for the lead abatement project, if any; and
 - (k) The statements prescribed in paragraph (E) of rule 3701-32-15 of the Administrative Code prominently displayed at the top of the report in bold letters and
- (14) Ensure there is a designated lead abatement worker present at the work site at all times when the designated lead abatement contractor or lead abatement project designer is not onsite. The designated lead abatement worker must have knowledge of the work scope and is responsible for maintaining and providing all onsite paperwork to include the written pre-abatement plan, lead risk assessment and lead hazard control order, if applicable.

Effective: 08/04/2014

R.C. 119.032 review dates: 04/01/2014 and 04/01/2019

CERTIFIED ELECTRONICALLY

Certification

07/23/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3742.03, 3742.50
Rule Amplifies: 3742.01, 3742.02, 3742.03, 3742.04, 3742.05,
3742.06, 3742.07, 3742.071, 3742.08, 3742.09,
3742.10, 3742.14, 3742.15, 3742.16, 3742.35,
3742.36, 3742.37, 3742.41, 3742.47
Prior Effective Dates: 12/30/1994 (Emer.), 5/11/95, 10/6/95 (Emer.),
11/23/95, 3/21/98, 6/19/03, 4/1/04, 7/5/09

3701-32-11 **Lead-safe renovator training requirements and standards of conduct.**

- (A) Any person who supervises or performs services for the general improvement of all or part of a structure, including a residential unit, child care facility or school may represent to the public that the services are being supervised or performed by a lead-safe renovator if that person has:
 - (1) Completed a course of instruction on lead-safe renovation conducted by a training program approved pursuant to section 3742.47 of the Revised Code and rule 3701-32-16 of the Administrative Code; or
 - (2) Successfully completed a lead abatement contractor or lead abatement worker course approved by the director pursuant to rule 3701-82-01 of the Administrative Code.
- (B) Persons trained in lead-safe renovation between December 31, 2001, and April 7, 2004 by a training provider approved pursuant to section 3742.08 of the Revised Code and rule 3701-82-01 of the Administrative Code, may hold themselves out as a lead-safe renovator.
- (C) Any person, regardless of whether the training program in lead-safe renovation has been completed, is not subject to licensure solely for supervising or performing services for the general improvement of all or part of an existing structure.
- (D) Lead-safe renovation performed by an untrained individual must be supervised by a lead-safe renovator who is present at the worksite.
- (E) No person shall have lead-safe renovation performed in lieu of having lead abatement performed on a residential unit, child care facility or school at which a lead-poisoned child under six years of age has been identified.
- (F) When performing lead-safe renovation the lead-safe renovator shall comply with the following work practice measures:
 - (1) Post signs clearly defining the work area and warning occupants and other persons not involved in lead-safe renovation activities to remain outside the work area;
 - (2) Before beginning the renovation, isolate the work area so that no dust or debris leaves the work area while the work is being performed. In addition, maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced, and taking any steps necessary to ensure that no dust or debris leaves the work area while the work is being performed. The containment shall be established in such a manner that it does not interfere with occupant and worker egress in an emergency;
 - (3) Collect, wrap or bag, and seal all waste generated from the lead-safe renovation in a manner that prevents release of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is

used to remove waste from the work areas, it must be covered. In addition, the renovator shall comply with the following:

- (a) At the conclusion of each work day and at the conclusion of the renovation, store waste under containment or behind a barrier that prevents access to the waste and any dust, debris, or both; and
- (b) During transport, waste shall be wrapped or bagged and sealed to prevent the release of dust and debris.

(4) In the case of interior lead-safe renovations:

- (a) Remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed;
- (b) Close and cover all duct openings in the work area with plastic sheeting or other impermeable material.
- (c) Close windows and doors in the work area. Doors must be covered with plastic sheeting or other impermeable material. Doors used as an entrance to the work area must be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area;
- (d) Cover the floor surface, including installed carpet with taped-down six-mil plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater; and
- (e) Ensure that all personnel, tools and other items, including the exteriors of containers of waste, are free of dust and debris before leaving the work area.

(5) In the case of exterior lead-safe renovations:

- (a) Close all doors and windows within twenty feet of the renovation. On multi-story buildings, close all doors and windows within twenty feet of the renovation on the same floor as the renovation. On floors below the renovation, close all doors and windows directly beneath the renovation;
- (b) Ensure that doorways within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while containing dust and debris to the work area; and
- (c) Cover the ground with plastic sheeting or other impermeable material extending ten feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents ten feet of such ground covering.

- (6) For interior and exterior renovations, clean the work area until no dust, debris or residue remains and employ the following cleaning procedures:
- (a) Collect all paint chips and debris and, without dispersing any of the material, seal the material in a heavy-duty bag;
 - (b) Remove the protective sheeting. The sheeting shall be folded before and taped to seal or sealed within a heavy-duty bag. The sheeting shall be misted before folding. Sheeting used to isolate contaminated rooms from non-contaminated rooms must remain in place until after the cleaning and the removal of other sheeting. The sheeting may be disposed of as waste.
 - (c) Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth. Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the two-bucket mop method, or using a wet mopping system.

R.C. 119.032 review dates: 04/01/2014 and 4/1/2019

CERTIFIED ELECTRONICALLY

Certification

04/01/2014

Date

Promulgated Under:	119.03
Statutory Authority:	3742.50
Rule Amplifies:	3742.06, 3742.47, 3742.48
Prior Effective Dates:	4/1/2004, 7/5/09

3701-32-12 Clearance examinations.

- (A) A clearance examination includes a visual assessment of a residential unit, child care facility, or school that may be followed by the collection of environmental samples to determine whether the lead abatement, interim controls, essential maintenance practices, or lead-safe renovation work in a residential unit, child care facility, or school has sufficiently controlled lead hazards or presumed lead hazards.
- (B) The clearance standards set forth in rule 3701-32-19 of the Administrative Code shall be used to determine if the lead hazards or presumed lead hazards have been sufficiently controlled.
- (C) Clearance examinations shall be performed by a lead risk assessor, lead inspector or clearance technician. A clearance technician shall perform clearance examinations on non-abatement projects only.
- (D) When performing any clearance examination at a residential unit, child care facility or school, a lead inspector, lead risk assessor or clearance technician shall implement the following quality control measures:
 - (1) Collect dust samples for clearance examination purposes at a minimum of one hour after completion of final cleaning activities;
 - (2) Use documented methodologies incorporating quality control procedures when collecting environmental samples;
 - (3) Use single-surface dust sampling techniques only;
 - (4) Use a wipe material acceptable to ASTM as described in the E 1792, "Standard specification for wipe sampling materials for lead in surface dust," when taking dust samples;
 - (5) Submit any dust, paint chip, soil, or air samples collected for lead analysis to an environmental lead analytical laboratory approved by the director pursuant to rule 3701-82-02 of the Administrative Code; and
 - (6) Submit any water samples collected for lead concentration analysis to a laboratory approved pursuant to Chapter 3745-89 of the Administrative Code;
- (E) Except as provided in paragraphs (G) and (H) of this rule, when performing a clearance examination in residential units, child care facilities or schools, the lead risk assessor, the lead inspector, or clearance technician shall do all of the following:
 - (1) Perform a visual assessment in the clearance area to identify all remaining deteriorated paint, visible dust, paint chips, debris or residue. For exterior areas, visually verify that bare soil has been covered, enclosures have been installed properly, and painted surfaces have been properly sealed. The findings shall be recorded on a form prescribed by the director. If deficiencies are found during the visual assessment:
 - (a) Inform the property owner, person or persons, performing the associated lead abatement or non-abatement work, or both, so all deficiencies may be corrected;

- (b) Ensure the person or persons performing the associated lead abatement or non-abatement work controls or eliminates all identified deficiencies in order to pass the visual assessment; and
 - (c) Perform additional visual assessments to assure that the deficiencies are corrected, controlled or eliminated.
- (2) Following a successful visual assessment, choose sample locations and collect the environmental samples for analysis at a residential unit in accordance with appendix A to this rule and at a child care facility or school in accordance with appendix B to this rule;
- (3) If one or more environmental sample fails to meet the clearance standards established in rule 3701-32-19 of the Administrative Code, additional clearance examinations of the property must be performed until the clearance standards are met. For a failed dust wipe sample, all the components represented by the failed sample shall be re-cleaned. Additional clearance examinations of the residential unit, child care facility, or school shall be conducted in accordance with paragraphs (E)(1), (E)(2) and (E)(3) of this rule, except only those components or areas requiring additional cleaning or other correction are part of the clearance area.
- (F) Where similar multi-family residential units, child care facilities or schools with similar room equivalents have undergone comparable types of lead hazard control, the units, common areas, room equivalents, exterior areas, or all, may be grouped together and randomly sampled for the purposes of clearance, provided that:
 - (1) The individuals performing the lead hazard control do not know which residential units, common areas, or exterior areas will be selected for the random sample
 - (2) The minimum number of residential units, common areas, room equivalents, or exterior areas, or any combination of these areas, to be sampled shall be determined by appendix C to this rule;
 - (3) All randomly sampled residential units, common areas, room equivalents, or exterior areas, or any combination of these areas meet the clearance standards set forth in rule 3701-32-19 of the Administrative Code; and
 - (4) Each randomly sampled residential units, common areas, room equivalents, or exterior areas, or any combination of these areas has a clearance examination or clearance examinations in accordance with paragraphs (E)(1), (E)(2), and (E)(3) of this rule.
- (G) When performing a clearance examination following essential maintenance practices in residential units, child care facilities or schools to comply with division (B) of section 3742.41 of the Revised Code, the lead inspector, risk assessor or clearance technician shall do all of the following:
 - (1) Perform a visual assessment to identify any remaining deteriorated paint that is or may be lead-based paint, to identify visible dust, paint chips, debris or residue, to identify any remaining rough, porous or pitted horizontal surfaces and to verify bare soil has been covered in the following locations:
 - (a) The interior surfaces and all common areas of the residential unit, child care facility or school;

- (b) The exterior surfaces and exterior living areas of the residential unit, child care facility or school;
 - (c) Every attached or unattached structure located within the same lot line as the unit that the owner or manager considers to be associated with the operation of the unit, including garages, play equipment, and fences; and
 - (d) The lot or land that the residential unit, child care facility, or school occupies.
 - (e) If deficiencies are found during the visual assessment:
 - (i) Inform the property owner, person or persons, performing the associated lead abatement or non-abatement work, or both, so all deficiencies may be corrected;
 - (ii) Ensure the person or persons performing the essential maintenance practices, controls or eliminates all identified deficiencies in order to pass the visual assessment; and
 - (iii) Perform additional visual assessments to assure that the deficiencies are controlled or eliminated.
 - (2) Record the findings of the visual assessment on a form prescribed by the director. If deteriorated painted surfaces or visible dust, debris or residue are identified during the visual assessment, these conditions shall be eliminated or controlled prior to the collection of environmental samples;
 - (3) Following a successful visual assessment, select sample locations and collect environmental samples for clearance examinations at residential units in accordance with appendix A to this rule and in child care facilities or schools in accordance with appendix B to this rule; and
 - (4) If one or more environmental sample fails to meet the clearance standards established in rule 3701-32-19 of the Administrative Code, additional clearance examinations of the property must be performed until the sample meets the clearance standards. For a failed dust wipe sample, all the components represented by the failed sample shall be re-cleaned. Additional clearance examinations of the residential unit, child care facility, or school shall be conducted in accordance with paragraphs (G)(1), (G)(2) and (G)(3) of this rule, except only those components or areas requiring additional cleaning or other correction are part of the clearance area.
- (H) When performing a clearance examination at a residential unit, child care facility or school where lead hazard control orders have been issued pursuant to rule 3701-30-09 of the Administrative Code, the lead inspector or lead risk assessor shall do all of the following:
- (1) Review the lead hazard control order issued by the director to determine the clearance area. The lead inspector or lead risk assessor shall compare the work performed with the hazards listed in the lead hazard control order and ensure that all the identified lead hazards have been sufficiently controlled or eliminated. This review shall be documented in the final clearance report;
 - (2) Perform a visual assessment in the clearance area to identify all remaining

deteriorated paint, visible dust, paint chips, debris, residue and any remaining lead hazards. The findings shall be recorded on a form prescribed by the director. If deficiencies are found during the visual assessment:

- (a) Inform the property owner, person or persons, performing the associated lead abatement so all deficiencies may be corrected;
 - (b) Ensure the person or persons performing the associated lead abatement eliminates all identified deficiencies in order to pass the visual assessment; and
 - (c) Perform additional visual assessments to assure that the deficiencies are controlled or eliminated.
- (3) Following a successful visual assessment, choose sample locations and collect environmental samples at residential units, in accordance with appendix A to this rule and at child care facilities or schools, in accordance with appendix B to this rule;
- (4) Perform additional clearance examinations of the residential unit or units, child care facility, or school following the procedures in paragraphs (H)(1), (H)(2) and (H)(3) of this rule, when clearance examination sample results indicate the lead loading of the dust samples are equal to or exceed the clearance examination levels set forth in rule 3701-32-19 of the Administrative Code; and
- (5) Perform soil sampling at residential units, in accordance with Appendix A to this rule and at child care facilities or schools, in accordance with Appendix B to this rule where property that is subject to a lead hazard control order in accordance with rule 3701-30-09 of the Administrative Code is demolished and bare soil remains.
- (I) The lead inspector, risk assessor or clearance technician shall prepare a clearance examination report for each clearance examination performed. The clearance examination report shall be written in a format prescribed by the director and shall comply with rule 3701-32-15 of the Administrative Code and contain the following:
- (1) The address of the residential unit, child care facility or school and, if only part of a property is affected, the specific dwelling units and common areas affected;
 - (2) Name, address, and telephone number of the owner and manager of the residential unit, child care facility or the name, address and telephone number of the school principal;
 - (3) Information on the lead abatement or non-abatement activity for which the clearance examination was performed, including:
 - (a) Start and completion dates of the lead abatement or non-abatement activity for which the clearance examination was performed;
 - (b) Name, address, and telephone number of the designated lead abatement contractor or lead abatement project designer, or persons performing non-abatement activity; and
 - (c) A detailed written description of all lead abatement, interim controls, essential maintenance practices, paint stabilization, or lead-safe renovation

work, locations where the activity was performed and suggested monitoring schedule of encapsulants, enclosures, and non-abatement lead activity to maintain sufficient control of lead hazards;

(4) The following information on the clearance examination:

- (a) Date of all clearance examinations;
- (b) Name, address, license number and signature of each person performing the clearance examination;
- (c) For a clearance examination following lead abatement on a property under a lead hazard control order in accordance with rule 3701-30-09 of the Administrative Code: A statement indicating whether all the lead hazards identified in the lead hazard control order have been sufficiently eliminated or controlled, based on comparison of the lead hazard control order with the work performed;
- (d) Findings of each visual assessment on a form prescribed by the director;
- (e) A diagram of the floor plan of the residential unit, child care facility or school illustrating the location of each environmental sample collected;
- (f) Sample location and result of each dust sample analysis in micrograms per square foot;
- (g) Sample location and result of each soil sample analysis in parts per million or per cent lead by weight;
- (h) Sample location, type, and result of each water sample analysis in parts per billion; and
- (i) Name, address, telephone and approval number of each lead analytical laboratory conducting the analysis of any environmental sample and a copy of the laboratory results.

Effective: 08/04/2014

R.C. 119.032 review dates: 04/01/2014 and 04/01/2019

CERTIFIED ELECTRONICALLY

Certification

07/23/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3742.03, 3742.50
Rule Amplifies: 3742.02, 3742.03, 3742.071, 3742.39, 3742.071, 3742.39,
3742.41, 3742.50
Prior Effective Dates: 12/30/1994 (Emer.), 5/11/95, 3/21/98, 4/1/04, 7/5/09

Appendix A
Residential Units:
Clearance Area and Minimum Number and Location of Environmental Samples

Clearance Category	Number and Location of Samples in Each Area
1. Interior work with no dust containment	The clearance area is the entire residential unit. A dust sample shall be collected from a floor, and if present, window sill and window trough in no fewer than four separate room equivalents. A minimum of twelve samples shall be collected for this clearance category, unless the residential unit contains less than four room equivalents, in which case a dust sample shall be collected from a floor, and if present, window sill and window trough, from each room equivalent.
2. Interior work with dust containment	<p>The clearance area extends ten feet outside the dust containment area. A dust sample shall be collected from a floor, and if present, window sill and window trough in no fewer than four separate room equivalents within the containment area.</p> <p>In addition, one additional floor sample shall be collected outside and within 10 feet of the containment area. A minimum of thirteen samples shall be collected for this clearance category, unless the residential unit contains less than four room equivalents, in which case a dust sample shall be collected from a floor, and if present, window sill and window trough, from each room equivalent.</p>
3. Exterior paint disturbing work	If building openings within twenty feet of the work surfaces were not sealed or tightly closed, Category 1 interior dust sampling must be conducted in rooms that may have been contaminated. No interior dust sampling is required if building openings within twenty feet of the work surfaces were tightly closed or sealed during the work.
4. Exterior living area	A minimum of one dust sample from an exterior living area (such as a porch or entryway floor) that may have been contaminated during exterior paint disturbing work.
5. Soil	If soil treatment was performed and bare areas of soil remain, soil samples shall be collected from those areas. If soil treatment involved covering of bare soil areas only, soil samples are not needed, a visual assessment is adequate. When a property is subject to a lead hazard control order in accordance with rule 3701-30-09 of the Administrative Code is demolished and bare soil remains, the clearance examination shall consist of the collection of two composite soil samples for every two thousand square feet of bare soil.
6. Essential Maintenance Practices	<p>The clearance area is the entire residential unit, including areas identified in paragraph (G)(1) of rule 3701-32-12 of the Administrative Code.</p> <p>Perform a visual assessment of all rough, pitted or porous horizontal surfaces to ensure a smooth, cleanable covering or coating such as metal coil stock, plastic, polyurethane, carpet or linoleum, was installed and all bare soil areas to determine it was sufficiently covered. The clearance area shall also be free of debris.</p> <p>A dust sample shall be collected from a floor, and if present, window sill and window trough in no fewer than four separate room equivalents. A minimum of twelve samples shall be collected for this clearance category, unless the residential unit contains less than four room equivalents, in which case a dust sample shall be collected from a floor, and if present, window sill and window trough, from each room equivalent.</p>
7. Water	When lead water levels above the hazard level are identified during the risk assessment, a water sample shall be collected as a part of the clearance examination to ensure the lead-contaminated water hazard has been eliminated or controlled.

Appendix B
Child Care Facilities and Schools:
Clearance Area and Minimum Number and Location of Environmental Samples

Clearance Category	Number and Location of Samples in Each Area
1. Interior work with no dust containment	<p>Collect dust samples in all rooms where children frequent including, but not limited to, classrooms, common areas, hallways, music room, computer room, etc.</p> <p>For every one thousand square feet increment of a room equivalent, collect a dust sample from a floor, and if present, window sill and window trough. The area of the room equivalent shall be rounded up to the nearest one thousand square feet. For example, a room equivalent with an area of two thousand five hundred fifty square feet shall be rounded up to three thousand square feet, with three dust samples collected from the floor and if present, three separate window sills and three separate window troughs.</p>
2. Interior work with dust containment	<p>The clearance area extends ten feet outside the dust containment area. Within the containment area, collect dust samples in all rooms where children frequent including, but not limited to classrooms, common areas, hallways, music room, computer room, etc.</p> <p>For every one thousand square feet increment of a room equivalent, collect a dust sample from a floor, and if present, window sill and window trough. The area of the room equivalent shall be rounded up to the nearest one thousand square feet. For example, a room equivalent with an area of two thousand five hundred fifty square feet shall be rounded up to three thousand square feet, with three dust samples collected from the floor and if present, three separate window sills and three separate window troughs.</p> <p>Collect at least one additional dust sample from the floor outside and within ten feet of the containment.</p>
3. Exterior paint disturbing work	<p>If building openings within twenty feet of the work surfaces were not sealed or tightly closed, Category 1 interior dust sampling must be conducted in rooms equivalents that may have been contaminated. No interior dust sampling is required if building openings within twenty feet of the work surfaces were tightly closed or sealed during the work.</p>
4. Soil	<p>If soil treatment was performed and bare areas of soil remain, composite samples shall be collected from those areas. If soil treatment involved covering of bare soil areas only, soil samples are not needed, a visual assessment is adequate. When a property is subject to a lead hazard control order in accordance with rule 3701-30-09 of the Administrative Code is demolished and bare soil remains, the clearance examination shall consist of the collection of two composite soil samples for every two thousand square feet of bare soil.</p>
5. Essential Maintenance Practices	<p>Collect dust samples in all rooms where children frequent including, but not limited to, classrooms, common areas, hallways, music room, computer room, etc.</p> <p>Perform a visual assessment of rough, pitted or porous horizontal surfaces to ensure that a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane, carpet, or linoleum was installed and all bare soil areas to determine if it was sufficiently covered. The clearance area shall be also free of debris.</p> <p>For every one thousand square feet increment of a room equivalent, collect a dust sample from a floor, and if present, window sill and window trough. The area of the room equivalent shall be rounded up to the nearest one thousand square feet. For example a room equivalent with an area of two thousand five hundred fifty square feet shall be rounded up to three thousand square feet, with three dust samples collected from the floor and if, three separate window sills and three separate window troughs.</p>
6. Water	<p>When lead water levels above the hazard level are identified during the risk assessment, a water sample shall be collected as a part of the clearance examination to ensure the lead-contaminated water hazard has been eliminated or controlled.</p>

Appendix C
Minimum Number of Randomly Sampled Residential Units or Room Equivalents To Be Tested When Performing Clearance Examinations

Number of Similar Residential Units, Common Areas, Room Equivalents or Exterior Areas in a Building or Development	Number of Residential Units, Common Areas, Room Equivalents or Exterior Areas to be Tested to obtain a 95 percent level of confidence
1-20	All
21-26	20
27	21
28	22
29	23
30	23
31	24
32	25
33-34	26
35	27
36	28
37	29
38-39	30
40-48	31
49-50	31
51	32
52-53	33
54	34
55-56	35
57-58	36
59	37
60-69	38
70-73	38
74-75	39
76-77	40
78-79	41
80-88	42
89-95	42
96-97	43
98-99	44
100-109	45
110-117	45
118-119	46
120-138	47
139-157	48
158-159	49
160-177	49
178-197	50
198-218	51

Appendix C
Minimum Number of Randomly Sampled Residential Units or Room Equivalents To Be Tested When Performing Clearance Examinations

Number of Similar Residential Units, Common Areas, Room Equivalents or Exterior Areas in a Building or Development	Number of Residential Units, Common Areas, Room Equivalents or Exterior Areas to be Tested to obtain a 95 percent level of confidence
219-258	52
259-279	53
280-299	53
300-379	54
380-499	55
500-776	56
777-939	57
940-1004	57
1005-1022	58
1023-1032	59
1033-1039	59

** For buildings or groups of similar buildings with 1,040 units or more, 5.8 percent of the number of units shall be tested, rounded to the nearest whole number. For example: if there are 2,170 units, 5.8 percent multiplied by the number of units equals 125.86, therefore, 126 units should be tested.

3701-32-13 Encapsulant requirements.

- (A) Manufacturers of encapsulant products shall demonstrate a design life of twenty years and the safety and durability of their products by:
 - (1) Providing results of testing from an independent laboratory indicating that the product meets the most current performance standards developed by the ASTM for non-reinforced liquid coating encapsulation products or for reinforced liquid coating encapsulation products. The independent laboratory providing the testing shall be accredited by the United States department of commerce, national voluntary laboratory accreditation program; and
 - (2) Submitting results of an assessment from a toxicologist certified by the "American board of toxicology" regarding the potential human health risks that may be attributable to the encapsulant product from repeated or one-time exposures during product preparation, application, curing, and fully cured states. The assessment shall include recommendations regarding occupancy during and after application of the product.
- (B) The director shall issue approval to the manufacturer of an encapsulant product provided the manufacturer has done all of the following:
 - (1) Submitted a complete application form for approval to the director on the form prescribed by the director;
 - (2) Submitted the toxicology assessment results as provided in paragraph (A) of this rule;
 - (3) Paid the non-refundable application fee of five hundred dollars; and
 - (4) Submitted the results from an accredited independent laboratory indicating the product satisfies ASTM standards as provided in paragraph (A) of this rule.
- (C) Subject to Chapter 119. of the Revised Code, the director may refuse to issue, suspend, or revoke approval of an encapsulant product, if the manufacturer or any one of its principal officers:
 - (1) Has obtained or attempted to obtain approval by submitting fraudulent or deceptive information on an application for approval;
 - (2) Fails at any time to meet the qualifications for approval; or
 - (3) Violates or has violated any provisions of Chapter 3742. of the Revised Code or Chapter 3701-32 of the Administrative Code.

Effective: 08/04/2014

R.C. 119.032 review dates: 04/01/2014 and 04/01/2019

CERTIFIED ELECTRONICALLY

Certification

07/23/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3742.03
Rule Amplifies: 3742.03
Prior Effective Dates: 4/9/1995, 3/21/98, 4/1/04

3701-32-14 Record keeping and reporting requirements for environmental lead analytical and clinical laboratories.

- (A) An environmental lead analytical laboratory shall send to the director, by first class mail or electronic transfer, a copy of its quarterly proficiency testing results from the ELPAT program within five business days of receiving the results.
- (B) A clinical laboratory shall send to the director, by first class mail or electronic transfer, a copy of its proficiency testing results performed pursuant to the CLIA program within five business days of receiving the results.
- (C) For the purposes of meeting the requirements of this rule and the requirements in rule 3701-30-05 of the Administrative Code, any clinical laboratory that performs any analysis of human blood, urine or other bodily substance of an Ohio resident to detect or determine levels of lead, cadmium, mercury, or arsenic for each specimen shall collect all of the following information shall submit to the director by electronic transfer, unless otherwise authorized by the director, within seven days of obtaining the results:
 - (1) Resident's name and parent's or the guardian's name if the resident is less than sixteen years old;
 - (2) Resident's street and mailing address, including the city, state, county and zip code;
 - (3) Resident's date of birth, gender, race and ethnicity;
 - (4) Telephone number, with area code, where the resident can be reached;
 - (5) Specimen matrix for blood, urine, or other bodily substance;
 - (6) Analyte for lead, cadmium, mercury, or arsenic;
 - (7) Procedure used to obtain the specimen and the date it was obtained;
 - (8) Physician's or healthcare provider's first name, last name, address, telephone number, and national provider identifier, if applicable;
 - (9) If the resident is employed, employer's name and address;
 - (10) Resident's medicaid number, if any;
 - (11) If the resident is under six years of age, the resident's social security number;
 - (12) CLIA number of the laboratory performing the analysis; and
 - (13) The accession number, the date the sample was analyzed, and the test result and appropriate units of measurement.
- (D) Any physician or healthcare provider requesting analysis of blood, urine, or other bodily substance of an Ohio resident to detect or determine levels of lead, cadmium, mercury, or arsenic shall complete each request for analysis with the information required in paragraphs (C)(1) to (C)(11) of this rule and paragraph (A) of rule 3701-30-05 of the Administrative Code.

Effective: 08/04/2014

R.C. 119.032 review dates: 04/01/2014 and 04/01/2019

CERTIFIED ELECTRONICALLY

Certification

07/23/2014

Date

Promulgated Under: 119.03

Statutory Authority: 3742.03

Rule Amplifies: 3742.03

Prior Effective Dates: 12/30/1994 (Emer.), 4/9/95, 3/21/98, 6/19/03, 4/1/04, 7/5/09

3701-32-15 **Record keeping and reporting requirements for clearance technicians, lead inspectors, lead risk assessors, lead abatement contractors and lead abatement project designers.**

- (A) Each clearance technician, lead inspector, or lead risk assessor shall issue a report for each lead activity performed to the owner or manager of the residential unit, child care facility, or school that was the subject of the lead activity. The report shall also be issued to the individual who requested the lead activity.
- (B) Each lead abatement contractor or lead abatement project designer shall issue a report for each lead abatement project performed. The report shall be issued to the owner or manager of the residential unit, child care facility, or school that was the subject of the lead abatement. The report shall also be issued to the individual who requested the lead abatement.
- (C) Each clearance technician, lead inspector, lead risk assessor, lead abatement contractor, or lead abatement project designer shall maintain a copy of each report issued for a lead activity for a period of at least three years and make such documents available to the director upon request.
- (D) The lead risk assessor, lead inspector or clearance technician shall prepare and submit to the director a monthly summary of each residential unit, child care facility, or school, including all addresses, where lead inspections, lead-based paint sampling, lead risk assessments, lead hazard screen risk assessments, other lead assessment activities and clearance examinations were performed. Monthly reports shall be submitted on a form prescribed by the director.
- (E) The following statement shall be displayed at the top of any clearance examination, lead inspection, lead-based paint sampling, lead risk assessment, lead hazard screen risk assessment, other lead assessment activity, or lead abatement project report prepared for a residential unit in bold letters:

Ohio law (section 5302.30 of the Revised Code) requires every person who intends to transfer any residential real property by sale, land installment contract, lease with option to purchase, exchange, or lease for a term of ninety-nine years and renewable forever, to complete and provide a copy to the prospective transferee of the applicable property disclosure forms, disclosing known hazardous conditions of the property, including lead-based paint hazards.

Federal law (24 C.F.R. part 35 and 40 C.F.R. part 745) requires sellers and lessors of residential units constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than six years of age resides or is expected to reside in such housing) or any zero-bedroom dwelling to disclose and provide a copy of this report to new purchasers or lessees before they become obligated under a lease or sales contract. Property owners and sellers are also required to distribute an educational pamphlet approved by the United States environmental protection agency and include standard warning language in leases or sales contracts to ensure that parents have the information they need to protect children from lead-based paint hazards.

R.C. 119.032 review dates: 04/01/2014 and 04/01/2019

CERTIFIED ELECTRONICALLY

Certification

04/012014

Date

Promulgated Under:	119.03
Statutory Authority:	3742.03
Rule Amplifies:	3742.04, 3742.07, 3742.071
Prior Effective Dates:	12/30/1994 (Emer.), 4/9/95, 3/21/98, 6/19/03, 4/1/04, 7/5/09

Application procedures for lead training programs for essential maintenance practices and lead-safe renovation.

- (A) A person shall submit an application for approval as a training program on a form prescribed by the director. A separate application shall be submitted for each type program the person is seeking approval to conduct. An application for approval as a training program shall contain:
- (1) Except for the State of Ohio, local political subdivisions, or non-profit training providers, a non-refundable fee of seven hundred and fifty dollars, payable to "Treasurer, State of Ohio"; and
 - (2) As separate attachments:
 - (a) A statement signed by the training program manager certifying that:
 - (i) The training program meets the minimum requirements set forth in rule 3701-32-16 of the Administrative Code;
 - (ii) Each instructor meets the qualifications described in rule 3701-32-16.1 of the Administrative Code; and
 - (iii) The program will use either the model training materials developed by the United States environmental protection agency, United States department of housing and urban development, if available, or materials approved by the director; and
 - (iv) The applicant is in compliance and will remain in compliance with the record-keeping and reporting requirements of paragraph (A)(3) and paragraph (A)(4) of rule 3701-32-16.2 of the Administrative Code.
 - (b) The program agenda with an allocation of time spent on each topic;
 - (c) The program quality control plan and certification that the applicant will comply with the requirements of paragraph (B) of rule 3701-32-16.2 of the Administrative Code;
 - (d) An example of a program completion certificate, as described in paragraph (A)(2) of rule 3701-32-16.2 of the Administrative Code;
 - (e) All program examinations required by paragraph (A)(4) of rule 3701-32-16.3 of the Administrative Code, including answer keys; and
 - (f) A copy of the student manuals and instructor manuals to be used for each course.
- (B) A person shall submit an application for renewal of approval as a training program on a form prescribed by the director. A person shall submit a separate application for each program for which the person is seeking approval. An application for renewal shall include the fee specified in paragraph (A)(1) of this rule. As part of the application, the individual shall also submit:

(1) A statement signed by the training program manager certifying that:

- (a) The training program continues to meet the minimum requirements set forth in rules 3701-32-16, 3701-32-16.2, and 3701-32-16.3 of the Administrative Code;
- (b) Each instructor continues to meet the qualifications described in rule 3701-32-16.1 of the Administrative Code; and
- (c) The program continues to use the model training materials developed by the United States environmental protection agency, United States department of housing and urban development, if available, or materials approved by the director; and
- (d) The applicant is in compliance and will remain in compliance with the reporting and record-keeping requirements of paragraph (A)(3) and paragraph (A)(4) of rule 3701-32-16.2 of the Administrative Code.

(2) A statement from the training manager indicating whether any of the following have changed:

- (a) Program examination and answer key;
- (b) Facilities or equipment;
- (c) Program agenda with an allocation of time spent on each topic;
- (d) Program quality control plan;
- (e) Program completion certificate and an example of the changed certificate; or
- (f) Student manuals or instructor manuals to be used for each program.

(C) The director shall notify the applicant of any deficiency or needed modification to the application. Six months after written notification, the application shall no longer be maintained. An application that is no longer maintained shall not be subject to appeal pursuant to Chapter 119. of the Revised Code.

(D) The director may refuse to issue or renew an approval, or may suspend or revoke the approval of an approved training program if the approved training program, training manager, or any other person with supervisory authority over the training program has:

- (1) Misrepresented the contents of a training program to the director or trainees;
- (2) Failed to submit required information or notifications in a timely manner;
- (3) Falsified accreditation records, instructor qualifications, or any other approval-related information or documentation;

- (4) Failed to comply with any requirement of this rule, Chapter 3742. of the Revised Code, or any federal, state, or local statutes or regulations as they pertain to lead-based paint or lead hazards;
 - (5) Failed to maintain required records; or
 - (6) Made false or misleading statements to the director in its application for approval or its application for renewal.
- (E) Approval to conduct a training program expires three years from the date the director issues approval.
- (F) An approved training program or instructor cannot transfer its approval.
- (G) The director may perform an on-site audit at any time during regular business hours to document and verify the statements and the contents of an application for approval. The training manager shall allow the director to audit the training program at any time at no charge to the director.
- (H) Any person who is aggrieved by the director's refusal to issue or renew an approval, or to suspend or revoke an approval to conduct a training program pursuant to this rule may request a hearing on the matter in accordance with Chapter 119. of the Revised Code.

R.C. 119.032 review dates: 04/01/2014 and 04/01/2019

CERTIFIED ELECTRONICALLY

Certification

04/01/2014

Date

Promulgated Under:	119.03
Statutory Authority:	3742.50
Rule Amplifies:	3742.06, 3742.41, 3742.42, 3742.43, 3742.44, 3742.45, 3742.46, 3742.47, 3742.48
Prior Effective Dates:	4/1/2004, 7/5/09

3701-32-16.1 Qualifications for essential maintenance practices and lead-safe renovation training managers and instructors.

- (A) The applicant shall designate a training manager who shall be responsible for ensuring that the approved training program complies at all times with this chapter. To be qualified as a training manager a person shall:
 - (1) Have demonstrated experience, education or training in the construction industry, such as lead or asbestos abatement, painting, carpentry, occupational training and health, industrial hygiene, or renovation and remodeling; and
 - (2) Meet one of the following:
 - (a) Have at least two years, including five hundred hours of classroom experience, education, or training in teaching adults;
 - (b) Have obtained a bachelor's or graduate level degree from an accredited college or university in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration, or a related field; or
 - (c) Have two years experience in managing a training program that specialized in environmental hazards.
- (B) A qualified principal instructor shall teach each approved training program. To be qualified as a principal instructor a person shall:
 - (1) Have successfully completed at least twenty-four hours of any USEPA or USEPA-authorized state or tribal accredited lead-specific training;
 - (2) Have two years of experience in the construction trade, such as lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene; and
 - (3) Meet one of the following:
 - (a) Have completed an education-based training proficiency course of at least forty hours in length;
 - (b) Have obtained a degree in adult education from an accredited college or university; or
 - (c) Have at least two years, including at least five hundred hours of classroom experience in teaching adults.
- (C) The training program shall include instruction by qualified work-practice instructors who are responsible for teaching particular skills in a specific training course and who:
 - (1) Meet the requirements of paragraphs (B)(1) and (B)(2) of this rule; and
 - (2) Have one additional year of experience in a relevant construction trade, such as lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

- (D) To be qualified, guest instructors shall have demonstrated academic and work expertise in the subject area to be taught. Guest instructors may instruct required course material involving the subject areas of health effects, legal liability, insurance issues, and federal, state, or local regulations.
- (E) Documentation to meet the requirements of this rule includes official academic transcripts from an accredited college or university, resumes, applicable license, letters of reference, lead certification in another state, documentation of work experience and certificates from train-the-trainer courses and lead-specific training programs.

Effective: 08/04/2014

R.C. 119.032 review dates: 04/02/2009 and 04/01/2014

CERTIFIED ELECTRONICALLY

Certification

07/23/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3742.50
Rule Amplifies: 3742.06, 3742.41, 3742.42, 3742.43, 3742.44,
3742.45, 3742.46, 3742.47, 3742.48
Prior Effective Dates: 4/1/2004, 7/5/09

3701-32-16.2 Duties of approved essential maintenance practices and lead-safe renovation training program and training managers.

(A) An approved training program shall:

- (1) Provide for adequate facilities for lecture, course examination, and hands-on training and assessment. This includes providing for training equipment that reflects current work practices, and maintaining or updating the equipment and facilities as needed;
- (2) Issue a unique course completion certificate to each trainee who successfully completes the essential maintenance practices course and course examination or the lead-safe renovation course and course examination. The program completion certificate shall include:

- (a) A unique certificate number;
- (b) The name and address of the trainee;
- (c) The name of the course program the trainee completed;
- (d) Dates of program attendance and the date the program examination was passed;
- (e) The name, address, and telephone number of the training program;
- (f) A current, original passport type photograph of the trainee for the purpose of providing proper identification; and
- (g) A statement signed by the training manager certifying the following:

"Under civil and criminal penalties of law for the making or submission of false or fraudulent statements or representations (18 U.S.C. 1001 and 15 U.S.C. 2615), I certify that this training complies with all applicable requirements of Chapter 3742. of the Revised Code";

(3) Notify the director in writing of:

- (a) Any change of the address specified in its training program approval application within thirty days of making the change;
- (b) The location where required records will be kept and of any change of the location of the records within thirty days of transferring the records from their original location;
- (c) On a form prescribed by the director:
 - (i) At least ten business days, or three business days if using the online notification system, prior to the commencement of any approved training course, of the date and place where the approved training program will be held; and
 - (ii) Any change to the training program notification that would render the

information on the notification no longer accurate; and

- (d) The dates the course was held, the name of the course, the name or names of the instructor or instructors, and the name or names and course completion number of the trainees attending each program with an indication of who successfully completed an approved training program during the month by the tenth calendar day of the following month;
- (4) Maintain the following records while approved by the director and at least forty-two months after its last day as an approved training program provider:
 - (a) All records required by rule 3701-32-16 of the Administrative Code;
 - (b) Results of each trainee's program examinations, and a list of each trainee who successfully completed the program, including the unique certificate number issued to each trainee for that program; and
 - (c) Any other material not listed in this paragraph that was submitted to the director as part of the application for licensure or renewal.
- (B) The training manager shall ensure that the approved training program complies at all times with this rule. The training manager shall also:
 - (1) Develop and implement a quality control plan which shall be used to maintain or improve the quality of the training program. As part of the quality control plan, the training manager shall:
 - (a) Submit to the director for approval, at least ten calendar days prior to making the change or revision:
 - (i) Any proposed periodic revisions of training materials and program examination to reflect innovations in the field;
 - (ii) Any changes made to the program materials;
 - (iii) Any changes made to the program curriculum; and
 - (iv) Any changes of the training manager, principal instructor, work-practice instructors, or guest instructors and documentation of qualifications as set forth in rule 3701-32-16.1 of the Administrative Code pertaining to the new personnel;
 - (b) Develop procedures for the annual review of instructor competency.
 - (2) Maintain the validity and integrity of the program examination as required in rule 3701-32-16 of the Administrative Code to ensure that it accurately evaluates the trainee's knowledge and retention of the program topics.
 - (3) Designate a principal instructor who is responsible for the organization of the program and oversight of the teaching of all program material. The training manager shall designate additional instructors as either work-practice instructors or guest instructors for the program or programs the instructors will teach. The training manager shall also ensure that each appointed instructor complies with the qualifications as outlined in rule 3701-32-16.1 of the Administrative Code.

Effective: 08/04/2014

R.C. 119.032 review dates: 04/01/2014 and 04/01/2019

CERTIFIED ELECTRONICALLY

Certification

07/23/2014

Date

Promulgated Under: 119.03

Statutory Authority: 3742.50

Rule Amplifies: 3742.06, 3742.41, 3742.42, 3742.43, 3742.44,
3742.45, 3742.46, 3742.47, 3742.48

Prior Effective Dates: 4/1/2004, 7/5/09

3701-32-16.3 Essential maintenance practices and lead-safe renovation training program requirements.

- (A) An approved training program shall teach the work practice standards for conducting non-abatement as set forth in Chapter 3742. of the Revised Code and Chapter 3701-32 of the Administrative Code. The work practice standards shall be taught in the appropriate program to provide the trainees with the knowledge needed to perform the non-abatement. The hands-on training shall be conducted in such a manner that students gain practical experience in conducting non-abatement lead activities. An approved training program shall meet at least the following:
- (1) The essential maintenance practices program shall not exceed six hours or 7.2 training hours. One and a half hours of the 7.2 training hours shall be designated as hands-on training;
 - (2) The lead-safe renovator training program shall not exceed six hours or 7.2 training hours. One and a half hours of the 7.2 training hours shall be designated as hands-on training;
 - (3) The instructor-to-student ratio for each program shall not exceed 1:25;
 - (4) For each program it offers, the training program shall conduct a program examination at the completion of the program;
 - (a) The program examination shall be developed in accordance with the program examination requirements of paragraph (A)(4)(b) of this rule. The program examination for the essential maintenance practices training program and the lead-safe renovation program shall each have a minimum of twenty-five multiple choice questions. The passing score for the essential maintenance practices training program examination and the lead-safe renovation training program examination shall be seventy-two per cent;
 - (b) The proportion of examination questions devoted to each major program topic shall be as follows:
 - (i) For the essential maintenance practices program: twenty per cent on roles and responsibilities, health effects, federal, state and local regulations; eight per cent on visual examination; forty-eight per cent on worksite preparation and safe work practices; and twenty-four per cent on job site cleaning, waste disposal and clearance examinations; and
 - (ii) For the lead-safe renovation program : twenty per cent on role and responsibilities, health effects, federal, state and local regulations; eight per cent on visual examination; eight per cent on project management; forty per cent on worksite preparation and safe work practices; and twenty-four per cent on job site cleaning, waste disposal and clearance examinations.
 - (c) If a trainee does not pass the examination, that individual must repeat the program prior to retaking the examination;
 - (d) The training program shall provide written proof of the successful

completion of the essential maintenance practices program or lead-safe renovation program to each candidate within one week of grading the program examination; and

- (e) Each program examination shall be administered in a manner that ensures the following:
 - (i) No contents are revealed to any student prior to the examination;
 - (ii) The security of any written examination materials is ensured;
 - (iii) All students who pass the examination do so on their own merits;
 - (iv) No written material other than the examination materials can be viewed by any student during the examination; and
 - (v) A proctor is present for the duration of the examination.
- (B) An essential maintenance practices training program shall include instruction on the following:
 - (1) The role and responsibilities of persons performing essential maintenance practices;
 - (2) Health effects on the human body including how lead enters and affects the body, symptoms of lead in the body and diagnosis, level of concern, and treatment;
 - (3) Recognizing, controlling and managing potential lead standards;
 - (4) Prohibited methods and unsafe work practices as set forth in section 3742.44 of the Revised Code;
 - (5) Safe work practices and preventive treatments as set forth in section 3742.41 of the Revised Code;
 - (6) Specialized cleaning methods used to control potentially lead-contaminated surfaces;
 - (7) Resident notification and occupant protection measures;
 - (8) Planning essential maintenance jobs, including selection of appropriate equipment and materials;
 - (9) Personal hygiene practices and personal protective clothing;
 - (10) Safe disposal of waste;
 - (11) Covering potentially lead-contaminated soil;
 - (12) Removal or cleaning of potentially lead-contaminated carpet;
 - (13) Establishing an ongoing maintenance and monitoring program;
 - (14) Clearance examinations;
 - (15) Federal, state, and local regulations; and

(16) Hands-on training and experience on the following:

- (a) Site preparation/using the planning tool;
- (b) Lead-safe work practices; and
- (c) Clean-up and decontamination.

(C) A lead-safe renovator program training module may be added to an essential maintenance practices program to satisfy the requirements for the lead-safe renovation program set forth in paragraph (D) of this rule. The training module shall consist of at least 2.0 hours or 2.4 training hours and shall include instruction on the following:

- (1) The role and responsibilities of a lead-safe renovator;
- (2) Personal protective equipment including respiratory equipment selection, care and cleaning of respirators, respirator fit testing, and protective clothing;
- (3) Legal liability and insurance issues; and
- (4) Supervisory and business issues, including record keeping.

(D) A lead-safe renovator training program shall include instruction on the following:

- (1) The role and responsibilities of a lead-safe renovator;
- (2) Health effects on the human body including how lead enters and affects the body, symptoms of lead in the body and diagnosis, level of concern and treatment;
- (3) Safe work practices including instruction on prohibited methods and unsafe work practices;
- (4) Personal protective equipment including respiratory equipment selection, air purifying respirators, care and cleaning of respirators, respirator fit testing, and protective clothing;
- (5) Personal hygiene practices;
- (6) Safe disposal of wastes;
- (7) Specialized cleaning methods used to control potentially lead-contaminated surfaces;
- (8) Clearance examinations;
- (9) Legal liability and insurance issues;
- (10) Supervisory and business issues, including record keeping;
- (11) Federal, state and local regulations; and
- (12) Hands-on training and experience on the following:
 - (a) Site preparation;

- (b) Lead-safe work practices; and
 - (c) Clean-up and decontamination.
- (E) An essential maintenance practices program training module may be added to a lead-safe renovation program to satisfy the requirements for the essential maintenance practices program set forth in paragraph (C) of this rule. This training module shall consist of at least 2.0 hours or 2.4 training hours and shall include instruction on the following:
- (1) The roles and responsibilities of persons performing essential maintenance practices;
 - (2) Recognizing, controlling and managing potential lead hazards;
 - (3) Removal or cleaning of potentially lead-contaminated carpet;
 - (4) Planning essential maintenance jobs, including selection of appropriate equipment and materials;
 - (5) Resident notification and occupant protection measures;
 - (6) Covering potentially lead-contaminated soil; and
 - (7) Establishing an ongoing maintenance and monitoring program.

Effective: 08/04/2014

R.C. 119.032 review dates: 04/01/2014 and 04/01/2019

CERTIFIED ELECTRONICALLY

Certification

07/23/2014

Date

Promulgated Under: 119.03
 Statutory Authority: 3742.50
 Rule Amplifies: 3742.06, 3742.41, 3742.42, 3742.43, 3742.44, 3742.45, 3742.46, 3742.47, 3742.48
 Prior Effective Dates: 4/1/2004, 7/5/09

3701-32-17 Essential maintenance practices.

- (A) In order to obtain a rebuttable presumption, as specified in section 3742.41 of the Revised Code, that a residential unit, child care facility or school built before January 1, 1950 does not contain a lead hazard and is not the source of the lead poisoning of an individual who resides in the unit, facility or school, the owner or manager shall maintain documentation proving essential maintenance practices were performed according to section 3742.41 of the Revised Code and paragraphs (B), (C), (D) and (E) of this rule.
- (B) Essential maintenance practices shall be performed by an individual licensed as a lead abatement project designer, lead abatement contractor or a lead abatement worker licensed pursuant to section 3742.05 of the Revised Code, or by an individual who successfully completed an essential maintenance practices training course approved pursuant to section 3742.47 of the Revised Code and rule 3701-32-16 of the Administrative Code.
- (C) The areas of a residential unit, child care facility, or school that are subject to paragraph (A) of this rule include all of the following:
 - (1) The interior surfaces and all common areas of the unit, facility, or school;
 - (2) Every attached or unattached structure located within the same lot line as the unit, facility, or school that the owner or manager considers to be associated with the operation of the unit, facility, or school, including garages, play equipment, and fences; and
 - (3) The lot or land that the unit, facility, or school occupies.
- (D) Persons performing essential maintenance practices shall:
 - (1) Only allow persons performing the essential maintenance practices access to the area while work is underway until a clearance examination is passed;
 - (2) Cover the floor underneath the area receiving essential maintenance practices with six mil polyethylene plastic or its equivalent until final cleaning is completed;
 - (3) Assure that all persons involved in the essential maintenance practices follow the worker protection standards established pursuant to 29 C.F.R. 1926.62 (2012) by OSHA;
 - (4) Post signs clearly defining the work area and warning occupants and other persons not involved in essential maintenance practices to remain outside the work area;
 - (5) Before beginning the essential maintenance practices, isolate the work area so that no dust or debris leaves the work area while the work is being performed. In addition, maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced, and taking any steps necessary to ensure that no dust or debris leaves the work area while the work is being performed. Containment shall be established in such a manner

that it does not interfere with occupant and worker egress in an emergency;

(6) In the case of interior work practices:

- (a) Remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed;
- (b) Close and cover all duct openings in the work area with taped-down plastic sheeting or other impermeable material;
- (c) Close windows and doors in the work area. Doors used as an entrance to the work area must be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area;
- (d) Cover all rough, pitted, or porous horizontal surfaces of the inhabited or occupied areas within the residential unit, child care facility, or school with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane, carpet, or linoleum;
- (e) Cover the floor surface, including installed carpet with taped-down six mil plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing essential maintenance practices or a sufficient distance to contain the dust, whichever is greater; and
- (f) Ensure that all personnel, tools and other items, including the exteriors of containers of waste, are free of dust and debris before leaving the work area.

(7) In the case of exterior work practices:

- (a) Close all doors and windows within twenty feet of the renovation. On multi-story buildings, close all doors and windows within twenty feet of the renovation on the same floor as the renovation. On floors below the renovation, close all doors and windows directly beneath the work area;
 - (b) Ensure that doorways within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while containing dust and debris to the work area; and
 - (c) Cover the ground with plastic sheeting or other impermeable material extending ten feet beyond the perimeter of surfaces undergoing essential maintenance practices or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents ten feet of such ground covering.
- (8) Collect, wrap or bag, and seal all waste generated from the essential maintenance practices to prevent release of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work areas, it must be covered. In addition, the renovator shall comply with the following:

- (a) At the conclusion of each work day and at the conclusion of the essential maintenance practices, store waste under containment or behind a barrier that prevents access to the waste and any dust, debris or both; and
 - (b) During transport, waste shall be contained to prevent the release of dust and debris.
- (9) For interior and exterior essential maintenance practices, clean the work area until no dust, debris or residue remains and employ the following cleaning procedures:
 - (a) Collect all paint chips and debris and, without dispersing any of it, seal this material in a heavy-duty plastic bag; and
 - (b) Remove the protective sheeting. Mist the sheeting before folding it, fold the dirty side inward, and either tape shut to seal or seal in heavy-duty plastic bags. Sheeting used to isolate contaminated rooms from non-contaminated rooms must remain in place until after the cleaning and removal of other sheeting. Dispose of the sheeting as waste.
- (10) In the case of interior work practices, individuals shall implement the following steps:
 - (a) Clean walls starting at the ceiling and working down to the floor by either vacuuming with a HEPA vacuum or wiping with a damp cloth;
 - (b) Thoroughly vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA vacuum. The HEPA vacuum must be equipped with a beater bar when vacuuming carpets and rugs; and
 - (c) Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth. Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the two-bucket mopping method, or using a wet mopping system.
- (11) Perform visual examinations for deteriorated paint, underlying damage, and other conditions that may cause exposure to lead;
- (12) Promptly and safely repair deteriorated paint or other building components that may cause exposure to lead and eliminate the cause of the deterioration;
- (13) Ask tenants in a residential unit, and parents, guardians, and custodians of children in a child care facility or school, to report concerns about potential lead hazards by providing written notices to the tenants or parents, guardians, and custodians or by posting notices in conspicuous locations;
- (14) Cover any bare soil on the property, except soil proven not to be lead-contaminated; and
- (15) Not perform the following prohibited methods:
 - (a) Open-flame burning, torching or charring of paint;
 - (b) Machine sanding or grinding or abrasive blasting or sandblasting paint unless

the machine used is equipped with a HEPA exhaust control;

- (c) Dry scraping or dry sanding paint unless the scraping is done in conjunction with heat guns or within one foot of electrical outlets or when treating defective paint spots totaling no more than two square feet in any one room, hallway, or stairwell, or totaling no more than twenty square feet on exterior surfaces;
 - (d) Use of a heat gun on paint above one thousand one hundred degrees Fahrenheit;
 - (e) Uncontained hydro-blasting or high pressure washing of lead-based paint; or
 - (f) Paint stripping in a poorly ventilated space using a volatile stripper that is considered a hazardous substance pursuant to 16 C.F.R 1500.3 (2011) or a hazardous chemical pursuant to 29 C.F.R. 1910.1200 (2013) or 29 C.F.R. 1926.59 (2013).
- (E) The owner or manager of a residential unit, child care facility or school shall:
- (1) Ensure that specialized cleaning associated with essential maintenance practices is performed on affected areas of the residential unit, child care facility or school in accordance with current and accepted methodologies, including, but not limited to, the procedures in Chapter 14 of the HUD guidelines and ensure that bare soil of the residential unit, child care facility or school is covered according in accordance with current and accepted methodologies, including, but not limited to, Chapter 11, or Chapter 12, or both, of the HUD guidelines.
 - (2) Ensure that a clearance technician, lead risk assessor or lead inspector performs a clearance examination annually in accordance with the procedures specified in rule 3701-32-12 of the Administrative Code. If the clearance examination indicates that the residential unit, child care facility or school does not meet the clearance examination standards set forth in rule 3701-32-19 of the Administrative Code, the owner or manager shall take any necessary steps to achieve the clearance standards. A clearance technician, lead risk assessor or lead inspector shall perform any necessary clearance examinations to ensure the residential unit, childcare facility or school meets the clearance standards.
 - (3) Maintain a record of all essential maintenance practices including the clearance examination report or reports for at least three years.

Effective: 08/04/2014

R.C. 119.032 review dates: 04/01/2014 and 04/01/2019

CERTIFIED ELECTRONICALLY

Certification

07/23/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3742.50
Rule Amplifies: 3742.06, 3742.41, 3742.42, 3742.43, 3742.44, 3742.45,
3742.46, 3742.47, 3742.48
Prior Effective Dates: 4/1/2004, 7/5/09

3701-32-18 Variances.

- (A) The director may grant a variance from the requirements of rules 3701-32-03 to 3701-32-16 of the Administrative Code unless variance is requested to a statutory requirement. Before the director grants the variance, the party requesting the variance must show that:
 - (1) Granting the variance will not jeopardize the health and safety of the public; and
 - (2) Because of practical difficulties or other special conditions, strict application of the rule requirement, from which the variance is requested, will cause unusual and unnecessary hardship.
- (B) The director shall not grant a variance that defeats the spirit and general intent of rules 3701-32-01 to 3701-32-16 of the Administrative Code or that is not in the public interest.
- (C) The party requesting the variance from rules 3701-32-03 to 3701-32-16 of the Administrative Code shall make a request to the director on a form prescribed by the director. The request shall specify the following:
 - (1) How granting the variance will not jeopardize the health and safety of the public;
 - (2) The rule requirement for which the variance is requested;
 - (3) The practical difficulties or other special conditions that exist that will cause unusual or unnecessary hardship if the rule requirement is strictly enforced;
 - (4) The time period, not to exceed one year, for which the variance is requested; and
 - (5) The specific alternative action the party requesting the variance proposes to take to meet the spirit and general intent of the rule.
- (D) The director may request additional information from the party requesting the variance prior to making a determination regarding the request. The director may establish conditions that the party shall meet for the variance to be effective or, if the variance is in effect, to continue to be in effect.
- (E) The director may revoke a variance if the director determines that:
 - (1) The variance adversely affects the health and safety of the general public;
 - (2) The party requesting the variance fails to comply with the variance as granted;
 - (3) The party requesting the variance notifies the director in writing that the party wishes to relinquish the variance; or
 - (4) The variance conflicts with a statutory change that renders the variance invalid.
- (F) The director shall notify the party requesting the variance, in writing, of the director's determination whether or not to grant the variance, or to revoke a

previously granted variance. The director's decision shall be final and is not subject to Chapter 119. of the Revised Code.

Effective: 08/04/2014

R.C. 119.032 review dates: 04/01/2014 and 04/01/2019

CERTIFIED ELECTRONICALLY

Certification

07/23/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3742.03
Rule Amplifies: 3742.02, 3742.46, 3742.05
Prior Effective Dates: 3/21/1998, 4/1/04

3701-32-19 Levels of lead hazardous to human health and clearance examination standards.

(A) Lead-based paint is present:

- (1) When a paint or other surface coating contains a lead concentration equal to or exceeding 1.0 mg/cm² (milligram per square centimeter), 0.5 percent by weight, or five thousand parts per million (ppm) by weight; and
- (2) On any surface like a surface tested in the same room that has a lead concentration equal to or exceeding the level set forth in paragraph (A)(1) of this rule.

(B) Lead-based paint is hazardous to human health when present:

- (1) On any friction surface where the dust levels on the nearest horizontal surface, including, but not limited to, window sills or floors, underneath the friction surface are equal to or exceed:
 - (a) Forty micrograms per square foot or more of lead, if the horizontal surface is an interior floor or exterior living area floor;
 - (b) Two hundred fifty micrograms per square foot or more of lead, if the horizontal surface is an interior window sill or an exterior living area window sill; and
 - (c) Forty micrograms per square foot or more of lead, if the horizontal surface is not a window trough, or an interior window sill;
- (2) On any chewable lead-based painted surface that has evidence of teeth marks;
- (3) Where there is any damaged or otherwise deteriorated lead-based paint on an impact surface; or
- (4) Where there is deteriorated lead-based paint in a residential unit, child care facility, or school or on the exterior of any residential unit, child care facility, or school.

(C) Lead-contaminated dust is hazardous to human health when present:

- (1) On interior floors, or exterior living area floors containing a lead loading of forty micrograms per square foot or more;
- (2) On interior window sills or exterior living area window sills containing a lead loading of two hundred fifty micrograms per square foot or more;
- (3) On window troughs containing four hundred micrograms per square foot or more lead;
- (4) On any horizontal surface if that surface is not an interior window sill, exterior living area window sill or window trough containing a lead loading of forty micrograms per square foot or more; or
- (5) On floors or interior window sills in an unsampled residential unit or common

area in a multi-family dwelling if a dust lead hazard is present on floors or interior window sills when random sampling was performed and when the minimum number of residential units, common areas, or exterior areas, or both, as determined in appendix C to rule 3701-32-12 of the Administrative Code were sampled. In addition, all the randomly sampled residential units meet the standards set forth in paragraph (C) of this rule thereby establishing a ninety-five per cent level of confidence that no more than five percent or fifty of the residential units, whichever is smaller, have components that may equal or exceed the hazard standards;

- (D) Lead-contaminated soil is hazardous to human health when present:
 - (1) In non-play areas when the lead concentration from a composite sample, or arithmetic mean of composite samples, is equal to or exceeds one thousand two hundred micrograms per gram;
 - (2) In play areas when the lead concentration from a composite sample is equal to or exceeds four hundred micrograms per gram;
- (E) Lead-contaminated water pipes that leach a lead concentration equal to or exceeding fifteen micrograms per liter into a flushed water sample collected in accordance with the procedure specified in 40 C.F.R. 141.86 (2007) are considered hazardous to human health.
- (F) In order to pass a clearance examination a residential unit, child care facility or school shall:
 - (1) For single-surface wipes, have a lead loading less than:
 - (a) Forty micrograms per square foot on interior floors, or exterior living area floors;
 - (b) Two hundred fifty micrograms per square foot on interior window sills, exterior living area window sills, or on any other interior chewable surface; and
 - (c) Four hundred micrograms per square foot on window troughs.
 - (2) All horizontal surfaces in the exterior living area closest to the surface abated or receiving non-abatement treatments shall be found to be free of all visible dust and debris.

- (D) To be qualified, guest instructors shall have demonstrated academic and work expertise in the subject area to be taught. Guest instructors may instruct required course material involving the subject areas of health effects, legal liability, insurance issues, and federal, state, or local regulations.
- (E) Documentation to meet the requirements of this rule includes official academic transcripts from an accredited college or university, resumes, applicable license, letters of reference, lead certification in another state, documentation of work experience and certificates from train-the-trainer courses and lead-specific training programs.

Effective: 08/04/2014

R.C. 119.032 review dates: 04/02/2009 and 04/01/2014

CERTIFIED ELECTRONICALLY

Certification

07/23/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3742.50
Rule Amplifies: 3742.06, 3742.41, 3742.42, 3742.43, 3742.44,
3742.45, 3742.46, 3742.47, 3742.48
Prior Effective Dates: 4/1/2004, 7/5/09