

Division 68 is proposed to be deleted in its entirety.

OREGON ADMINISTRATIVE RULES  
OREGON HEALTH AUTHORITY, PUBLIC HEALTH DIVISION  
CHAPTER 333

~~**DIVISION 68**~~

~~**ACCREDITATION OF TRAINING PROGRAMS FOR PROFESSIONALS  
ENGAGED IN LEAD-BASED PAINT ACTIVITIES**~~

~~**333-068-0005**~~

~~**Authority, Purpose, Scope**~~

~~(1) Authority. These rules are promulgated in accordance with and under the authority of ORS 431.920.~~

~~(2) Purpose. These rules prescribe the requirements for accredited training programs to ensure a properly trained workforce to perform inspection, risk assessment and abatement of hazards associated with lead-based paint. These rules are designed to ensure that good quality training is available to those who need or want to have training in lead-based paint inspection, assessment or abatement activities.~~

~~(3) Scope.~~

~~(a) A training program may seek accreditation to offer lead-based paint activity courses in any of the following disciplines: inspector, risk assessor, supervisor, project designer, and abatement worker. A training program accredited in a discipline may also seek accreditation to offer refresher courses for the discipline.~~

~~(b) These rules prescribe the requirements for training programs to provide, offer, or claim to provide Authority accredited lead-based paint activities courses.~~

~~(c) These rules prescribe those actions or circumstances that constitute failure to achieve or maintain competency, or that otherwise are contrary to the public interest, for which the Authority may deny, suspend, or revoke accreditation.~~

~~(d) These rules provide criteria for the certification by the Authority and licensure by the Construction Contractors Board (CCB) of persons and the firms employing persons who have completed accredited training.~~

~~(e) These rules establish fees to the extent necessary to defray costs of those activities prescribed herein.~~

~~Stat. Auth.: ORS 431.920~~

~~Stats. Implemented: ORS 431.920~~

~~**333-068-0010**~~

~~**Adoption By Reference**~~

~~All standards, listings and publications referred to in these rules are by those references made a part of these rules as though fully set forth.~~

~~Stat. Auth.: ORS 431.920~~

~~Stats. Implemented: ORS 431.920~~

~~**333-068-0015**~~

~~**Definitions**~~

~~As used in these rules unless otherwise required by context:~~

~~(1) "Abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards including, but not limited to:~~

- ~~(a) The removal of lead-based paint and lead-contaminated dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead-contaminated soil; and~~
- ~~(b) All preparation, cleanup, disposal, and post-abatement clearance examination activities associated with such measures;~~
- ~~(c) Specifically, abatement includes, but is not limited to:~~
  - ~~(A) Projects for which there is a written contract or other documentation, which provides that an individual or firm will be conducting activities in or to a residential dwelling or child-occupied facility that results in permanent elimination of lead-based paint hazards or designed to permanently eliminate lead-based paint hazards as described in subsections (1)(a) and (1)(b) above.~~
  - ~~(B) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by certified and licensed firms or individuals, unless such projects are covered under subsection (1)(d) of this definition.~~
  - ~~(C) Projects resulting in the permanent elimination of lead-based paint hazards; conducted by firms or individuals who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities, unless such projects are covered under subsection (1)(d) of this section.~~
  - ~~(D) Projects resulting in the permanent elimination of lead-based paint hazards that are conducted in response to state or local abatement orders.~~
  - ~~(E) Abatement does not include renovation, remodeling, landscaping or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.~~

~~(2) "Accreditation" means the process whereby the Authority has reviewed and approved a training program's written application with associated materials for accreditation, and has conducted an on-site audit finding the training program in compliance as specified in these rules.~~

~~(3) "Accredited Training Program" means an individual, corporation, partnership or other unincorporated association or public entity to which the Authority, the U.S. Environmental Protection Agency (EPA), or an EPA-authorized state or tribal program has received accreditation or provisional accreditation to provide training for individuals engaged in lead-based paint activities.~~

~~(4) "Approved" means approved in writing by the Authority.~~

~~(5) "Authority" means the Oregon Health Authority.~~

~~(6) "Certified" means successful completion of a training program accredited by the Authority, EPA or an EPA-authorized state or tribal program, passage of a certification examination administered by the Authority, satisfaction of any other requirements for the appropriate discipline, and submittal and approval of the appropriate application by the~~

~~Authority for inspection, risk assessment or abatement activities in target housing and child-occupied facilities.~~

~~(7) "Certified firm" means a company, partnership, corporation, sole proprietorship, association, or other business entity that performs lead-based paint activities that the Authority has issued a certificate under OAR 333-069-0005 through 333-069-0090.~~

~~(8) "Clearance examination" means visual examination and clearance testing performed following abatement of lead-based paint or lead-based paint hazards using documented methodologies as defined in this section. Such examination shall be performed by a person certified to perform risk assessments or lead-based paint inspections.~~

~~(9) "Clearance examination standards" means values that indicate the maximum amount of lead permitted in dust on a surface or in soil following completion of an abatement activity. Standards for lead in dust are 40 micrograms per square foot ( $\mu\text{g}/\text{ft}^2$ ) on floors, 250  $\mu\text{g}/\text{ft}^2$  on interior window sills, and 400  $\mu\text{g}/\text{ft}^2$  on window troughs. The values for lead in soil are 400 parts per million (ppm) in play areas and 1,200 ppm in the remainder of the yard.~~

~~(10) "Contact hour" means 60 minutes of lead-based paint related training which may include a break of not more than 10 minutes.~~

~~(11) "Course completion document" means documentation issued by an accredited training program to an individual as proof of successful completion of an Authority approved lead-based paint course or refresher training course.~~

~~(12) "Demonstration testing" means the observation and scoring of a student's job task and equipment use skills taught during a course or refresher training course.~~

~~(13) "Discipline" means a specific type or category of lead-based paint activity.~~

~~(14) "Guest instructor" means an individual who is responsible for providing less than 30 percent of training in any course.~~

~~(15) "Hands-on training" means training during which students practice skills that they will be expected to perform at the worksite.~~

~~(16) "Inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report, in writing, explaining the results of the investigation.~~

~~(17) "Inspector" means an individual who is certified by the Authority to conduct in target housing and child-occupied facilities a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a written report explaining the results of the investigation; and to collect dust wipe and soil samples incidental to post-abatement clearance examination, in accordance with OAR 333-069-0070.~~

~~(18) "Instructor" means an individual who is responsible for providing 30 percent or more of training in any course.~~

~~(19) "Interactive/participatory teaching methods" means instruction which consists of active participation of the students, such as brainstorming, hands-on training, demonstration and practice, small group problem-solving, learning games, discussions, risk mapping, field visits, walk-throughs, problem-posing, group work assignments, homework review sessions, question-and-answer periods, skits, or role-playing sessions. Lecture is not considered an interactive/participatory teaching method.~~

~~(20) "Job tasks" mean the specific activities performed in the context of work.~~

- (21) "~~Lead-based paint~~" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight.
- (22) "~~Lead-based paint activities~~" means, in the case of target housing and child-occupied facilities, inspection, risk assessment, and abatement.
- (23) "~~Lead-based paint hazard~~" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces or impact surfaces that would result in adverse human health effects.
- (24) "~~Licensed~~" means a person who has been certified by the Authority in one or more disciplines and has completed the requirements of the CCB.
- (25) "~~Person~~" means individuals, corporations, associations, firms, partnerships, joint stock companies, and public entities.
- (26) "~~Principal instructor~~" means the individual who has the primary responsibility for organizing and teaching a particular course.
- (27) "~~Proficiency test~~" means any alternative to a conventional written examination that is used to measure a trainee's mastery of course content. An oral examination offered to a trainee with a manual disability is an example of a proficiency test.
- (28) "~~Provisional accreditation~~" means the Authority has reviewed and finds acceptable a training program's written application for accreditation, but has not conducted an on-site audit as specified in these rules.
- (29) "~~Project designer~~" means an individual who is certified by the Authority and licensed by the CCB to interpret lead inspection or risk assessment reports and to develop plans, specifications, and project procedures for lead abatement projects in target housing and child-occupied facilities, including, occupant notification and protection, clean-up and clearance, and abatement reports.
- (30) "~~Refresher training course~~" means a minimum seven hour training course (or four hours for project designer) accredited by the Authority to update an individual's knowledge and skills in the discipline in which training is offered.
- (31) "~~Risk assessment~~" means an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards, and the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based hazards.
- (32) "~~Risk assessor~~" means an individual who is certified by the Authority and licensed by the CCB to conduct, in target housing and child-occupied facilities, on-site investigations to determine the existence, nature, severity, and location of lead-based paint hazards, and to provide a report explaining the results of the investigation and options for reducing lead-based hazards; and who may conduct a lead-hazard investigation, in accordance with OAR 333-069-0070.
- (33) "~~Sample quality control~~" means a plan or design which ensures the authenticity, integrity, and accuracy of samples, including dust, soil, and paint chip or film samples. Sample quality control also includes provisions for representative sampling and control samples.
- (34) "~~Supervisor~~" means an individual who is certified by the Authority and licensed by the CCB to either conduct or oversee and direct the work-site conduct of lead-based paint abatement and clearance activities in target housing and child-occupied facilities, and to

~~prepare occupant protection plans and abatement reports in accordance with OAR 333-069-0070.~~

~~(35) "These rules" means OAR 333-068-0005 through 333-068-0065.~~

~~(36) "Training manager" means the individual responsible for administering a training program and monitoring the performance of principal instructors and guest instructors.~~

~~(37) "Worker" means an individual who is certified by the Authority and licensed by the CCB to conduct work site lead-based paint abatement activities in target housing and child-occupied facilities in accordance with OAR 333-069-0070.~~

~~Stat. Auth.: ORS 431.920~~

~~Stats. Implemented: ORS 431.920~~

### **333-068-0020**

#### **Accreditation Required**

~~(1) No person shall provide, offer, or claim to provide an accredited lead-based paint activities course unless the person has received accreditation or provisional accreditation from the Authority.~~

~~(2) Curriculums may be accredited for the initial and refresher training courses for inspector, risk assessor, abatement worker, supervisor, and project designer.~~

~~(3) Only Authority accredited or provisionally accredited training programs are eligible to offer refresher training courses for lead-based paint discipline courses.~~

~~(4) To qualify for and maintain accreditation, a training program shall:~~

~~(a) Propose and offer at least one accredited or provisionally accredited lead-based paint training course.~~

~~(b) Conform with personnel, operational and curriculum requirements.~~

~~(c) Comply with accreditation application and procedural requirements.~~

~~(5) The Authority shall review and approve or deny accreditation, provisional accreditation, or renewal of accreditation of any applicant.~~

~~(a) If approved, a written notice shall be sent to the applicant.~~

~~(b) If denied, the Authority shall state, in writing, the reasons for denial. An applicant may reapply for accreditation of the same course after a period of 30 days from the date the application was denied.~~

~~(6) Provisional status shall be removed upon an on-site audit stating that requirements for Authority approval are satisfied.~~

~~(a) A provisional accredited or accredited training program shall permit the Authority to conduct an audit without charge to the Authority.~~

~~(b) Advance notice shall not be required prior to conducting an audit.~~

~~(c) An audit shall be performed on-site and shall include, but not be limited to, a review of: records, including course completion forms and attendance records; facilities; instructional curriculum; examination design, administration and security procedures, and results, including those of demonstration testing; classroom instruction; audio-visual materials; course content; and coverage.~~

~~(7) Accreditation must be obtained and maintained for each training course and refresher training course.~~

~~(8) Accreditation shall be valid for 1 year, must be renewed annually, and shall not be transferrable.~~

~~(9) Accreditation based on a valid lead-based paint accreditation issued by the EPA or by an EPA-authorized state or tribal program shall be issued with an expiration date not to exceed the date of expiration listed on the EPA or EPA-authorized state or tribal accreditation document.~~

~~(10) The provider of an accredited or provisionally accredited training course shall submit for review a written description of changes in method or content that affect one-half hour or more of contact instruction.~~

~~(11) A provider of an accredited training course may not implement changes in method or content that affect one-half hour or more of contact instruction without prior approval of the Authority.~~

~~(12) An accredited or provisionally accredited training program shall permit the Authority to conduct unannounced on-site audits at any time.~~

~~(13) An accredited or provisionally accredited training program shall notify the Authority within 30 days of any change to the current application.~~

Stat. Auth.: ORS 431.920

Stats. Implemented: ORS 431.920

### **333-068-0025**

#### **Application**

~~(1) Submittal of a completed application for course accreditation or re-accreditation shall include:~~

~~(a) Name, address, and phone number of training program and training program manager.~~

~~(b) List of course(s) for which accreditation is being applied.~~

~~(c) Training program manager signed statement certifying each instructor meets qualifications under OAR 333-068-0030 in these rules, as well as, a list of the topics/skill areas to be taught by each instructor.~~

~~(d) A copy of the entire course or refresher course instruction curriculum, including, but not limited to: learning objectives; documentation of course agenda with time allocation for each course topic and sequence of topics to be covered during the course(s); student and instructor manuals, handouts, quizzes and homework.~~

~~(e) Copy of the test blueprint describing the portion of test questions devoted to each major course topic.~~

~~(f) Description of the classroom and field site training facilities, equipment for lecture and hands-on training and equipment storage.~~

~~(g) Description of the procedures for conducting the assessment of the hands-on skills and evaluation testing of trainees' ability to perform work practices.~~

~~(h) A copy of the quality control plan developed by the training manager. The plan shall be used to maintain and improve the training program and contain at least the following elements:~~

~~(A) Procedures for periodic revision of training materials and course test to be current with innovations in the field.~~

~~(B) Procedures for the training manager's annual review of principle instructor competency.~~

~~(i) An example of numbered certificates to be issued to students who successfully complete the training course.~~

~~(j) Description of record keeping procedures.~~

- ~~(k) Schedule of anticipated course dates and location(s).~~
- ~~(l) Description of the amount of time and type of hands-on training including student-to-instructor ratio during hands-on training.~~
- ~~(m) Description of the teaching methods to be used for each major topic and for hands-on training.~~
- ~~(n) Description of the audio/visual aids to be used for each major topic.~~
- ~~(2) The program application materials shall demonstrate that it meets the minimum requirements for each discipline for which the program is seeking accreditation.~~
- ~~(3) Documentation of compliance with Oregon Administrative Rules for radioactive lead detection devices in accordance with OAR chapter 333, divisions 102 and 103, which includes, but is not limited to, licensing, storage, and use requirements shall be provided.~~
- ~~(4) Documentation of accreditation issued by the EPA or an EPA-authorized state or tribal program, if applicable.~~
- ~~(5) Applicants for accreditation based on accreditation from the EPA or an EPA-authorized state or tribal program must document to the Authority that they have read and understand the accreditation standards as described in these rules.~~
- ~~(6) When re-accrediting, the training program shall submit a completed application form and required documentation, except for unchanged information and documentation that was submitted with the original application.~~
- ~~(7) When seeking accreditation to offer an additional course, the training program shall submit a completed application form and required documentation, except for unchanged information and documentation submitted with the original application for accreditation.~~
- ~~(8) The Authority may deny an application for accreditation or re-accreditation of a training course for any of the following reasons:~~
- ~~(a) Failure to complete application in accordance with Authority policy or instructions.~~
- ~~(b) Failure to meet minimum curriculum standards as set forth in these rules.~~
- ~~(c) Failure to meet minimum operational standards as set forth in these rules.~~
- ~~(d) Failure to pass a field audit conducted in accordance with Authority policy and procedures.~~
- ~~(9) An applicant whose application for accreditation or re-accreditation of a training course has been denied by the Authority may submit another application for accreditation or reaccreditation of the course after a period of 30 days from the date the application was denied.~~
- ~~(10) The Authority may withdraw provisional accreditation of a training program following the failure of a field audit of that course. If provisional accreditation is withdrawn by the Authority, the training program is required to receive written permission from the Authority before continuing to offer the course for which provisional accreditation has been withdrawn.~~

~~Stat. Auth.: ORS 431.920~~

~~Stats. Implemented: ORS 431.920~~

### **333-068-0030**

#### **Minimum Personnel Requirements**

- ~~(1) The training program shall be administered by a training manager having the following minimum qualifications:~~

~~(a) Two years of experience administering training programs or two years of experience teaching or training adults;~~

~~(b) Successful completion of a course that provides instruction in the planning and teaching of an adult education course, or has obtained a bachelor's or graduate level degree in adult education from an accredited college or university;~~

~~(c) A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration or program management including: lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene;~~

~~(d) Successful completion of at least 16 contact hours of lead-based paint training from any of the required topics listed in OAR 333-068-0040.~~

~~(2) Each training program shall be taught by a principal instructor who shall be responsible for the organization of the course, teaching of all course material, may deliver course content and has the following minimum qualifications:~~

~~(a) Has completed a course that provides instruction in the planning and teaching of any adult education course, or has obtained a degree in adult education from an accredited college or university, or has at least two years of classroom experience in teaching workers or adults;~~

~~(b) Successful completion of at least 16 contact hours lead-based paint training from any of the required topics listed in OAR 333-068-0040;~~

~~(c) Demonstrated one year of experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene. Except, that instructors of hands-on training must have two years of such experience; and~~

~~(d) Successful completion of seven contact hours of an Authority accredited refresher training instruction annually.~~

~~(3) Only a principal instructor receiving a satisfactory annual performance review by the training manager shall provide course or refresher training, unless the instructor is also the training manager.~~

~~(4) The training manager may designate guest instructors as needed for teaching particular skills specific to the lecture, hands-on activities, or work practice components of a course.~~

~~(a) Each qualified guest instructor shall have a minimum of one year of experience related to the subject matter that they teach.~~

~~(b) Except that, guest instructors of hands-on training shall have a minimum of two years of lead-based paint activities experience.~~

~~(5) The maximum student to instructor ratio shall be 30 to 1 for classroom training and 10 to 1 for hands-on instruction.~~

~~Stat. Auth.: ORS 431.920~~

~~Stats. Implemented: ORS 431.920~~

### **333-068-0035**

#### **Minimum Operation Requirements**

~~(1) The training program shall have available and provide adequate facilities for delivery of the lecture, hands-on training and assessment activities. This includes training~~

equipment that reflects current work practices, and maintaining or updating the equipment and facilities as needed.

(2) For each course offered, the training program shall conduct at the completion of each course a course test composed of questions relevant to the objectives of the course and, if applicable, a hands-on skills assessment, or in the alternative, a proficiency test for that discipline.

(a) The written course examination shall contain a minimum of 50 questions, which shall be presented in multiple choice format.

(b) A member of the training staff or a designated proctor must remain in the room where the examination is being administered until all trainees have completed the exam.

(c) Each trainee must successfully complete the hands-on skills assessment and receive a passing score on the written course test to pass any course, or successfully complete a proficiency test.

(d) The hands-on skill assessment is an evaluation of the effectiveness of the hands-on training which shall test the ability of the trainees to demonstrate satisfactory performance of work practices and procedures in OAR 333-069-0070, as well as any other skills demonstrated in the course.

(3) The training manager is responsible for maintaining the validity and integrity of the hands-on skills assessment or proficiency test to assure that it accurately evaluates the trainee's performance of the work practices and procedures associated with the course topics.

(4) The training manager is responsible for maintaining the validity and integrity of the course test to ensure that it accurately evaluates the trainee's knowledge and retention of the course topics.

(a) The course test is an evaluation of the overall effectiveness of the training which shall test the trainee's knowledge and retention of the topics covered during the course. A score of 70 percent is considered passing the course test.

(b) The course test shall be developed in accordance with the test blueprint submitted with the training course accreditation application.

(5) Training programs shall issue unique course completion certificates to each individual who successfully completes the course requirements. The course completion certificate shall include:

(a) The name, a unique identification number, and the individual's address;

(b) Name of particular course completed;

(c) Dates of course completion/test passage;

(d) Expiration date of certification, which shall be six months from date of course completion;

(e) Name, address, and telephone number of training program

(6) The training manager shall develop and implement a quality control plan to be used to maintain or improve the quality of the training program and contain at least:

(a) Procedures for periodic revision of training materials and course test to reflect innovations in the field; and

(b) Procedures for training manager's annual review of instructor competency.

(7) The training manager shall offer courses which teach the work practice standards, testing criteria and field measurements for conducting lead-based paint activities and other lead-based paint standards that are at least as protective of the environment and of

public health as those developed by the EPA, and in accordance with worker safety requirements of the Oregon Occupational Safety and Health Administration (OR-OSHA), and based on principles and practices determined to protect the environment and human beings from exposure to lead contaminants. These standards shall be taught in the appropriate courses to provide trainees with the knowledge needed to perform the lead-based paint activities they are responsible for conducting

(8) The training manager shall be responsible for ensuring that the training program complies at all times with the accreditation regulations.

(9) The training manager shall provide the Authority with a current listing of training courses including the date, time and location of scheduled lead-based paint training courses.

(10) The training manager shall permit the Authority to conduct a course audit without charge to the Authority.

(a) Advance notice shall not be required prior to conducting a course audit to verify the contents of the application for accreditation.

(b) A course audit shall be performed on-site and shall include, but not be limited to, a review of: instructional curriculum; examination design, administration and security procedures, and results, including those of demonstration testing; classroom instruction; audio-visual materials; course content; coverage; teaching facilities, and equipment licensure.

(11) An accredited training program shall maintain at the principal place of business in Oregon, accurate records of attendance; examination results including demonstration testing; completed course forms; and training director, instructor and guest instructor qualifications, for at least seven years.

Stat. Auth.: ORS 431.920

Stats. Implemented: ORS 431.920

### **333-068-0040**

#### **Minimum Curriculum Requirements**

(1) The inspector course shall consist of a minimum of 24 contact hours. At least 10 of the 24 required contact hours shall be taught using interactive/participatory teaching methods, which includes a minimum of eight hours hands-on training.

(a) Classroom instruction shall include, but not be limited to:

(A) Roles and responsibilities of lead-based paint inspector including qualifications and conflicts of interest.

(B) One contact hour of background information on lead, including but not limited to; identification of environmental lead sources such as surface dust, soil, water, air and food; history of uses and locations of lead and leaded paint in buildings; lead dust and paint characteristics; and summary of abatement control options.

(C) One contact hour of adverse health effects of lead exposure, including but not limited to; nature of lead-related diseases; pathways of exposure and how exposure occurs; dose-response relationships; permissible exposure limit; blood lead levels in children and adults; effects on various body systems; different effects on children and adults including women and the fetus during pregnancy; symptoms and diagnosis of lead poisoning and reportable blood lead levels; how lead in the body is absorbed, distributed and eliminated; medical treatment for lead poisoning including but not limited to chelation therapy.

~~(D) One contact hour on regulatory review and background information of relevant federal, state, and local regulations including guidance that pertains to lead-based paint and lead-based paint activities.~~

~~(E) At least one contact hour on radiation information and safety training requirements including but not limited to:~~

~~(i) The Oregon radiation safety training requirements.~~

~~(ii) Ionization radiation including atomic structure, units of radiation, radioactivity, radioactive decay, ionization, radiation absorption in matter, and radiation detection.~~

~~(iii) Safe use of X-ray florescent (XRF) analyzers, including limitations, transportation, storage, records, record keeping and licensing requirements.~~

~~(F) At least two contact hours on lead-based paint respiratory protection and personal protective training that conforms with OAR 437-003-0001(4)(m).~~

~~(G) At least six contact hours on inspection work practice standard tasks including, but not limited to:~~

~~(i) Legal responsibilities and insurance issues including liabilities, errors and omissions, and bonding.~~

~~(ii) Formulation of a testing plan for multi-family dwellings and single family target housing and child-occupied facilities, including notification of property owner and occupants, building access, and use of warning signs.~~

~~(iii) Investigation protocol, sample collection including equipment, procedures, quality assurance, contamination factors before, during and after abatement as set forth in the U.S. Housing and Urban Development's (HUD's) "Guidelines for the Evaluation and Control of Lead-based Paint Hazards in Housing" and EPA's "Residential Sampling of Lead: Protocols for Dust and Soil Sampling".~~

~~(iv) Sample analysis and quality assurance procedures including National Lead Laboratory Accreditation Program (NLLAP) recognized laboratories to test paint, dust, soil and other media.~~

~~(b) Hands-on training shall include performance of tasks including but not limited to:~~

~~(A) Lead-based paint inspection methods including selection of rooms and components for sampling or testing.~~

~~(B) Paint, dust and soil sampling methodologies.~~

~~(C) Clearance standards and testing, including random sampling.~~

~~(D) Preparation of a final inspection report.~~

~~(2) The risk assessor course shall consist of a minimum of 40 contact hours, which includes a 24 contact hour inspector course. At least 16 of the 40 required contact hours shall be taught using interactive/participatory teaching methods, which includes a minimum of 12 hours of hands-on training.~~

~~(a) Classroom instruction shall include, but not be limited to:~~

~~(A) Role and responsibilities of a risk assessor including risk assessor qualifications, legal obligations, conflicts of interest, and insurance issues.~~

~~(B) Collection of background information to perform a risk assessment~~

~~(C) Sources of environmental lead contamination exposure sources including paint, surface dust and soil, water, air, packaging, and food.~~

~~(D) Risk assessment report form;~~

~~(E) Lead hazard screen protocol;~~

(F) Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards.

(G) Preparation of a final risk assessment report;

(H) Record keeping;

(I) At least nine contact hours on lead hazard screen and risk assessment work practice standard tasks for target housing and child-occupied facilities.

(b) Hands-on training shall include performance of tasks including but not limited to:

(A) Visual inspections for the purposes of identifying potential lead-based paint hazard sources;

(B) Sampling for other sources of lead exposure;

(C) Interpretation of lead-based paint and other lead sampling results including all applicable state or federal guidance or regulations pertaining to lead-based paint hazards.

(3) The supervisor course shall consist of at least a minimum of 32 contact hours. At least 13 of the 32 required contact hours shall be taught using interactive/participatory teaching methods which includes a minimum of eight hours hands-on training.

(a) Classroom instruction shall include, but not be limited to:

(A) Roles and responsibilities of lead-based paint supervisor including supervisor qualifications, legal obligations, conflicts of interest, abatement liability, and insurance issues.

(B) Background information on lead, including but not limited to, identification of environmental lead sources such as surface dust, soil, water, air and food; history of uses and locations of lead and leaded paint in buildings; lead dust and paint characteristics; and summary of abatement control options.

(C) Adverse health effects of lead exposure, including but not limited to, nature of lead related diseases; pathways of exposure and how exposure occurs; dose response relationships; permissible exposure limit; blood lead levels in children and adults; effects on various body systems; different effects on children and adults including women and the fetus during pregnancy; symptoms and diagnosis of poisoning and reportable blood lead levels; how lead in the body is absorbed, distributed and eliminated; medical treatment for lead poisoning including but not limited to chelation therapy.

(D) Regulatory review and background information of relevant federal, state, and local regulations including guidance that pertains to lead-based paint and lead-based paint activities.

(E) At least two contact hours on lead-based paint respiratory protection and personal protective training that conforms with OAR 437-003-0001(64)(m).

(F) Identification and prevention of hazards encountered during lead-based paint activities including potential lead hazard exposure; prevention of lead dust contamination; emergency procedures for sudden releases and electrical, heat stress, fire, explosion and other hazards, chemical air contaminants, and disturbance of friable asbestos.

(G) Record keeping.

(H) Personal hygiene, including entry and exit procedures for the work area, use of showers, avoidance of eating, drinking, smoking, chewing, and applying cosmetics in the work or changing area, avoidance of take home exposures.

- ~~(I) Medical monitoring requirements discussion of need for medical monitoring of lead toxicity and disclosure of lead related medical history and treatment of lead poisoning cases including medical removal and issues involved in selecting medical services.~~
- ~~(J) Hazard communication with property owner, occupants and neighbors relative to the reduction or elimination of lead sources at the job site.~~
- ~~(K) Development and implementation of an occupant protection plan and abatement report.~~
- ~~(L) Clearance examination standards and testing.~~
- ~~(M) Clean up and waste disposal.~~
- ~~(N) At least six contact hours on supervisor work practice standard tasks including but not limited to:
  - ~~(i) Interior and exterior leaded paint, soil and dust abatement methods, including chemical, enclosure, manual, mechanical, blasting, and encapsulation; removal and demolition; ventilation and engineering controls; management in place; and clean up techniques, including high efficiency particulate air (HEPA) vacuums and negative air machines, as described in HUD's "Guidelines for the Evaluation and Control of Lead-based Paint Hazards in Housing."~~
  - ~~(ii) Construction and maintenance of containment barriers.~~
  - ~~(iii) Warning signs and their placement.~~
  - ~~(iv) Electrical and ventilation system lockout and hazardous and non-hazardous waste characterization and disposal.~~~~
- ~~(b) Hands-on training shall include performance of tasks including but not limited to:
  - ~~(A) Risk assessment and inspection report interpretation;~~
  - ~~(B) Hazard recognition and control;~~
  - ~~(C) Respiratory protection and protective clothing;~~
  - ~~(D) Lead paint abatement or lead hazard reduction including prohibited methods;~~
  - ~~(E) Interior dust abatement/clean up or lead hazard reduction;~~
  - ~~(F) Soil and exterior dust abatement or lead hazard reduction.~~~~
- ~~(4) The project designer course shall consist of at least a minimum of 40 contact hours, which includes a 32 contact hours supervisor course. At least 16 of the 40 required contact hours shall be taught using interactive/participatory teaching methods, which includes a minimum of eight hours hands-on training and shall include, but not be limited to:
  - ~~(a) Role and responsibilities of a project designer.~~
  - ~~(b) Development and implementation of an occupant protection plan for large scale abatement projects.~~
  - ~~(c) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices for large scale projects.~~
  - ~~(d) Interior dust abatement/clean up or lead hazard control and reduction methods for large scale projects.~~
  - ~~(e) Clearance examination standards and testing for large scale projects.~~
  - ~~(f) Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large scale abatement projects.~~~~
- ~~(5) The abatement worker course shall consist of at least a minimum of 16 contact hours. At least eight of the 16 required contact hours shall be taught using~~

interactive/participatory teaching methods, which includes a minimum of eight hours hands-on training.

(a) Classroom instruction shall include, but not be limited to:

(A) Role and responsibilities of an abatement worker.

(B) One contact hour of background information on lead, including but not limited to, identification of environmental lead sources such as surface dust, soil, water, air and food; history of uses and locations of lead and leaded paint in buildings; lead dust and paint characteristics; and summary of abatement control options.

(C) One contact hour of adverse health effects of lead exposure, including but not limited to, nature of lead related diseases; pathways of exposure and how exposure occurs; dose-response relationships; permissible exposure limit; blood lead levels in children and adults; effects on various body systems; different effects on children and adults including women and the fetus during pregnancy; symptoms and diagnosis of poisoning and reportable blood lead levels; how lead in the body is absorbed, distributed and eliminated; medical treatment for lead poisoning including but not limited to chelation therapy.

(D) One contact hour on regulatory review and background information of relevant federal, state, and local regulations including guidance that pertains to lead-based paint and lead-based paint activities.

(E) Identification and prevention of hazards encountered during lead-based paint activities including potential lead hazard exposure; prevention of lead dust contamination; emergency procedures for sudden releases and electrical, heat stress, fire, explosion and other hazards, chemical air contaminants, and disturbance of friable asbestos.

(F) At least six contact hours on lead-based paint abatement work practice standard tasks including, but not limited to:

(i) Interior and exterior leaded paint, soil and dust abatement methods, including chemical, enclosure, hand, mechanical, blasting, encapsulation, and management in place, and clean-up techniques, including high efficiency particulate air (HEPA) vacuums and negative air machines, as described in HUD's "Guidelines for the Evaluation and Control of Lead-based Paint Hazards in Housing."

(ii) Construction and maintenance of containment barriers.

(iii) Warning signs and their placement.

(iv) Electrical and ventilation system lockout and hazardous and non-hazardous waste characterization and disposal.

(G) Record keeping.

(H) At least two contact hours on lead-based paint respiratory protection and personal protective training that conforms with OAR 437-003-0001(4)(m).

(I) Personal hygiene, including entry and exit procedures for the work area, use of showers, avoidance of eating, drinking, smoking, chewing, and applying cosmetics in the work or changing area, avoidance of take-home exposures.

(J) Medical monitoring requirements discussion that shall include, but not be limited to, the need for medical monitoring of lead toxicity; the disclosure of lead-related medical history; and the treatment of lead poisoning cases, including issues of medical removal and of selecting medical services.

(K) Hazard communication with property owner, occupants and neighbors relative to the reduction or elimination of lead sources at the job site.

~~(b) Hands-on training shall include performance of tasks including but not limited to:~~

~~(A) Lead-based paint hazard recognition and control;~~

~~(B) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices;~~

~~(C) Interior dust abatement/clean-up methods or lead hazard reduction;~~

~~(D) Soil & exterior dust abatement methods or lead hazard reduction;~~

~~(E) Waste disposal.~~

~~(6) OR OSHA respiratory protection and personal protective equipment training is required under these rules. Other OR OSHA lead-based paint requirements may be included in the training, but are not required by the Authority.~~

~~[Publications: Publications referenced are available from the agency.]~~

~~Stat. Auth.: ORS 431.920~~

~~Stats. Implemented: ORS 431.920~~

### **333-068-0045**

#### **Minimum Requirements for Accreditation of Refresher Training Course**

~~(1) Refresher training shall only be provided by an accredited training program for the same course discipline.~~

~~(2) Refresher training course shall consist of at least seven contact hours of training except for the project designer refresher course which shall consist of at least four contact hours of training.~~

~~(3) Each refresher training course shall review the curriculum topics of the respective accredited or provisionally accredited lead-based paint training course and include, but not be limited to:~~

~~(a) An overview of current lead-based paint safety practices in general, as well as, specific safety practices for the refresher discipline.~~

~~(b) An update on current federal, state, and local lead-based paint laws and regulations in general, as well as, specific laws and regulations applicable to the discipline.~~

~~(c) An update on current technologies relating to lead-based paint activities in general, as well as, specific information pertaining to the discipline.~~

~~(4) Each student shall be required to pass a course test and a hands-on assessment (if applicable) covering course topics and upon passing the student shall be provided with a course completion certificate.~~

~~(5) The training program shall conduct a hands-on assessment, if applicable, and a course completion test for each course offered.~~

~~(6) At least 40 percent of refresher education instruction shall be taught using interactive/participatory teaching methods, except for refresher education instruction for lead abatement workers, which shall be taught using at least 50 percent interactive/participatory teaching methods.~~

~~(7) A training program seeking accreditation of a refresher course shall submit a written application including:~~

~~(a) Name, address, and telephone number;~~

~~(b) List of course(s) for which accreditation application is being made;~~

~~(c) A copy of student manuals and instructor manuals to be used for each course;~~

~~(d) A copy of the course agenda for each course;~~

~~(e) Also include with the application for accreditation documentation that complies with OAR 333-068-0030(1) through (4).~~

~~Stat. Auth.: ORS 431.920~~

~~Stats. Implemented: ORS 431.920~~

### **333-068-0050**

#### **Renewal of Training Program**

~~(1) If a training program meets the regulations for accreditation the program shall be reaccredited. A training program accreditation shall expire one year from date of reaccreditation and shall not be transferable.~~

~~(2) A training program seeking reaccreditation shall submit an application to the Authority no later than 60 days before its accreditation expires. If a training program does not submit its application for reaccreditation by that date, the Authority cannot guarantee that the program will be reaccredited before the end of the accreditation period.~~

~~(3) The application shall contain:~~

~~(a) The training program's name, address, and telephone number;~~

~~(b) List of courses for which it is applying for reaccreditation;~~

~~(c) Description of any changes or updates to the training facility or equipment; and~~

~~(d) The certified statement as described in OAR 333-069-0050(4) below.~~

~~(4) The training program's application for reaccreditation shall contain a statement signed by the training program manager certifying that:~~

~~(a) The course materials, for each course, meet the minimum training curricula requirements, as appropriate;~~

~~(b) The training manager, principal instructors, and guest instructors meet the qualifications in OAR 333-068-0030(1) through OAR 333-068-0030(4);~~

~~(c) The training program manager complies at all times with all requirements in OAR 333-068-0030;~~

~~(d) The quality control program meets the requirements in OAR 333-068-0025(h); and~~

~~(e) The record keeping and reporting requirements of OAR 333-068-0060 shall be followed.~~

~~(5) An audit may be performed by the Authority to verify the certified statement and the contents of the application.~~

~~Stat. Auth.: ORS 431.920~~

~~Stats. Implemented: ORS 431.920~~

### **333-068-0055**

#### **Suspension, Revocation and Modification of Accredited Training Course Curriculum**

~~(1) After notice and a hearing, the Authority may suspend, revoke, or modify a training program's accreditation if a training program, training manager, or other person with supervisory authority over the program has:~~

~~(a) Misrepresented the contents of the training course to the Authority and/or student population;~~

~~(b) Failed to submit required notifications in a timely manner;~~

~~(c) Failed to maintain required records;~~

- ~~(d) Falsified accreditation records, instructor qualifications, or other accreditation information;~~
- ~~(e) Failed to comply with the training standards and requirements for accreditation of training programs or to deliver the course according to the content and format described in the training program's application for accreditation and granted provisional approval by the Authority;~~
- ~~(f) Failed to comply with federal, state or local lead-based paint statutes or regulations.~~
- ~~(2) In addition to an administrative or judicial finding of violation, execution of a consent agreement in settlement of an enforcement action constitutes evidence of a failure to comply with relevant statutes or regulations.~~
- ~~(3) Training programs shall permit representatives of the Authority to attend any training course for the purpose of evaluation or monitoring of the course without charge.~~
- ~~(4) Prior to suspending, revoking, or modifying an accreditation of a training program the program shall be notified in writing of procedures in accordance with ORS 183.310 to 183.540.~~
- ~~(5) A training program, for whom the Authority has suspended or revoked a training course, must initiate a new application process with the Authority for re-instatement of the training program and may do so after 45 days following the date of the suspension or revocation.~~
- ~~(6) The Authority shall maintain a list, available to the public, of parties whose accreditation has been suspended, revoked, or modified.~~

Stat. Auth.: ORS 431.920

Stats. Implemented: ORS 431.920

### **333-068-0060**

#### **Training Course Record Keeping**

- ~~(1) Accredited training programs shall maintain, and make available to the Authority if requested, the following records:~~
  - ~~(a) All documents specified in OAR 333-068-0030 that demonstrate the qualifications listed in OAR 333-068-0030(2), (3), and (4) for training manager, principal instructors, and work practice instructors;~~
  - ~~(b) Current curriculum, course materials and documents reflecting any changes made to these materials;~~
  - ~~(c) Course test blueprint;~~
  - ~~(d) Information on how hands-on assessment is conducted including, but not limited to, who conducts the assessment, how skills are graded, what facilities are used, and the pass/fail rate;~~
  - ~~(e) The quality control plan;~~
  - ~~(f) Results of student's hands-on skills assessments and course tests and a copy of each student's course completion certificate; and~~
  - ~~(g) Any other material submitted as part of the program's application for accreditation.~~
- ~~(2) All training course records shall be retained a minimum of seven years at the location specified on the training course accreditation application.~~
- ~~(3) The Authority shall be notified 30 days prior to any change in the training program's current application.~~

~~(4) Accredited or provisionally accredited training programs shall provide the Authority with a course roster of persons who have successfully completed the training course within 30 days of course completion.~~

~~(5) Accredited or provisionally accredited training programs shall notify the Authority with the location and dates of each course a minimum of 30 days prior to course starting date.~~

~~Stat. Auth.: ORS 431.920~~

~~Stats. Implemented: ORS 431.920~~

### ~~333-068-0065~~

#### ~~Fees~~

~~The following fees are established:~~

~~(1) A non-refundable application fee of \$750 for accreditation of a standard lead-based paint inspector or supervisor training course and \$500 for accreditation of a standard lead-based paint risk assessor or worker training course; a non-refundable application fee of \$600 for a refresher lead-based paint activities training course covering more than two disciplines; and a non-refundable application fee of \$500 for an inspector or supervisor refresher training course; and \$350 for a risk assessor or a worker refresher training course.~~

~~(2) A non-refundable annual reaccreditation application fee of \$300 for any initial standard lead-based paint activities training course for each discipline; a non-refundable annual reaccreditation application fee of \$200 for a refresher training course covering more than two disciplines; and a non-refundable annual renewal application fee of \$100 for a refresher training course covering up to two disciplines.~~

~~(3) For initial accreditation application, the following non-refundable fees shall apply for each standard training or refresher training course: Training manager: \$175; Each additional instructor or guest instructor: \$90.~~

~~(4) For annual reaccreditation application, the following non-refundable fees shall apply for each standard training or refresher training course: Training manager: \$100; Each additional instructor or guest instructor: \$50.~~

~~(5) Applicants for accreditation shall pay no more than the maximum single training manager fee for each training manager. An additional instructor or guest instructor fee shall be paid for every training course that is taught by the training manager.~~

~~Stat. Auth.: ORS 431.920~~

~~Stats. Implemented: ORS 431.920~~