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

DIVISION 70

**PRE-RENOVATION EDUCATION AND RENOVATION, REPAIR AND
PAINTING ACTIVITIES INVOLVING LEAD-BASED PAINT**

~~333-070-0075~~

~~Authority, Purpose, Applicability~~

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

~~(2) Purpose:~~

~~(a) The purpose of these rules is to address Oregon's need for a qualified and properly trained workforce to perform renovation, repair and painting of target housing and child-occupied facilities, and to safeguard the environment and protect the health of building occupants from lead-based paint hazards.~~

~~(b) These rules prescribe the requirements for certification of individuals and firms who perform for compensation renovation, repair and painting in target housing and child occupied facilities.~~

~~(c) These rules will establish work practice standards for the performance of renovation, repair and painting activities for certified individuals and certified renovation firms and will require that activities be performed only by certified individuals and certified renovation firms.~~

~~(d) These rules prescribe the requirements to ensure that owners and occupants of target housing and child-occupied facilities receive information on lead-based paint hazards before these renovations begin.~~

~~(3) Applicability:~~

~~(a) These rules apply to all certified individuals and certified renovation firms who perform for compensation renovation, repair and painting activities in target housing and child-occupied facilities as defined in OAR 333-070-0085, except for the following:~~

~~(A) Renovations in target housing or child-occupied facilities in which a written determination from a State of Oregon certified lead inspector or risk assessor that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams/per square centimeter (mg/cm²) or 0.5 percent by weight.~~

~~(B) Renovations in target housing or child-occupied facilities in which a certified renovator tests each component affected by the renovation using an Environmental Protection Agency (EPA) recognized test kit as defined in OAR 333-070-0085. The renovator must follow the kit manufacturer's instructions. This determines that the components are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 mg/cm² or 0.5 percent by weight. If the components make up an integrated whole, such as the individual stair treads and risers of a single staircase, the renovator is required to test only one of the individual components, unless the individual components appear to have been repainted or refinished separately.~~

~~(b) The information distribution requirements in OAR 333-070-0095 do not apply to emergency renovation operations. Emergency renovations other than interim controls are also exempt from the warning sign, containment, waste handling, training, and certification requirements in OAR 333-070-0105 to the extent necessary to respond to the emergency. Emergency renovations are not exempt from the cleaning requirements of OAR 333-070-0090, which must be performed by certified renovators or individuals trained in accordance with OAR 333-070-0100, the cleaning verification requirements of OAR 333-070-0090, which must be performed by certified renovators, and the recordkeeping requirements of OAR 333-070-0110. Once the immediate emergency is over, lead safe work practices and all the requirements of these rules shall be in effect.~~

~~(c) These rules:~~

~~(A) Require that renovation, repair and painting activities must be performed by certified renovators and individuals who have on the job training by a certified renovator working for a certified renovation firm.~~

~~(B) Prescribe the requirements for, and the manner of, certifying competency of applicants for certification as a certified individual and of the certified renovation firms employing such individuals.~~

~~(C) Determine the work practice standards for renovation, repair and painting activities, and 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 certification.~~

~~(D) Establish the fees to the extent necessary to defray costs of those activities prescribed herein.~~

~~(d) A certified renovation firm who is licensed by the Construction Contractors Board (CCB) is not required to be certified by the Authority under these rules, but is subject to the work practice standards in these rules.~~

~~Stat. Auth.: ORS 431.920~~

~~Stats. Implemented: ORS 431.920 & 431.922~~

333-070-0080

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

333-070-0085

Definitions

As used in these rules unless otherwise required by context:

(1) "Accredited training program" means a training program accredited or provisionally accredited by the Authority, EPA, or an EPA authorized state or tribal program to provide training for individuals engaged in renovation, repair and painting activities.

(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 onsite audit finding the training program in compliance as specified in these rules.

- (3) ~~"Approved" means approved in writing by the Authority.~~
- (4) ~~"Audit" means a classroom evaluation of ongoing training. An audit involves verifying the course content, specific time requirements for each subject, hands-on training, classroom conditions, attendance size and other measures of the adequacy of the training provided.~~
- (5) ~~"Authority" means the Oregon Health Authority.~~
- (6) ~~"Certificate of mailing" means a United States Postal Service document that indicates when a piece of mail was presented to the Postal Service for mailing.~~
- (7) ~~"Certified dust sampling technician" means a technician who has successfully completed a dust sampling course accredited by the Authority, EPA, or an EPA-authorized state or tribal program.~~
- (8) ~~"Certified individual" means an individual certified by the Authority as a renovator or dust sampling technician.~~
- (9) ~~"Certified renovation firm" means a company, partnership, corporation, sole proprietorship, association, or other entity that has been certified by the Authority to conduct renovation under ORS 431.920 or licensed by the CCB under ORS 701.515.~~
- (10) ~~"Certified renovator" means a renovator who has successfully completed a renovator course accredited by the Authority, EPA, or an EPA-authorized state or tribal program.~~
- (11) ~~"Child-occupied facility" means a building, or a portion of a building, constructed prior to 1978, visited regularly by the same child, under age six, on at least two different days within any week (Sunday through Saturday), provided that each day's visit lasts at least three hours and the combined weekly visit lasts at least six hours, and the combined annual visits last at least sixty hours. Child-occupied facilities may include, but are not limited to, day-care centers, preschools and kindergarten classrooms. Child-occupied facilities may be located in target housing or in public or commercial buildings. With respect to common areas in public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under age six, such as restrooms and cafeterias. In addition, with respect to exteriors of public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under age six.~~
- (12) ~~"Cleaning verification card" means a card developed and distributed, or otherwise approved, by EPA for the purpose of determining, through comparison of wet and dry disposable cleaning cloths with the card, whether post-renovation cleaning has been properly completed.~~
- (13) ~~"Clearance examination standards" means values that indicate the maximum amount of lead permitted in dust on a surface or in soil following completion of a renovation 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.~~
- (14) ~~"Common areas" means portion(s) of a building that are generally accessible to all occupants. This may include, but is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages, and boundary fences. With respect to common areas in public or commercial buildings that contain child-occupied~~

facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under age six, such as restrooms and cafeterias. Common areas that children under age six only pass through, such as hallways, stairways, and garages are not common areas.

(15) "Component or building component" means specific design or structural elements or fixtures of a building or residential dwelling that are distinguished from each other by form, function, and location. These include, but are not limited to: interior components such as ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs, sills or stools and troughs), built-in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners; and exterior components such as painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, corner boards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, windowsills or stools and troughs, casings, sashes and wells, and air conditioners.

(16) "Concentration" means the relative content of a specific substance contained within a larger mass, such as the amount of lead (in micrograms per gram or parts per million by weight) in a sample of dust or soil.

(17) "Containment" means a process or arrangement of materials to protect workers, occupants, the public, and the environment by controlling exposure to the lead-contaminated dust and debris created during renovation activities.

(18) "Course completion certificate" means documentation issued by an accredited training program to an individual as proof of successful completion of a Authority-accredited renovator or dust sampling technician training course or refresher training course.

(19) "Course completion date" means the final date of classroom instruction and/or student examination of an accredited renovator or dust sampling technician training course.

(20) "Critical barrier" means a containment structure that allows for the passage of persons or materials while maintaining containment.

(21) "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.

(22) "Desk audit" means an audit of the training program to document proper records keeping, filing procedures and notifications required by the Authority.

(23) "Deteriorated paint" means any interior or exterior paint or other coating that is peeling, chipping, chalking, cracking, flaking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

(24) "Distinct painting history" means the application history, as indicated by the visual appearance or a record of application, over time, of paint or other surface coatings to a component or room.

(25) "Documented methodologies" are written methods or protocols used to sample for the presence of lead in paint, dust, and soil as recommended in U.S. Department of Housing and Urban Development "Guidelines for the Evaluation and Control of Lead-

Based Paint Hazards in Housing" and "EPA's Residential Sampling for Lead: Protocols for Dust and Soil Sampling".

(26) "Dripline" means the area within three feet surrounding the perimeter of a building.

(27) "Dry disposable cleaning cloth" means a commercially available dry, electrostatically charged, white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.

(28) "Dust lead hazard" means surface dust in a residential dwelling or child-occupied facility that contains a mass per area concentration of lead equal to or exceeding 40 µg/ft² on floors, 250 µg/ft² on interior window sills, and 400 µg/ft² in window troughs based on wipe samples.

(29) "Emergency" means a situation in which failure to act promptly would likely result in immediate harm to persons or property.

(30) "Emergency renovation operations" means renovation activities, such as operations necessitated by non-routine failures of equipment, that were not planned but result from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment or property with significant damage. Interim controls performed in response to an elevated blood lead level in a resident child are also emergency renovations.

(31) "EPA" means the United States Environmental Protection Agency.

(32) "EPA authorized program" means a state or tribal program authorized by EPA to administer and enforce the provisions of 40 CFR § 745.324 and 40 CFR § 745.326.

(33) "Friction surface" means an interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.

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

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

(36) "HEPA vacuum" means a vacuum cleaner which has been designed with a high-efficiency particulate air (HEPA) filter as the last filtration stage. A HEPA filter is a filter that is capable of capturing particles of 0.3 microns with 99.97 percent efficiency. The vacuum cleaner must be designed so that all the air drawn into the machine is expelled through the HEPA filter with none of the air leaking past it.

(37) "Impact surface" means an interior or exterior surface that is subject to damage by repeated sudden force such as certain parts of door frames.

(38) "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.

(39) "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

(40) "Interactive/participatory teaching methods" mean 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.

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

(42) "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.

(43) "Lead-based paint hazard" means deteriorated lead-based paint, dust lead hazard or soil lead hazard as identified in these rules.

(44) "Lead-contaminated dust" means surface dust in residential dwellings or child-occupied facilities that contains an area or mass concentration of lead in excess of levels determined by the appropriate federal agency to pose a threat of adverse health effects in pregnant women or young children.

(45) "Minor repair and maintenance activities" means activities, including minor heating, ventilation or air conditioning work, electrical work, and plumbing, that disrupts six square feet or less of painted surface per room for interior activities, or 20 square feet or less of painted surface for exterior activities where none of the work practices prohibited or restricted by OAR 333-070-0090 are used and where the work does not involve window replacement or demolition of painted surface areas. When removing painted components, or portions of painted components, the entire surface area removed is the amount of painted surface disturbed. Jobs, other than emergency renovations, performed in the same room within the same 30 days are the same job for the purpose of determining whether the job is a minor repair and maintenance activity.

(46) "Multi-family housing" means a housing property consisting of more than four dwelling units.

(47) "Paint in poor condition" means more than 10 square feet of deteriorated paint on exterior components with large surface areas; or more than two square feet of deteriorated paint on interior components with large surface areas (e.g., walls, ceilings, floors, doors); or more than 10 percent of the total surface area of the component is deteriorated on interior or exterior components with small surface areas (e.g., window sills, baseboards, soffits, trim).

(48) "Paint lead hazard" means any of the following:

(a) Any lead-based paint on a friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill, or floor) are equal to or greater than the dust lead hazard levels identified in these rules.

(b) Any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against its door frame).

(c) Any chewable lead-based painted surface on which there is evidence of teeth marks.

(d) Any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

(49) "Paint stabilization" means repairing any physical defect in the substrate of a painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint.

(50) "Pamphlet" means the EPA pamphlet titled Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools or any state pamphlet approved by EPA pursuant to 40 CFR 745.326 that is developed for the same purpose.

~~This includes reproductions of the pamphlet when copied in full and without revision or deletion of material from the pamphlet (except for the addition or revision of state or local sources of information.~~

~~(51) "Permanent" means having an expected design life of 20 years.~~

~~(52) "Principal instructor" means the individual who has the primary responsibility for organizing and teaching a particular course.~~

~~(53) "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 disability is an example of a proficiency test.~~

~~(54) "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.~~

~~(55) "Public agency" means an entity that functions as part of a governmental body or organization at the local, state, or federal level.~~

~~(56) "Recognized test kit" means a commercially available kit recognized by EPA under 40 CFR 745.88 as being capable of allowing a user to determine the presence of lead at levels equal to or in excess of 1.0 milligrams per square centimeter, or more than 0.5 percent lead by weight, in a paint chip, paint powder, or painted surface.~~

~~(57) "Refresher renovator of dust sampling technician training course" means a minimum training program accredited by the Authority to update an individual's knowledge and skills so that they can effectively and safely continue to practice in the field.~~

~~(58) "Renovation" means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by these rules. The term renovation includes, but is not limited to, the removal or modification of painted surfaces or painted components (e.g., modification of painted doors, surface preparation activity such as sanding, scraping, or other such activities that may generate paint dust); the removal of large structures (e.g., walls, ceiling, large surface re-plastering, major re-plumbing); and window replacement, weatherization projects (e.g., cutting holes in painted surfaces to install blown in insulation or to gain access to attics, planning thresholds to install weather stripping), and interim controls that disturb painted surfaces. A renovation performed for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation under this subpart. The term renovation does not include minor repair and maintenance activities.~~

~~(59) "Residential building" means a building containing one or more residential dwellings.~~

~~(60) "Residential dwelling" means:~~

~~(a) A detached single family dwelling unit, including attached structures such as porches and stoops; or~~

~~(b) A single family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be occupied, in whole or in part, as the home or residence of one or more persons.~~

~~(61) "Room" means a separate part of the inside of a building, such as a bedroom, living room, dining room, kitchen, bathroom, laundry room, 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.~~

~~(62) "RRP" means the U.S. EPA Renovation Repair and Painting Rule under 40 CFR § 745 Subpart E Residential Property Renovation.~~

~~(63) "Site Visit" means a visit by the Authority to audit a training program and includes but is not 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.~~

~~(64) "Soil lead hazard" means bare soil on residential property or on the property of a child-occupied facility that contains total lead equal to or exceeding 400 ppm in a play area or 1,200 ppm in the remainder of the yard based on soil samples.~~

~~(65) "Target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless one or more children under age six resides or is expected to reside in such housing for the elderly or persons with disabilities) or any zero-bedroom dwelling.~~

~~(66) "These rules" mean OAR 333-070-0075 through 333-070-0160.~~

~~(67) "Training hour" means 60 minutes of lead-based paint related training which may include a break of not more than 10 minutes.~~

~~(68) "Training instructor" means the individual responsible for organization of the course and oversight of the teaching of all course material, and who teaches at least 70 percent of the course.~~

~~(69) "Training manager" means the individual responsible for administering a training program and monitoring the performance of principal instructors and guest instructors.~~

~~(70) "Visual inspection" means:~~

~~(a) For interiors, that a certified renovator determines whether dust, debris, or residue is still present.~~

~~(b) For exteriors, that a certified renovator determines whether dust or debris is still present in and below the work area, including windowsills and the ground.~~

~~(71) "Wet disposable cleaning cloth" means a commercially available, pre-moistened white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.~~

~~(72) "Wet mopping system" means a device with the following characteristics: A long handle, a mop head designed to be used with disposable absorbent cleaning pads, a reservoir for cleaning solution, and a built-in mechanism for distributing or spraying the cleaning solution onto a floor, or a method of equivalent efficacy.~~

~~(73) "Work area" means the area that the certified renovator establishes to contain the dust and debris generated by a renovation.~~

~~Stat. Auth.: ORS 431.920~~

~~Stats. Implemented: ORS 431.918~~

333-070-0090

Work Practice Standards

~~All renovations must be performed in accordance with the work practice standards in this rule unless the renovation qualifies for one of the exceptions identified in OAR 333-070-0075(3)(a).~~

~~(1) Standards for renovation activities.~~

~~(a) Renovations must be performed by certified renovation firms using certified renovators as directed in OAR 333-070-0100.~~

~~(b) The responsibilities of certified renovation firms are set forth in OAR 333-070-0105.~~

~~(c) The responsibilities of certified renovators are set forth in OAR 333-070-0100.~~

~~(2) Occupant protection.~~

~~(a) A certified renovation firm shall:~~

~~(A) Post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area. To the extent practicable, these signs must be in the primary language of the occupants.~~

~~(B) Post signs before beginning the renovation and keep them in place and readable until the renovation and the post renovation cleaning verification has been completed.~~

~~(C) Post signs at each entry to the renovation project work area, at a minimum.~~

~~(b) If warning signs have been posted in accordance with paragraph (2)(a)(A) of this rule, additional signs are not required.~~

~~(3) Containing the work area. A certified renovation firm shall:~~

~~(a) Isolate the work area so that no dust or debris leaves the work area while the renovation is being performed, before beginning the renovation;~~

~~(b) Maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced, and taking any other steps necessary to ensure that no dust or debris leaves the work area while the renovation is being performed; and~~

~~(c) Ensure that containment is installed in such a manner that it does not interfere with occupant and worker egress in an emergency.~~

~~(4) Interior renovations. A certified renovation firm shall:~~

~~(a) Remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed;~~

~~(b) Close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material;~~

~~(c) Close windows and doors in the work area;~~

~~(d) Cover doors 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;~~

~~(e) Cover the floor surface, including installed carpet, with taped-down 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~~

~~(f) Use precautions to ensure that all personnel, tools, and other items, including the exteriors of containers of waste, are free of dust and debris before leaving the work area.~~

~~(5) Exterior renovations. A certified renovation firm shall:~~

- ~~(a) Close all doors and windows within 20 feet of the renovation. On multi-story buildings, close all doors and windows within 20 feet of the renovation on the same floor as the renovation, and close all doors and windows on all floors below that are the same horizontal distance from the renovation;~~
- ~~(b) Ensure that doors within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area;~~
- ~~(c) Cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering; and~~
- ~~(d) In adverse weather conditions (e.g. windy conditions), the certified renovation firm must take extra precautions in containing the work area to ensure that dust and debris from the renovation does not contaminate other buildings or other areas of the property or migrate to adjacent properties.~~
- ~~(6) Prohibited and restricted practices. The work practices listed below are prohibited during a renovation:~~
- ~~(a) Open flame burning or torching of lead-based paint;~~
- ~~(b) The use of machines that remove lead-based paint through high speed operation such as sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting, unless such machines are used with HEPA exhaust control; and~~
- ~~(c) Operating a heat gun on lead-based paint is prohibited unless the temperature is below 1100 degrees Fahrenheit.~~
- ~~(7) Waste from renovations. A certified renovation firm shall:~~
- ~~(a) Contain waste from a renovation to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work area, it must be covered;~~
- ~~(b) Store and contain waste that has been collected from renovation activities in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris, at the conclusion of each work day and at the conclusion of the renovation; and~~
- ~~(c) Contain the waste to prevent release of dust and debris when transporting waste from renovation activities.~~
- ~~(8) Cleaning the work area. After a renovation has been completed, the certified renovation firm shall clean the work area until no dust, debris or residue remains.~~
- ~~(9) Interior and exterior renovations. A certified renovation firm shall:~~
- ~~(a) Collect all paint chips and debris and, without dispersing any of it, seal this material in a heavy-duty bag;~~
- ~~(b) Remove the protective sheeting;~~
- ~~(c) Mist the sheeting before folding it, fold the dirty side inward, and either tape shut to seal or seal in heavy-duty bags. Sheeting used to isolate contaminated rooms from non-contaminated rooms must remain in place until after the cleaning and removal of other sheeting; and~~
- ~~(d) Dispose of sheeting as waste.~~

~~(10) Additional cleaning for interior renovations. A certified renovation firm shall clean all objects and surfaces in the work area and within two feet of the work area in the following manner, cleaning from higher to lower:~~

~~(a) Walls. Clean walls starting at the ceiling and working down to the floor by either vacuuming with a HEPA vacuum or wiping with a damp cloth. Dust bags from HEPA machines must be properly contained and disposed. Changing of vacuum bag must occur in containment and wrapped and taped in plastic for disposal.~~

~~(b) Remaining surfaces. Thoroughly vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA vacuum. The HEPA vacuum must be equipped with a beater bar when vacuuming carpets and rugs.~~

~~(c) Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth. Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the two bucket mopping method, or using a wet mopping system.~~

~~(11) Standards for post renovation cleaning verification of interiors. A certified renovation firm shall have a certified renovator:~~

~~(a) Perform a visual inspection to determine whether dust, debris or residue is still present. If dust, debris or residue is present, these conditions must be removed by re-cleaning and another visual inspection must be performed.~~

~~(b) After a successful visual inspection:~~

~~(A) Verify that each windowsill in the work area has been adequately cleaned, using the following procedure:~~

~~(i) Wipe the windowsill with a wet disposable cleaning cloth that is damp to the touch. If the cloth matches or is lighter than the cleaning verification card, the windowsill has been adequately cleaned.~~

~~(ii) If the cloth does not match and is darker than the cleaning verification card, re-clean the windowsill as directed in subparagraph (A)(i) of this subsection, then either use a new cloth or fold the used cloth in such a way that an unused surface is exposed, and wipe the surface again. If the cloth matches or is lighter than the cleaning verification card, that windowsill has been adequately cleaned.~~

~~(iii) If the cloth does not match and is darker than the cleaning verification card, wait for one hour or until the surface has dried completely, whichever is longer, and wipe the windowsill with a dry disposable cleaning cloth. After this wipe, the windowsill has been adequately cleaned.~~

~~(B) Wipe uncarpeted floors and countertops within the work area with a wet disposable cleaning cloth. Floors must be wiped using an application device with a long handle and a head to which the cloth is attached. The cloth must remain damp at all times while it is being used to wipe the surface for post renovation cleaning verification. If the surface within the work area is greater than 40 square feet, the surface within the work area must be divided into roughly equal sections that are each less than 40 square feet. Wipe each such section separately with a new wet disposable cleaning cloth. If the cloth used to wipe each section of the surface within the work area matches the cleaning verification card, the surface has been adequately cleaned.~~

~~(i) If the cloth used to wipe a particular surface section does not match the cleaning verification card, re-clean that section of the surface as directed in paragraph (b)(B) of this section, then use a new wet disposable cleaning cloth to wipe that section again. If~~

~~the cloth matches the cleaning verification card, that section of the surface has been adequately cleaned.~~

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

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

~~(c) Remove the warning signs when the work area passes the post-renovation cleaning verification.~~

~~(12) Standards for post-renovation cleaning verification of exteriors. A certified renovation firm shall have a certified renovator:~~

~~(a) Perform a visual inspection to determine whether dust, debris or residue is still present on surfaces in and below the work area, including windowsills and the ground. If dust, debris or residue is present, these conditions must be eliminated and another visual inspection must be performed.~~

~~(b) Remove the warning signs when the area passes the visual inspection.~~

~~(13) Optional dust clearance testing. Cleaning verification need not be performed if the contract between the certified renovation firm and the person contracting for the renovation or another federal, state or local law or regulation requires:~~

~~(a) The certified renovation firm to perform dust clearance sampling at the conclusion of a renovation covered by this rule.~~

~~(b) The dust clearance samples are required to be collected by a certified inspector, risk assessor or dust sampling technician.~~

~~(c) The certified renovation firm is required to re-clean the work area until the dust clearance sample results are below the dust clearance standards in OAR 333-070-0085.~~

~~(14) Activities conducted after post-renovation cleaning verification. Activities that do not disturb paint, such as applying paint to walls that have already been prepared, are not regulated by this rule if they are conducted after post-renovation cleaning verification has been performed.~~

~~Stat. Auth.: ORS 431.920~~

~~Stats. Implemented: ORS 431.920 & 431.922~~

333-070-0095

Information Distribution Requirements for the Pre-Renovation Notification Rule (406).

~~(1) Renovations in dwelling units. No more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, a certified renovation firm performing the renovation shall:~~

~~(a) Provide the owner of the unit with the pamphlet; and:~~

~~(A) Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet; or~~

~~(B) Obtain a certificate of mailing at least seven days prior to the renovation.~~

~~(b) If the owner does not occupy the dwelling unit, in addition to the requirements in subsection (a) of this section, a certified renovation firm shall provide an adult occupant of the unit with the pamphlet; and:~~

~~(A) Obtain, from the adult occupant, a written acknowledgment that the occupant has received the pamphlet; or~~

~~(B) Certify in writing that a pamphlet has been delivered to the dwelling and that the certified renovation firm performing the renovation has been unsuccessful in obtaining a written acknowledgment from an adult occupant. A certification must include:~~

~~(i) The address of the unit undergoing renovation;~~

~~(ii) The date and method of delivery of the pamphlet;~~

~~(iii) The name of the individual delivering the pamphlet;~~

~~(iv) The reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available);~~

~~(v) The signature of a representative of the certified renovation firm performing the renovation; and~~

~~(vi) The date of signature.~~

~~(C) If receipt can not be obtained from the adult occupant, obtain a certificate of mailing at least seven days prior to the renovation.~~

~~(2) Renovations in common areas. No more than 60 days before beginning renovation activities in common areas of multi-unit target housing, the certified renovation firm performing the renovation shall:~~

~~(a) Provide the owner with the pamphlet, and:~~

~~(A) Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet; or~~

~~(B) Obtain a certificate of mailing at least seven days prior to the renovation.~~

~~(b) Comply with one of the following:~~

~~(A) Notify the affected units in writing of the proposed renovation and make the pamphlet available upon request prior to the start of renovation. Such notification shall be accomplished by distributing written notification to each affected unit. The notice shall:~~

~~(i) Describe the general nature and locations of the planned renovation activities;~~

~~(ii) Include the expected starting and ending dates; and~~

~~(iii) Contain a statement of how the occupant can obtain the pamphlet and a copy of the records required by OAR 333-070-0110, at no cost to the occupants; or~~

~~(B) While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the occupants of all of the affected units. The signs must be accompanied by a posted copy of the pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the certified renovation firm at no cost to occupants. The signs must also include information on how interested occupants can review a copy of the records required by OAR 333-070-0110 or obtain a copy from the renovation firm at no cost to the occupants.~~

~~(c) Prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended renovation activities and to provide the pamphlet.~~

~~(d) If the scope, locations, or expected starting and ending dates of the planned renovation activities change after the initial notification, and the certified renovation firm~~

provided written initial notification to each affected unit, the certified renovation firm performing the renovation must provide further written notification to the owners and occupants providing revised information on the ongoing or planned activities. This subsequent notification must be provided before the certified renovation firm performing the renovation initiates work beyond that which was described in the original notice.

(3) Renovations in child-occupied facilities. No more than 60 days before beginning renovation activities in any child-occupied facility, the certified renovation firm performing the renovation shall:

- (a) Provide the owner of the building with the pamphlet, and:
 - (A) Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet; or
 - (B) Obtain a certificate of mailing at least seven days prior to the renovation.
- (b) In addition to the requirements in subsection (a) of this section, if the operator of the child-occupied facility is not the owner of the building, provide the operator of the child-occupied facility with the pamphlet, and:
 - (A) Obtain, from the operator, a written acknowledgment the operator has received the pamphlet;
 - (B) Certify in writing that a pamphlet has been delivered to the operator and that the certified renovation firm performing the renovation has been unsuccessful in obtaining a written acknowledgment from the operator. Such certification shall comply with the requirements in paragraph (1)(b)(B) of this rule; or
 - (C) Obtain a certificate of mailing at least seven days prior to the renovation.
- (c) Provide the parents and guardians of children using the child-occupied facility with the pamphlet and information describing the general nature and locations of the renovation and the anticipated completion date by:
 - (A) Mailing or hand-delivering the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility; or
 - (B) While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or guardians of the children frequenting the child-occupied facility. The signs must be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parents or guardians. The signs must also include information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the records required by OAR 333-070-0110 or obtain a copy from the renovation firm at no cost to the parents or guardians; and
 - (C) Prepare, sign, and date a statement describing the steps performed to notify all parents and guardians of the intended renovation activities and to provide the pamphlet.

(4) Written acknowledgment. A written acknowledgment required by paragraphs (1)(a)(A), (1)(b)(A), (2)(a)(A), (4)(a)(A) and (4)(b)(A) of this rule must:

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

~~(b) Be on a separate sheet of paper or part of any written contract or service agreement for the renovation; and~~

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

~~Stat. Auth.: ORS 431.920~~

~~Stats. Implemented: ORS 431.920~~

333-070-0100

Renovator Certification and Dust Sampling Technician Certification and Responsibilities

~~(1) Renovator certification allows a certified individual to perform renovations covered by these rules.~~

~~(2) Dust sampling technician certification allows the individual to perform dust clearance sampling under OAR 333-070-0090. Optional dust sampling, procedures and determinations are contained in OAR 333-069-0070, paragraph (5)(j)(D); and sections (6) and (11).~~

~~(3) Renovator certification and dust sampling technician certification:~~

~~(a) To become a certified renovator or certified dust sampling technician, an individual must successfully complete the appropriate course accredited by the Authority, EPA, or an EPA-authorized state or tribal program. The course completion certificate serves as proof of certification.~~

~~(b) Individuals who have successfully completed an accredited abatement worker or supervisor course, or individuals who have successfully completed an EPA, HUD, or EPA/HUD model renovation training course may take an accredited refresher renovator training course in lieu of the initial renovator training course to become a certified renovator.~~

~~(c) To become a certified dust sampling technician, a certified inspector or risk assessor need only to take the dust sampling technician refresher course.~~

~~(d) To maintain renovator certification or dust sampling technician certification, an individual must complete a renovator or dust sampling technician refresher course accredited by the Authority, EPA or an EPA-authorized program within five years of the date the individual completed the initial course described in OAR 333-0070-0100. If the individual does not complete a refresher course within this time, the individual must re-take the initial course to become certified again.~~

~~(4) Renovator responsibilities. Certified renovators are responsible for ensuring compliance with OAR 333-070-0090 at all renovations to which they are assigned. A certified renovator shall:~~

~~(a) Perform all of the tasks described in OAR 333-070-0090 and either perform or direct workers to perform, all of the tasks described in OAR 333-070-0090.~~

~~(b) Provide training to workers on the work practices they will be using in performing their assigned tasks.~~

~~(c) Be physically present at the work site:~~

~~(A) At the time the signs required by OAR 333-070-0090(2) are posted;~~

~~(B) While the work area containment required by OAR 333-070-0090(3) is being established; and~~

- ~~(C) While the work area cleaning required by OAR 333-070-0090(8) is performed.~~
- ~~(d) Regularly direct work being performed by other individuals to ensure that the work practices are being followed, including maintaining the integrity of the containment barriers and ensuring that dust or debris does not spread beyond the work area.~~
- ~~(e) Be available, either on site or by telephone, at all times that renovations are being conducted.~~
- ~~(f) Use an EPA recognized test kit when requested by the party contracting for renovation services to determine whether components to be affected by the renovation contain lead-based paint. If the components make up an integrated whole, such as the individual stair treads and risers of a single staircase, the renovator is required to test only one of the individual components, unless the individual components appear to have been repainted or refinished separately.~~
- ~~(g) Have, at the work site, copies of their initial course completion certificate and their most recent refresher course completion certificate.~~
- ~~(h) Prepare the records required by OAR 333-070-0110.~~
- ~~(5) Dust sampling technician responsibilities. When performing optional dust clearance sampling as referenced in OAR 333-069-0070, paragraph (5)(j)(D); and sections (6) and (11) a certified dust sampling technician shall:~~
 - ~~(a) Collect dust samples in accordance with 40 CFR § 745.227(e)(8), send the collected samples to a laboratory recognized by the EPA under § 405(b) of the Toxic Substances Control Act, National Lead Laboratory Accreditation Program, and compare the results to the clearance levels in accordance with 40 CFR § 745.227(e)(8)(C)(vii); and~~
 - ~~(b) Have, at the work site, copies of their initial course completion certificate and their most recent refresher course completion certificate.~~

Stat. Auth.: ORS 431.920

Stats. Implemented: ORS 431.920

333-070-0105

Certified Renovation Firm Certification and Responsibilities

~~(1) Initial certification.~~

- ~~(a) Firms that perform renovations for compensation shall:~~
 - ~~(A) Apply to the Authority for certification to perform renovations or dust sampling by submitting a completed “Application for Certified Renovation Firms,” signed by an authorized agent of the firm; and~~
 - ~~(B) Pay the correct amount of fees.~~
- ~~(b) An application will be considered complete if it contains all of the information requested on the form and includes the correct amount of fees.~~
- ~~(c) If the Authority receives an incomplete application, it will request that the applicant submit the missing information or fee within 30 days. If an applicant fails to submit the requested information or the fee, the application will be returned to the applicant. An applicant who has had its application returned may reapply at any time.~~
- ~~(d) Within 30 days of declaring an application complete, the Authority shall:~~
 - ~~(A) Approve the application if the Authority determines that the environmental compliance history of the applicant, its principals, or its key employees shows a willingness and ability to maintain compliance with environmental statutes or regulations; or~~

~~(B) Deny the application if the Authority determines that the environmental compliance history of the applicant, its principals, or its key employees demonstrates an unwillingness or inability to maintain compliance with environmental statutes or regulations.~~

~~(e) If the Authority approves the application, the Authority shall issue the applicant a certificate with an expiration date not more than five years from the date the application is approved.~~

~~(f) If the Authority denies the application it shall send the applicant a letter giving the reason for denying the application.~~

~~(2) Recertification.~~

~~(a) To maintain its certification, a certified renovation firm shall apply for recertification every five years, by submitting a timely and complete "Application for Certified Renovation Firms" with the required fee to the Authority.~~

~~(A) An application for recertification is timely if it is postmarked 60 days or more before the date the certified renovation firm's current certification expires. If the certified renovation firm's application is complete and timely, the certified renovation firm's current certification will remain in effect until its expiration date or until the Authority has made a final decision to approve or deny the recertification application, whichever is later.~~

~~(B) If the certified renovation firm submits a complete recertification application less than 60 days before its current certification expires, and the Authority does not approve the application before the expiration date, the certified renovation firm's current certification will expire and the certified renovation firm will not be able to conduct renovations until the Authority approves its recertification application.~~

~~(C) If the certified renovation firm fails to obtain recertification before the certified renovation firm's current certification expires, the certified renovation firm may not perform renovations or dust sampling and must apply for initial certification under section (1) of this rule.~~

~~(b) A recertification application will be considered complete if it contains all of the information requested on the form and includes the correct amount of fees.~~

~~(c) If the Authority receives an incomplete application, it will request a certified renovation firm to submit the missing information or fee within 30 days. If an applicant fails to submit the requested information or the fee, the application will be returned to the applicant.~~

~~(d) Within 60 days of declaring an application for recertification complete, the Authority shall:~~

~~(A) Approve a certified renovation firm's recertification application if the Authority determines that the environmental compliance history of the certified renovation firm, its principals, or its key employees shows a willingness and ability to maintain compliance with environmental statutes or regulations; or~~

~~(B) Deny a certified renovation firm's recertification application if the Authority determines that the environmental compliance history of the certified renovation firm, its principals, or its key employees demonstrates an unwillingness or inability to maintain compliance with environmental statutes or regulations.~~

~~(e) If the Authority approves a certified renovation firm's recertification application, the Authority shall issue the certified renovation firm a certificate with an expiration date not more than five years from the date the application is approved.~~

~~(f) If the Authority denies the recertification application it shall send the certified renovation firm a letter giving the reason for denying the application.~~

~~(3) Amendment of certification:~~

~~(a) A certified renovation firm shall amend its application for certification within 30 days of the date a change occurs to information included in the certified renovation firm's most recent application.~~

~~(b) If the certified renovation firm fails to amend its certification within 30 days of the date the change occurs, the certified renovation firm may not perform renovations or dust sampling until its certification is amended.~~

~~(c) To amend a certification, a certified renovation firm must submit a completed "Application for Certified Renovation Firms," signed by an authorized agent of the certified renovation firm, noting on the form that it is submitted as an amendment and indicating the information that has changed.~~

~~(d) If additional information is needed to process the amendment, the Authority will request the certified renovation firm to submit the necessary information. The certified renovation firm's certification is not amended until the certified renovation firm submits all the required information and the Authority has approved the amendment.~~

~~(e) Amending a certification does not affect the certification expiration date.~~

~~(4) The Authority will not refund the application fees if a certified renovation firm's application for initial or recertification is denied.~~

~~(5) A certified renovation firm that is denied initial certification or recertification shall have the right to a contested case hearing under ORS chapter 183.~~

~~(6) A certified renovation firm that is denied initial or recertification may reapply for certification at any time by filing a new, complete application that includes the correct amount of fees.~~

~~(7) Certified renovation firm responsibilities. Certified renovation firms performing renovations shall ensure that:~~

~~(a) All individuals performing renovation activities on behalf of the certified renovation firm are either certified renovators or have been trained by a certified renovator as described in OAR 333-070-0100;~~

~~(b) A certified renovator is assigned to each renovation performed by the certified renovation firm and discharges all of the certified renovator responsibilities identified in OAR 333-070-0100;~~

~~(c) All renovations performed by the certified renovation firm are performed in accordance with the work practice standards as described in OAR 333-070-0090;~~

~~(d) The pre-renovation education requirements of OAR 333-070-0095 have been performed;~~

~~(e) The recordkeeping requirements of OAR 333-070-0110 are met; and~~

~~(f) The certified renovator is in compliance with the responsibilities as identified in OAR 333-070-0100 and 333-070-0090.~~

~~Stat. Auth.: ORS 431.920~~

~~Stats. Implemented: ORS 431.920~~

333-070-0110

Certified Renovation Firm Recordkeeping and Reporting Requirements

(1) A certified renovation firm performing renovations must retain and, if requested, make available to the Authority all records required by these rules necessary to demonstrate compliance with these rules for a period of three years following completion of the renovation.

The three-year retention requirement does not supersede longer obligations required by other provisions for retaining the same documentation.

(2) Records that must be retained pursuant to this rule shall include (where applicable):

(a) Records or reports certifying that a determination had been made by an inspector or risk assessor that lead-based paint is not present on the components affected by the renovation. These records or reports include:

(A) Reports prepared by a certified inspector or certified risk assessor (certified by the Authority, EPA, or an EPA authorized state or tribal program);

(B) Records prepared by a certified renovator after using EPA recognized test kits, including an identification of the manufacturer and model of any test kits used, a description of the components that were tested including their locations, and the result of each test kit used.

(b) Signed and dated acknowledgments of receipts;

(c) Certifications of attempted delivery as described;

(d) Certificates of mailing;

(e) Records of notification activities performed regarding common area renovations and renovations in child-occupied facilities;

(f) Documentation of compliance with OAR chapter 333, division 70, including documentation that a certified renovator was assigned to the project, that the certified renovator provided on-the-job training for workers used on the project, that the certified renovator performed or directed workers who performed all of the tasks as described in this rule and that the certified renovator performed the post-renovation cleaning verification. If the certified renovation firm was unable to comply with all of the requirements of this rule due to an emergency, the certified renovation firm must document the nature of the emergency and the provisions of the rule that were not followed. This documentation must include a copy of the certified renovator's training certificate, and a certification by the certified renovator assigned to the project that:

(A) Training was provided to workers (topics must be identified for each worker);

(B) Warning signs were posted at the entrances to the work area;

(C) If test kits were used, that the specified brand of kits was used at the specified locations and that the results were as specified;

(D) The work area was contained by:

(i) Removing or covering all objects in the work area (interiors);

(ii) Closing and covering all HVAC ducts in the work area (interiors);

(iii) Closing all windows in the work area (interiors) or closing all windows in and within 20 feet of the work area (exteriors);

(iv) Closing and sealing all doors in the work area (interiors) or closing and sealing all doors in and within 20 feet of the work area (exteriors);

(v) Covering doors in the work area that were being used to allow passage but prevent spread of dust;

~~(vi) Covering the floor surface, including installed carpet, with taped-down 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 (interiors) or covering the ground with plastic sheeting or other disposable impermeable material anchored to the building extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering, weighted down by heavy objects (exteriors);~~

~~(vii) Installing (if necessary) vertical containment to prevent migration of dust and debris to adjacent property (exteriors);~~

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

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

~~(i) Picking up all chips and debris, misting protective sheeting, folding it dirty side inward, and taping it for removal;~~

~~(ii) Cleaning the work area surfaces and objects using a HEPA vacuum and/or wet cloths or mops (interiors);~~

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

~~(3) When the final invoice for the renovation is delivered or within 30 days of the completion of the renovation, whichever is earlier, the renovation firm must provide information pertaining to compliance with this subpart to the following persons:~~

~~(a) The owner of the building; and~~

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

~~(4) When performing renovations in common areas of multi-unit target housing, renovation firms must post the information required by this subpart or instructions on how interested occupants can obtain a copy of this information. This information must be posted in areas where it is likely to be seen by the occupants of all of the affected units.~~

~~(5) The information required to be provided by OAR 333-070-0110(2) may be provided by completing the sample form titled "Sample Renovation Recordkeeping Checklist" or a similar form containing the test kit information required by OAR 333-070-0075(3)(a)(B) and the training and work practice compliance information required by OAR 333-070-0090 and 333-070-0100.~~

~~(6) If dust clearance sampling is performed in lieu of cleaning verification as permitted by OAR 333-070-0090(13), the renovation firm must provide, when the final invoice for the renovation is delivered or within 30 days of completion of the renovation, whichever is earlier, a copy of the dust sampling report to:~~

~~(a) The owner of the building; and~~

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

~~(7) When performing renovations in common areas of multi-unit target housing, renovation firms must post these dust sampling reports or information on how interested occupants of the housing being renovated can obtain a copy of the report. This~~

information must be posted in areas where they are likely to be seen by the occupants of all of the affected units.

Stat. Auth.: ORS 431.920

Stats. Implemented: ORS 431.920

333-070-0125

Training Program Accreditation Required

(1) A training program may seek accreditation to offer courses in either of the following disciplines: renovator or dust sampling technician. A training program may also seek accreditation to offer refresher courses for each of the above listed disciplines.

(2) Application process. The following are procedures a training program must follow to receive Authority accreditation to offer renovator courses or dust sampling technician courses:

(a) A training program seeking accreditation shall submit a written application with the appropriate fee to the Authority containing the following information:

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

(B) A list of courses for which it is applying for accreditation. For the purposes of this section, courses taught in different languages are considered different courses, and each must independently meet the accreditation requirements; and

(C) A statement signed by the training program manager certifying that the training program meets the requirements established in OAR 333-070-0130 and 333-070-0135. If a training program uses EPA model training materials, or training materials approved by an EPA authorized program, the training program manager shall include a statement certifying that as well.

(b) If a training program does not use EPA model training materials or training materials approved by an EPA authorized program, its application for accreditation shall also include:

(A) A copy of the student and instructor manuals, or other materials to be used for each course;

(B) A copy of the course agenda for each course; and

(C) When applying for accreditation of a course in a language other than English, a signed statement from a qualified, independent translator that they have compared the course to the English language version and found the translation to be accurate.

(c) All training programs shall include in their application for accreditation the following:

(A) A description of the facilities and equipment to be used for lecture and hands-on training;

(B) A copy of the course test blueprint for each course;

(C) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course; and

(D) A copy of the quality control plan as described in section (4) of OAR 333-070-0135.

(d) If the Authority receives an incomplete application, it will request that the applicant submit the missing information or fee within 30 days. If an applicant fails to submit the requested information or the fee, the application will be returned to the applicant. An applicant who has had its application returned may reapply at any time.

(e) If a training program meets the requirements in OAR 333-070-0130 and 333-070-0135, then the Authority will approve the application for accreditation no more than 60

~~days after receiving a complete application from the training program. In the case of approval, a certificate of accreditation shall be sent to the applicant.~~

~~(f) If the Authority denies the application it shall send the applicant a letter giving the reason for denying the application. An individual whose application is denied shall have the right to a contested case hearing under ORS chapter 183.~~

~~(g) If the applicant's application is denied, the program may reapply for accreditation at any time.~~

~~(3) A training program may apply for accreditation to offer courses or refresher courses in as many disciplines as it chooses. A training program may seek accreditation for additional courses at any time as long as the program can demonstrate that it meets the requirements of OAR 333-070-0130 and 333-070-0135.~~

~~(4) A training program must not provide, offer, or claim to provide renovator or dust sampling technician courses without applying for and receiving accreditation from the Authority.~~

~~(5) Refresher courses only.~~

~~(a) A training program seeking accreditation to offer refresher training courses only shall submit a written application to the Authority containing the following information:~~

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

~~(B) A list of courses for which it is applying for accreditation;~~

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

~~(i) The refresher training program meets the minimum requirements established by section (18) of OAR 333-070-0135; and~~

~~(ii) The training program uses EPA-developed model training materials, or training materials approved by a state or Indian tribe that has been authorized by the EPA under 40 CFR § 745.324 to develop its refresher training course materials, if applicable.~~

~~(D) If the refresher training course materials are not based on EPA-developed model training materials or training materials approved by an authorized state or Indian tribe:~~

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

~~(ii) A copy of the course agenda for each course.~~

~~(E) A description of the facilities and equipment to be used for lecture and hands-on training;~~

~~(F) A copy of the course test blueprint for each course;~~

~~(G) A description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course (if applicable); and~~

~~(H) A copy of the quality control plan as described in section (4) of OAR 333-070-0135.~~

~~(b) If the Authority receives an incomplete application, it will request that the applicant submit the missing information or fee within 30 days. If an applicant fails to submit the requested information or the fee, the application will be returned to the applicant. An applicant who has had its application returned may reapply at any time.~~

~~(c) If a refresher training program meets the requirements in section (5) of this rule, then the Authority will approve the application for accreditation no more than 60 days after receiving a complete application from the training program. In the case of approval, a certificate of accreditation shall be sent to the applicant.~~

~~(d) If the Authority denies the application it shall send the applicant a letter giving the reason for denying the application. An applicant who receives a denial shall have the right to a contested case hearing under ORS chapter 183.~~

- ~~(6) Accreditation shall be valid for four years and shall not be transferrable.~~
- ~~(7) The Authority may accredit a training program that has been accredited by the EPA or an EPA authorized state or tribal program upon receiving evidence of that accreditation and that the training program has:~~
- ~~(a) Completed any additional requirements established by the Authority; and~~
 - ~~(b) The training manager has read and understands the accreditation standards as described in these rules.~~
- ~~(8) Accreditation based on a valid accreditation issued by EPA or 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.~~
- Stat. Auth.: ORS 431.920
- Stats. Implemented: ORS 431.920

333-070-0130

Minimum Personnel Requirements for Training Program Accreditation

For a training program to obtain accreditation from the Authority to offer renovator courses or dust sampling technician courses, the program shall:

- ~~(1) Employ a training manager who has:~~
- ~~(a) At least two years of experience, education, or training in teaching workers or adults;~~
 - ~~or~~
 - ~~(b) A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration or program management or a related field; or~~
 - ~~(c) Two years of experience in managing a training program specializing in environmental hazards; and~~
 - ~~(d) Demonstrated experience, education, or training in the construction industry including: lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.~~
- ~~(2) Designate a qualified principal instructor for each course who has:~~
- ~~(a) Demonstrated experience, education, or training in teaching workers or adults;~~
 - ~~(b) Successfully completed at least 16 hours of any EPA accredited or EPA authorized Lead-Based Paint Activities or Lead Renovation, Repair and Painting training program; and~~
 - ~~(c) Demonstrated experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.~~
- ~~(3) Have a principal instructor responsible for the organization of the course and oversight of the teaching of all course material. The training manager may designate guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.~~
- ~~(4) Have documents that serve as evidence that training managers and principal instructors have the education, work experience, training requirements or demonstrated experience, specifically listed in sections (1) and (2) of this rule. This documentation need not be submitted with the accreditation application, but, if not submitted, shall be retained by the training program as required by the recordkeeping requirements contained in OAR 333-070-0150. Those documents include the following:~~

- ~~(a) Official academic transcripts or diploma as evidence of meeting the education requirements.~~
- ~~(b) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements.~~
- ~~(c) Certificates from lead specific training courses, as evidence of meeting the training requirements.~~
- ~~(5) Ensure the availability of, and provide adequate facilities for, the delivery of the lecture, course test, hands on training, and assessment activities. This includes providing training equipment that reflects current work practices and maintaining or updating the equipment and facilities as needed.~~

Stat. Auth.: ORS 431.920

Stats. Implemented: ORS 431.920

333-070-0135

Minimum Curriculum Requirements for Training Program Accreditation

- ~~(1) In order to become accredited in the following disciplines a training program shall provide training courses that meet the following training hour requirements:
 - ~~(a) The renovator course must provide a minimum of eight training hours, with a minimum of two hours devoted to hands on training activities. Hands on training activities must cover renovation methods that minimize the creation of dust and lead-based paint hazards, interior and exterior containment and cleanup methods, and post-renovation cleaning verification.~~
 - ~~(b) The dust sampling technician course shall provide a minimum of eight training hours, with a minimum of two hours devoted to hands on training activities. Hands on training activities must cover dust sampling methodologies.~~~~
- ~~(2) A student shall be required to pass a course test or a proficiency test and a hands-on-skill assessment for each course offered.
 - ~~(a) The training manager is responsible for maintaining the validity and integrity of the hands on skills assessment or proficiency test to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with the course topics contained in sections (16), (17) and (18) of this rule.~~
 - ~~(b) The training manager is responsible for maintaining the validity and integrity of the course test to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics.~~
 - ~~(c) The course test shall be developed in accordance with the test blueprint submitted with the training accreditation application.~~~~
- ~~(3) The training program shall issue unique course completion certificates to each individual who passes the training course. The course completion certificate shall include:
 - ~~(a) The name, a unique identification number, and address of the individual;~~
 - ~~(b) The name of the particular course that the individual completed;~~
 - ~~(c) Dates of course completion/test passage; and~~
 - ~~(d) For renovator and dust sampling technician course completion certificates, a photograph of the individual.~~~~

- ~~(4) The training manager shall develop and implement a quality control plan. The plan shall be used to maintain and improve the quality of the training program over time. This plan shall contain at least the following elements:~~
- ~~(a) Procedures for periodic revision of training materials and the course test to reflect innovations in the field.~~
 - ~~(b) Procedures for the training manager's annual review of principal instructor competency.~~
- ~~(5) Courses offered by the training program must teach the work practice standards contained in OAR 333-070-0090, in such a manner that trainees are provided with the knowledge needed to perform the renovations they will be responsible for conducting.~~
- ~~(6) The training manager shall be responsible for ensuring that the training program complies at all times with all of the requirements in this rule.~~
- ~~(7) The Authority may audit the training program to verify the contents of the application for accreditation as described in OAR 333-070-0130 and OAR 333-070-0135.~~
- ~~(8) The training manager shall provide the Authority with notification of all renovator or dust sampling technician courses offered. The original notification must be received by the Authority at least seven business days prior to the start date of any renovator or dust sampling technician course.~~
- ~~(9) The training manager shall provide the Authority updated notification when renovator or dust sampling technician courses will begin on a date other than the start date specified in the notification, as follows:~~
- ~~(a) For renovator or dust sampling technician courses beginning prior to the start date provided to the Authority, an updated notification must be received by the Authority at least seven business days before the new start date.~~
 - ~~(b) For renovator or dust sampling technician courses beginning after the start date provided to the Authority, an updated notification must be received by the Authority at least two business days before the start date.~~
- ~~(10) The training manager shall update the Authority of any change in location of renovator or dust sampling technician courses at least seven business days prior to the start date.~~
- ~~(11) The training manager shall update the Authority regarding any course cancellations, or any other change to the original notification. Updated notifications must be received by the Authority at least two business days prior to the start date.~~
- ~~(12) Each notification required by sections (8) through (11) of this rule, including updates shall include the following:~~
- ~~(a) Notification type (original, update, cancellation);~~
 - ~~(b) Training program name, the Authority accreditation number, address, and telephone number;~~
 - ~~(c) Course discipline, type (initial/ refresher), and the language in which instruction will be given;~~
 - ~~(d) Date(s) and time(s) of training;~~
 - ~~(e) Training location(s), telephone number, and address;~~
 - ~~(f) Principal instructor's name; and~~
 - ~~(g) Training manager's name and signature.~~
- ~~(13) Renovator or dust sampling training courses may not begin on a date, or at a location other than that specified in the original notification unless an updated notification~~

identifying a new start date or location is submitted, in which case the course must begin on the new start date and/or location specified in the updated notification.

~~(14) The training manager shall provide the Authority notification after the completion of any renovator or dust sampling technician course. This notice must be received by the Authority no later than 10 business days following course completion. The notification shall include the following:~~

~~(a) Training program name, accreditation number, address, and telephone number;~~

~~(b) Course discipline and type (initial/refresher);~~

~~(c) Date(s) of training;~~

~~(d) The following information for each student who took the course:~~

~~(A) Name;~~

~~(B) Address;~~

~~(C) Date of birth;~~

~~(D) Course completion certificate number;~~

~~(E) Course test score; and~~

~~(F) A digital photograph of the student;~~

~~(e) Training manager's name and signature.~~

~~(15) Notifications required by this rule can be accomplished by using an Authority approved form or can be provided in writing with the information.~~

~~(a) All notifications shall be in writing and submitted to the Authority:~~

~~(A) By mail through the U.S. Postal Service or other commercial delivery service;~~

~~(B) By facsimile;~~

~~(C) In person; or~~

~~(D) Electronically via electronic mail or through the Authority's web-based system if one is established.~~

~~(b) A training program providing notifications through the U.S. Postal Service should allow three additional business days for delivery in order to ensure that the Authority receives the notification by the required date.~~

~~(c) Instructions for notifications and sample forms can be obtained from the Authority's website at www.healthoregon.org/lead.~~

~~(16) Renovator Training Course. A renovator training course shall include the following subjects:~~

~~(a) Role and responsibility of a renovator;~~

~~(b) Background information on lead and its adverse health effects;~~

~~(c) Background information on, HUD, OSHA, and other federal, state, and local regulations and guidance that pertains to lead-based paint and renovation activities;~~

~~(d) Procedures for using EPA recognized test kits to determine whether paint is lead-based paint;~~

~~(e) Renovation methods to minimize the creation of dust and lead-based paint hazards;~~

~~(f) Interior and exterior containment and cleanup methods;~~

~~(g) Methods to ensure that the renovation has been properly completed, including cleaning verification, and clearance testing;~~

~~(h) Waste handling and disposal;~~

~~(i) Providing on the job training to other workers; and~~

~~(j) Record preparation.~~

~~(17) Dust sampling technician. A dust sampling technician course shall include the following subjects:~~

- ~~(a) Role and responsibility of a dust sampling technician;~~
- ~~(b) Background information on lead and its adverse health effects;~~
- ~~(c) Background information on federal, state, and local regulations and guidance that pertains to lead-based paint and renovation activities;~~
- ~~(d) Dust sampling methodologies;~~
- ~~(e) Clearance standards and testing; and~~
- ~~(f) Report preparation.~~

~~(18) Requirements for the accreditation of refresher training programs. A training program may seek accreditation to offer refresher training courses in either of the following disciplines: renovator and dust sampling technician. To obtain the Authority accreditation to offer refresher training, a training program shall meet the following minimum requirements:~~

- ~~(a) Each refresher course shall review the curriculum topics of the full-length courses listed under sections (16) and (17) of this rule, as appropriate. In addition, to become accredited to offer refresher training courses, training programs shall ensure that their courses of study include, at a minimum, the following:
 - ~~(A) An overview of current safety practices relating to lead-based paint in general, as well as specific information pertaining to the appropriate discipline.~~
 - ~~(B) Current laws and regulations relating to lead-based paint in general, as well as specific information pertaining to the appropriate discipline.~~
 - ~~(C) Current technologies relating to lead-based paint in general, as well as specific information pertaining to the appropriate discipline.~~
 - ~~(D) Refresher courses for renovator and dust sampling technician must last a minimum of four training hours.~~
 - ~~(E) For each course offered, the training program shall conduct a hands-on assessment (if applicable), and at the completion of the course, a course test.~~~~

~~(19) A training program may apply for accreditation of a refresher course concurrently with its application for accreditation of a corresponding training course as described in OAR 333-070-0135(1).~~

~~Stat. Auth.: ORS 431.920~~

~~Stats. Implemented: ORS 431.920~~

333-070-0140

Re-Accreditation of Training Programs

~~(1) Unless re-accredited, a training program's accreditation (including refresher training accreditation) shall expire four years after the date of issuance. If a training program meets the requirements of this rule, the training program shall be re-accredited.~~

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

~~(3) The training program's application for re-accreditation shall contain:~~

- ~~(a) The training program's name, address, and telephone number.~~
- ~~(b) A list of courses for which it is applying for re-accreditation.~~

~~(c) A description of any changes to the training facility, equipment or course materials since its last application was approved that adversely affects the student's ability to learn.~~

~~(d) A statement signed by the program manager stating:~~

~~(A) That the training program complies at all times with all requirements in OAR 333-070-0130 and 333-070-0135 as applicable; and~~

~~(B) The recordkeeping and reporting requirements of OAR 333-070-0150 shall be followed.~~

~~(e) A payment of appropriate fees in accordance with these rules.~~

~~(4) The Authority may audit the training program to verify the contents of the application for reaccreditation as described in OAR 333-070-0140.~~

~~(5) If the Authority receives an incomplete application, it will request that the applicant submit the missing information or fee within 30 days. If an applicant fails to submit the requested information or the fee, the application will be returned to the applicant. An applicant who has had its application returned may reapply at any time.~~

~~(6) If a training program meets the requirements in section (2) of this rule, then the Authority will approve the application for reaccreditation no more than 60 days after receiving a complete application from the training program. In the case of approval, a certificate of accreditation shall be sent to the applicant.~~

~~(7) If the Authority denies the application it shall send the applicant a letter giving the reason for denying the application. An applicant whose application is denied shall have the right to a contested case hearing under ORS chapter 183.~~

~~Stat. Auth.: ORS 431.920~~

~~Stats. Implemented: ORS 431.920~~

333-070-0150

Training Program Record Keeping Requirements

~~An accredited training program shall:~~

~~(1) Maintain, and make available to the Authority upon request, the following records:~~

~~(a) All documents that demonstrate the qualifications of the training manager and principal instructors.~~

~~(b) Current curriculum/course materials and documents reflecting any changes made to these materials.~~

~~(c) The course test blueprint.~~

~~(d) Information regarding how the hands-on assessment is conducted including, but not limited to:~~

~~(A) Who conducts the assessment;~~

~~(B) How the skills are graded;~~

~~(C) What facilities are used;~~

~~(D) The pass/fail rate;~~

~~(E) The quality control plan as described in section (4) of OAR 333-070-0135; and~~

~~(F) Results of the students' hands-on skills assessments and course tests, and a record of each student's course completion certificate.~~

~~(e) Any other material not listed above in this section that was submitted to the Authority as part of the program's application for accreditation.~~

~~(2) Retain the records required at the address specified on the training program accreditation application or as amended for a minimum of three years and six months.~~

~~(3) If a training program modifies its application by changing its address, it shall also notify the Authority in writing within 30 days of its intent to transfer records to the new address.~~

~~Stat. Auth.: ORS 431.920~~

~~Stats. Implemented: ORS 431.920~~

333-070-0200

Federal Regulations Adopted by Reference

(1) The Oregon Health Authority (Authority) is authorized to administer the lead-based paint activities program under ORS 431A.355 and 40 Code of Federal Regulations (CFR) 745.324. The Authority's rules must be no less stringent than the U.S. Environmental Protection Agency's (EPA's) rules in 40 CFR 745 Subparts D, E and L.

(2) The Authority adopts by reference 40 CFR 745, Subpart D---Lead-Based Paint Hazards, Subpart E – Residential Property Renovation and Subpart L---Lead-Based Paint Activities except as described in section (3) of this rule and except for:

(a) 40 CFR Part 745.87;

(b) 745.91; and

(c) 745.225(g) and (h).

(3) Notwithstanding 40 CFR 745 Subparts D, E and L:

(a) All fees are as established in OAR 333-070-0220;

(b) All certification, recertification, accreditation and reaccreditation periods are as established in OAR 333-070-0220;

(c) Notices required to be sent to EPA under 40 CFR 745.225(c)(13)(vi) and (14)(iii) must be sent to the Authority at 800 NE Oregon Street, Suite 640, Portland, OR 97232 or lead.program@state.or.us; and

(d) Where "Administrator" or "EPA" appears in 40 CFR Part 745, "OHA" or "Authority" is substituted, unless the context suggests otherwise.

Stat. Auth.: ORS 431A.355

Stats. Implemented: ORS 431A.355, 431A.358

333-070-0115333-070-0210

Inspections and Enforcement

(1) The Authority may:

(a) Enter private or public property at any reasonable time with consent of the owner or custodian of the property to inspect, investigate, evaluate or conduct tests or take specimens or samples for testing, as necessary to determine compliance with ORS 431A.355, 431A.358 or these rules~~431.920~~;

(b) Issue subpoenas to determine compliance with ORS 431A.355, 431A.358 or these rules~~431.920~~;

(c) Suspend ~~or~~; revoke ~~or modify~~ a firm certification to perform ~~lead-based paint activities or~~ renovation if the holder of the certification fails to comply with state or federal statutes or regulations related to lead-based paint;

(d) Suspend ~~or~~; revoke ~~or modify~~ a certified renovator's certification if the renovator fails to comply with state or federal statutes or regulations related to lead-based paint; and

(e) Issue civil penalties per day per violation per day not to exceed \$5,000 per violation per day for a violation of ORS 431A.355, 431A.358 or these rules~~431.920, or any of~~

~~these rules, including failure or refusal to permit entry or inspection in accordance with this rule including but not limited to failure or refusal:~~

~~(A) To permit the Authority entry or inspection in accordance with this rule; or~~

~~(B) To establish and maintain records or to make available or permit access to or copying of records.~~

~~(2A)~~ In issuing civil penalties the Authority shall consider and document whether:

~~(a)~~ The Authority made repeated attempts to obtain compliance;

~~(b)~~ The ~~certified~~ firm or individual has a history of noncompliance with environmental statutes or regulations;

~~(c)~~ The violation poses a serious risk to the public's health;

~~(d)~~ The ~~certified~~ firm or individual gained financially from the noncompliance; and

~~(e)~~ There are mitigating factors, such as a ~~certified~~ firm's or individual's cooperation with an investigation or actions to come into compliance.

~~(B) The Authority shall document its consideration of the factors in paragraph (1)(e)(A) of this rule.~~

~~(C) Each day a violation continues is an additional violation.~~

~~(D) A civil penalty imposed under this rule shall comply with ORS 183.745.~~

~~(32)~~ An individual or firm who is issued a notice of suspension, revocation or modification imposition of civil penalties shall have the right to a contested case hearing under ORS chapter 183.

~~(43)~~ The Authority shall maintain a publicly available list of individuals and firms whose certification has been suspended, revoked, ~~modified~~, or reinstated.

~~(54)~~ Unless a final order specifies otherwise:

(a) An individual whose certification has been suspended must take a refresher training course (renovator or dust sampling technician) prior to certification being reinstated.

(b) An individual whose certification has been revoked shall take an initial renovator or dust sampling technician course in order to become certified again.

(c) A certified renovation firm whose certification has been revoked may reapply for certification after one year from the date of revocation.

~~(d) If the certified renovation firm's certification has been suspended and the suspension ends less than five years after the certified renovation firm was initially certified or re-certified, the certified renovation firm does not need to do anything to re-activate its certification once the period of suspension has expired.~~

Stat. Auth.: ORS 183.310-183.540, 183.745, ~~431.920, 431.922, 431.994~~431A.355, 431A.358, 431A.363

Stats. Implemented: ORS 183.310-183.540, 183.745, ~~431.920, 431.922,~~431.994431A.355, 431A.358, 431A.363

333-070-0120333-070-0220

Certification Fees and Refunds

(1) Firm certifications and recertifications are issued for five years.

(2) The following fees for certification and recertification for firms are established and are non-refundable:

~~(1) Fees for the certification of certified renovation firms.~~

(a) Firm cCertification: \$250.

(b) Firm rRecertification: \$250.

(32) Fee Waivers. A renovation firm that has applied to EPA for certification or is certified by the EPA may request a waiver of the certification fee if the firm:

- (a) Is required to be certified by the Authority; and
- (b) Provides documentation that the date of application to EPA for certification or the date of certification is prior to May 3, 2010.

(43) Refund policy.

- (a) An incomplete application shall be returned with the application fee minus a \$50 administration fee.
- (b) If an applicant requests that a complete application be withdrawn within 30 days of its receipt by the Authority, the Authority shall refund the applicant \$200 minus a \$50 administration fee.
- (c) No fees will be refunded if the Authority has begun to process an application.

(54) Lost certificate. A \$15 fee will be charged for the replacement of a certified renovation firm certificate.

(65) Certificate replacement. Certified renovation firms seeking certificate replacement must submit the replacement application form and a payment of \$15 in accordance with the instructions provided with the application package.

Stat. Auth.: ORS ~~431A.355~~~~431.920~~

Stats. Implemented: ORS ~~431.920~~~~431A.355~~

333-070-0145333-070-0230

Suspending, Revoking, or Denying a Training Program's Accreditation; Civil Penalties

(1) The Authority may:

- (a) Enter private or public property at any reasonable time with consent of the owner or custodian of the property to inspect or investigate as necessary to determine compliance with ORS ~~431.920~~~~431A.355~~;
- (b) Issue subpoenas to determine compliance with ORS ~~431.920~~~~431A.355~~;
- (c) Suspend, revoke, or deny an accreditation if the holder of the accreditation fails to comply with state or federal statutes or regulations related to lead-based paint; and
- (d) Issue civil penalties not to exceed \$5,000 per violation for a violation of ORS ~~431.920~~~~431A.355~~, or any of these rules, including failure or refusal to permit entry or inspection in accordance with this rule.

(A) In issuing civil penalties the Authority shall consider whether:

- (i) The Authority made repeated attempts to obtain compliance;
- (ii) The training program has a history of noncompliance with environmental statutes or regulations;
- (iii) The violation poses a serious risk to the public's health;
- (iv) The training program gained financially from the noncompliance; and
- (v) There are mitigating factors, such as the training program's cooperation with an investigation or actions to come into compliance.

(B) The Authority shall document its consideration of the factors in paragraph (1)(d)(A) of this rule.

(C) Each day a violation continues is an additional violation.

(D) A civil penalty imposed under this rule shall comply with ORS 183.745.

(2) An accredited training program that is issued a notice of suspension, revocation or denial shall have the right to a contested case hearing under ORS chapter 183.

(3) The Authority shall maintain a publicly available list of training programs whose accreditation has been suspended, revoked, denied, or reinstated.

(4) Unless a final order specifies otherwise:

(a) An accredited training program whose accreditation has been revoked may reapply for reaccreditation after one year from the date of revocation.

(b) If the training program's accreditation has been suspended and the suspension ends less than four years after the training program was initially accredited or reaccredited, the training program does not need to do anything to reactivate its accreditation once the period of suspension has expired.

Stat. Auth.: ORS ~~431.920~~431A.355

Stats. Implemented: ORS ~~431.920~~431A.355

333-070-0160333-070-0240

Accreditation Fees

~~The following fees are established:~~

~~(1) Accreditations and reaccreditations are issued for four years.~~

~~(2) The following accreditation and reaccreditation fees are established and are non-refundable:~~

~~(1) Course Fee Schedule:~~

~~(a) Course — Accreditation Fee — Reaccreditation fee:~~

~~(a) Renovator Initial — \$560 — \$340:~~

~~(b) Dust Sampling Technician Initial — \$560 — \$340:~~

~~(c) Renovator Refresher — \$400 — \$310:~~

~~(d) Dust Sampling Technician Refresher — \$400 — \$310~~

~~(2) Student Fee Schedule, Course — Fee:~~

~~(a) Course — Fee:~~

~~(a) Renovator Initial — \$5017:~~

~~(b) Renovator Refresher — \$5017:~~

~~(c) Dust Sampling Technician Initial — \$5017:~~

~~(d) Dust Sampling Refresher — \$5017.~~

~~(e) The student fee is to be paid by the training program at the completion of each training course. The \$5017 fee is per student that successfully completes the course. The fee shall be paid by the training program to the Authority within 10 days after completion of the training course.~~

~~(3) Fee Waivers. A training program, that has applied for accreditation by the EPA to provide Renovator or Dust Sampling Technician training may request a waiver of the accreditation fees if the training program provides documentation that the date of application for accreditation by EPA or date of accreditation is prior to May 3, 2010.~~

~~(4) Training programsFirms with current accreditation by EPA or an EPA-authorized state or tribal program shall pay a prorated fee of the appropriate fee listed above, divided by 48, times the number of months remaining in the current accreditation, beginning with the month following application to the Authority.~~

Stat. Auth.: ORS ~~431A.355~~431.920

Stats. Implemented: ORS ~~431A.355~~431.920