

RELEVANT STATUTES – CONSTRUCTION CONTRACTORS BOARD

701.505 Definitions for ORS 701.505 to 701.515. For the purposes of ORS 701.505 to 701.515:

(2) “Accredited training program” means a training program that has been accredited by the Oregon Health Authority to provide training for individuals engaged in lead-based paint activities.

(3) “Certified lead-based paint renovation contractor” means a contractor that is licensed by the Construction Contractors Board to conduct lead-based paint renovation under ORS 701.515.

(5) “Lead-based paint” has the meaning given that term in P.L. 102-550, section 1004, and as further defined pursuant to the authorities described in ORS 431.917.

(8) “Renovation” has the meaning given that term in 40 C.F.R. 745.83 and as further defined pursuant to the authorities described in ORS 431.917.

701.510 License required to engage in lead-based paint activity.

(2) A contractor may not perform lead-based paint renovation in this state unless the contractor is a certified lead-based paint renovation contractor.

701.515 Licensing system; fees; rules. (1) In accordance with applicable provisions of ORS chapter 183, the Construction Contractors Board by rule shall establish a system to license contractors as lead-based paint activities contractors and certified lead-based paint renovation contractors. The licensing system must include the requirements described in 40 C.F.R. 745.226. The licensing system must include but need not be limited to provisions:

(a) Prescribing the form and content of the times and procedures for submitting applications for licensing or renewal.

(b) Prescribing the fees for original licensing and renewal of the license in amounts that do not exceed the cost of administering the program.

(c) Requiring an applicant for a certified lead-based paint renovation contractor license to show that an employee of the applicant has completed an accredited training program.

(d) Prescribing the actions or circumstances that constitute failure to achieve or maintain licensing requirements, or that otherwise are contrary to the public interest, for which the board may refuse to issue or renew or may suspend or revoke a lead-based paint activities contractor or certified lead-based paint renovation contractor license.

(3) The board may impose the following licensing fees:

(f) Certified lead-based paint renovation contractor, up to \$50 per year.

701.520 Construction Contractors Board Lead-Based Paint Activities Fund. The Construction Contractors Board Lead-Based Paint Activities Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Construction Contractors Board Lead-Based Paint Activities Fund shall be credited to the fund. The fund consists of moneys received by the Construction Contractors Board under ORS 701.995. Moneys in the fund are continuously appropriated to the Construction Contractors Board for the purposes of lead poisoning prevention, including consumer and industry outreach, public education and other activities.

RELEVANT STATUTES – OREGON HEALTH AUTHORITY

431.917 Lead poisoning. (1) Lead poisoning is a significant health concern because lead is a potent neurotoxin that affects every system of the human body. It is harmful to individuals of all ages and is especially harmful to children, fetuses and women of childbearing age. Lead poisoning is one of the most common and preventable pediatric health problems in Oregon.

(2) Common renovation activities such as sanding, cutting and demolition can create hazardous lead dust and chips by disturbing lead-based paint, which can be harmful to adults and children.

431.918 Definitions for ORS 431.920 and 431.922. As used in ORS 431.920 and 431.922:

- (1) “Certified” and “certification” means an action by the Oregon Health Authority verifying the successful completion of a training program accredited by the authority and any other requirements.
- (2) “Firm” has the meaning given that term in 40 C.F.R. 745.83 and as further defined pursuant to the authorities described in ORS 431.917.
- (3) “Lead-based paint” has the meaning given that term in P.L. 102-550, section 1004, and as further defined pursuant to the authorities described in ORS 431.917.
- (5) “Renovation” has the meaning given that term in 40 C.F.R. 745.83 and as further defined pursuant to the authorities described in ORS 431.917.

431.920 Power of Oregon Health Authority to regulate lead-based paint activities; fees. (1) The Oregon Health Authority shall:

- (a) Certify firms and individuals to perform lead-based paint activities;
 - (b) Certify firms to perform renovation;
 - (c) Accredite training providers to provide lead-based paint activities and renovation training;
 - (d) Develop and approve training programs for lead-based paint activities and renovation;
 - (e) Establish standards based on best practices for the conduct of lead-based paint inspections, risk assessment and abatement services, renovation activities that disturb lead-based paint and the disposal of lead-based paint that are in addition to, not inconsistent with and not in lieu of any other workplace standards required by law;
 - (f) Develop and conduct programs to screen blood lead levels, identify hazards and educate the public, including but not limited to parents, residential dwelling owners, pediatric medical providers and child care facility operators, about the dangers of lead-based paint and about appropriate precautions that may reduce the probability of childhood lead poisoning;
 - (g) Adopt rules necessary to implement the provisions of this section and ORS 431.922 and 431.994; and
 - (h) Establish fees sufficient to recover the costs of implementing the provisions of this section and ORS 431.922 and 431.994, including but not limited to fees for:
 - (A) Certification and recertification to perform lead-based paint activities and renovation; and
 - (B) Accreditation and reaccreditation of lead-based paint training providers.
- (2) The Oregon Health 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 431.922;
 - (b) Issue subpoenas to determine compliance with ORS 431.922;
 - (c) Suspend, revoke or modify a 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; and
 - (d) Suspend, 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.

431.922 Performance of lead-based paint activities without certification prohibited. (2) A firm may not perform, or offer to perform, lead-based paint activities or renovation unless the firm is certified as provided under ORS 431.920 or is performing lead-based paint activities or renovation under the supervision of a person certified under ORS 431.920.

**RELEVANT RULES –
CONSTRUCTION CONTRACTORS BOARD**

812-007-0000

Authority, Purpose, Scope

- (1) Authority. These rules are promulgated in accordance with and under the authority of ORS 701.505 to 701.520 and 701.995.
- (2) Purpose. These rules establish a system to license individuals certified by the Oregon Health Authority (OHA) to perform lead-based paint (LBP) activities. These rules establish a system to license contractors as LBP activities contractors and as certified LBP renovation contractors.
- (3) Scope. These rules:
 - (a) Prescribe the requirements for, and the manner of, licensing applicants.

(b) Establish fees.

(c) Prescribe actions that constitute failure to achieve or maintain licensing requirements, or that otherwise are contrary to the public interest, for which the board may deny, suspend or revoke a license.

812-007-0020

Definitions

The following definitions apply to division 7 of OAR chapter 812.

(1) "Abatement" means any measure or set of measures designed to permanently eliminate LBP hazards.

(2) "Accredited training program" means a training program provisionally accredited or accredited by the OHA, the Environmental Protection Agency (EPA) or an EPA-authorized state or tribal program.

(3) "Certified" means certified by OHA to perform LBP activities.

(4) "Certified lead-based paint renovation contractor" means a construction contractor that is licensed by the board to conduct LBP renovation under ORS 701.515.

(5) "Certified renovator" means an individual who has successfully completed a renovator course accredited by OHA, EPA, or EPA authorized program.

(6) "Child-occupied facility" means a building, or portion of a building, constructed before 1978 and 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 60 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. Common areas that children under age six only pass through, such as hallways, stairways, and garages are not included. 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.

(7) "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, window sills or stools and troughs, casings, sashes and wells, and air conditioners.

(8) "Course completion certificate" means documentation issued by an accredited training program to an individual as proof of successful completion of an accredited renovator training program (initial or refresher).

(9) "Deteriorated lead-based paint (LBP)" means any interior or exterior paint or other covering 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.

(10) "Dust-lead hazard" means surface dust that contains a mass-per-area concentration of lead equal to or exceeding 40 µg/ft² on floors or 250 µg/ft² on interior windows or 400 µg/ft² in troughs based on wipe samples.

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

(12) "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.

(13) "Inspection" means a surface-to-surface investigation to determine the presence of LBP and an accompanying report explaining the results of the investigation.

(14) "Lead abatement contractor" means a construction contractor that is licensed by the board to perform abatement.

(15) “Lead assessor” or “risk assessor” means an individual who has been trained by an accredited training program and certified by the Department to conduct risk assessments.

(16) “Lead-based paint” or “LBP” means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

(17) “Lead-based paint activities” means, in the case of target housing and child-occupied facilities, inspection, risk assessment, and abatement.

(18) “Lead inspection contractor” means a construction contractor that is licensed by the board to perform inspections or risk assessments.

(19) “Lead inspector” means an individual who has been trained by an accredited training program and certified by OHA to conduct inspections.

(20) “Lead supervisor” means an individual who has been trained by an accredited training program and certified by OHA to supervise and conduct abatements and prepare abatement reports.

(21) “Lead worker” or “lead abatement worker” means an individual who has been trained by an accredited training program and certified by OHA to perform abatements.

(22) “Minor repair and maintenance” means activities, (including minor heating, ventilation, air conditioning work, electrical work, or plumbing) that disrupt 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities, that do not involve prohibited or restricted work activities and do not involve window replacement or painted surface demolition. When removing painted components, or portions of painted components, the entire surface area removed is the amount of the painted surface disturbed. Jobs, other than emergency renovations, performed within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.

(23) “Prohibited or restricted work activities” include:

(a) Open flame burning or torching;

(b) Machines to remove paint through high-speed operation without HEPA exhaust control; and

(c) Operating a heat gun at temperatures at or above 1100 degrees Fahrenheit.

(24) “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.

(25) “Renovation” means the modification of any existing structure, or portion thereof, which results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement. The term renovation includes, but is not limited to:

(a) Removal, modification or repair of painted surfaces or painted components, such as modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping or other such activities that may generate paint dust);

(b) The removal of building components, such as walls, ceilings, plumbing and windows;

(c) Window replacement;

(d) Weatherization projects, such as cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, or planing thresholds to install weather-stripping;

(e) Interim controls that disturb painted surfaces.

A renovation for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation. The term “renovation” does not include minor repair and maintenance.

(26) “Renovation Right Pamphlet” means the pamphlet entitled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* or any pamphlet approved by the Environmental Protection Agency (EPA) for the same purpose.

(27) “Risk assessment” means an on-site investigation to determine the existence, nature, severity, and location of a LBP hazard and an accompanying report explaining the results of the investigation and options for reducing LBP hazards.

(28) “Soil lead hazard” means 400 ppm of lead in child play areas or 1200 ppm in non-child play areas.

(29) “Target housing” means any housing constructed before 1978, except housing for the elderly or persons with disabilities or any housing with no bedrooms.

812-007-0025

Construction Contractors Board Lead-Based Paint Activities Fund

(1) Civil penalties imposed under ORS 701.995 will be deposited to the Construction Contractors Board LBP Activities Fund.

(2) The board will use the monies in the Construction Contractors Board LBP Activities Fund for lead poisoning prevention, including consumer and industry outreach, public education, and enforcement activities.

812-007-0031

License Cards

- (1) The agency shall issue a license and pocket card effective on the date on which the license becomes effective under OAR 812-007-0120, 812-007-0130, 812-007-0220, 812-007-0230, 812-007-0320 or 812-007-0330.
- (2) A license and pocket card is valid for the term for which it is issued.
- (3) If a license becomes invalid, the agency may require the return of the license and pocket card.
- (4) There is no charge for the original license and pocket card issued by the agency.
- (5) There is a \$10 fee to replace a license and pocket card.

812-007-0032

Mailing and E-mail Address Changes

(1) Individuals licensed to engage in LBP activities, contractors licensed to engage in LBP activities and certified LBP renovation contractors shall notify the board of any change in mailing or e-mail addresses while licensed and for one year following the license expiration date. Such persons must notify the board within 10 days after changing an address.

812-007-0300

License Required for Lead-Based Paint Renovation

No contractor shall offer to perform or perform renovation in target housing or child-occupied facilities without first receiving a certified LBP renovation contractor license from the board, unless such contractor is exempt from the board's licensing requirements.

812-007-0302

Applicability of and Exceptions to Rules Relating to Lead-Based Paint Renovation

(1) OAR 812-007-0300 to OAR 812-007-0374 apply to all renovations performed for compensation in target housing and child-occupied facilities, except for renovations in target housing or child-occupied facilities in which:

(a) A lead assessor or lead inspector has made a written determination 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. The person performing the renovation must obtain a copy of the written determination.

(b) A certified renovator, using a recognized test kit, has tested each component affected by the renovation and determined that the components 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. The certified renovator must follow the kit manufacturer's instructions.

(2) The notification requirements in OAR 812-007-0370 to 812-007-0374 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:

(a) The cleaning requirements of OAR 333-070-0090 (applicable to LBP renovation contractors by OAR 812-007-0340), which must be performed by certified renovators or individuals trained in accordance with OAR 333-070-0100;

(b) The cleaning verification requirements of OAR 333-070-0090, which must be performed by certified renovators; and

(c) 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.

812-007-0310

Application and Eligibility Requirements for Certified Lead-Based Paint Renovation Contractor

A person applying to become a certified LBP renovation contractor must submit the following:

- (1) Completed application on a form provided by the board;
- (2) Proof that the person is licensed by the board as a construction contractor;
- (3) The fee established in OAR 812-007-0360; and

(4) Proof that the licensee is owned by or employs at least one individual who has a current and valid course completion certificate evidencing that the individual is a certified renovator as provided in OAR 333-070-0100(3)(a), (b) or (d).

812-007-0320

Effective Dates of New License and License Term for Certified Lead-Based Paint Renovation Contractor License

(1) The effective date of the license will be the date the applicant meets all board requirements, including but not limited to the receipt of the fee required under OAR 812-007-0360.

(2) All licenses issued will be non-transferable and will be effective for one year from the date of issue.

(3) All licenses will be assigned a unique number.

(4) An applicant for a license may withdraw the application at any time before issuance of the license upon written request to the board.

(5) If the board denies the license, it shall state, in writing, the reasons for denial.

812-007-0323

License Surrender

A certified LBP renovation contractor may request that the board accept the surrender of its license.

(1) The license remains in effect until the board accepts the surrender.

(2) If the board accepts the surrender, the board will notify the licensee of the date the license terminates.

(3) The board will not accept the surrender if an investigation of or disciplinary action against the licensee is pending.

(4) The licensee must cease renovating target housing or child-occupied facilities from the date the license terminates through the remainder of the license period.

(5) The board will not reinstate the surrendered license.

812-007-0330

Renewal of Certified Lead-Based Paint Renovation Contractor License

Persons licensed under these rules may renew their licenses by submitting the following:

(1) A properly completed application for license renewal on a form provided by the board;

(2) Proof that the person is licensed by the board as a construction contractor;

(3) The fee established in OAR 812-007-0360; and

(4) Proof that the licensee is owned by or employs at least one individual who has a current and valid course completion certificate evidencing that the individual is a certified renovator as provided in OAR 333-070-0100(3)(a), (b) or (d).

812-007-0340

Work Practice Standards for Certified Lead-Based Paint Renovation Contractors

A certified LBP renovation contractor must comply with work practice standards in OAR 333-070-0090.

812-007-0350

Denial, Suspension or Revocation of Certified Lead-Based Paint Renovation Contractor License

(1) The board may deny, suspend, or revoke a license of a certified LBP renovation contractor on the following grounds:

(a) Obtaining a license through invalid documentation;

(b) Permitting the duplication or use of the license by another;

(c) Violating a rule of the board; or.

(d) Violating OAR 333-070-0090 (work practice standards), 333-070-0100(4) (renovator responsibilities), or 333-070-0110 (recordkeeping and reporting requirements.) For purposes of recordkeeping and reporting requirements, as used in OAR 333-070-0110, the terms "Oregon Health Authority" and "Authority" refer to the board.

(2) Hearings on denial, suspension or revocation of a license shall be conducted as a contested case in accordance with ORS 183.310 to 183.470.

812-007-0360

Fees for Certified Lead-Based Paint Renovation Contractor Licenses

- (1) All license and renewal application fees are non-refundable and non-transferrable.
- (2) The fee for a certified LBP renovation contractor license is \$50/year.
- (3) If the board receives payment of fees by check and the check is returned to the agency as an NSF check, the board will charge the applicant \$25 in addition to the required fees.

812-007-0370

Notification Requirements for Certified Lead-Based Paint Renovation Contractors – Renovation in Target Housing Dwelling Units

- (1) No more than 60 days before beginning renovation in target housing dwelling units, the contractor must provide the owner of the dwelling unit with an Renovation Right Pamphlet and do one of the following:
 - (a) Obtain from the owner a written acknowledgment that the owner has received the Renovation Right Pamphlet; or
 - (b) Obtain a certificate of mailing of the Renovation Right Pamphlet dated at least 7 days before the start of the renovation.
- (2) In addition to the requirements of (1), if the owner does not occupy the dwelling unit, the contractor must provide the Renovation Right Pamphlet to an adult occupant of the dwelling unit and comply with one of the following:
 - (a) Obtain, from the adult occupant, a written acknowledgment that the occupant has received the Renovation Right Pamphlet;
 - (b) Obtain a certificate of mailing of the Renovation Right Pamphlet at least 7 days before the start of the renovation; or
 - (c) Certify in writing that the contractor delivered the Renovation Right Pamphlet to the dwelling unit but was unsuccessful in obtaining a written acknowledgment from an adult occupant. Certification must include:
 - (A) The address of the dwelling unit undergoing renovation;
 - (B) The date and method of delivery of the Renovation Right Pamphlet;
 - (C) The name of the individual delivering the Renovation Right Pamphlet;
 - (D) A reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available);
 - (E) The signature of an owner or employee of the contractor; and
 - (F) The date the contractor's owner or employee signed the certification.
- (3) The written acknowledgment required by paragraphs (1)(a) and (2)(a) must:
 - (a) Include a statement acknowledging receipt of the Renovation Right Pamphlet before the start of the renovation, the name of the recipient, the address undergoing renovation, the signature of the recipient and the date of signature;
 - (b) Be either a separate sheet of paper or part of a written contract or service agreement for the renovation; and
 - (c) Be written in the same language as the agreement for renovation or, in the case of non-owner target housing, the same language as the lease or rental agreement.

812-007-0372

Notification Requirements for Certified Lead-Based Paint Renovation Contractors – Renovation in Target Housing Common Areas

- (1) No more than 60 days before beginning renovation in target housing common areas, the contractor must provide the owner of the target housing with an Renovation Right Pamphlet and do one of the following:
 - (a) Obtain from the owner a written acknowledgment that the owner has received the Renovation Right Pamphlet; or
 - (b) Obtain a certificate of mailing of the Renovation Right Pamphlet dated at least 7 days before the start of the renovation.
- (2) In addition to the requirements of (1), the contractor must comply with one of the following:
 - (a) Notify, in writing, each affected dwelling unit occupant and make the Renovation Right Pamphlet available upon request before the start of renovation. The written notice should describe:
 - (A) The general nature and locations of the planned renovation activities;
 - (B) The expected starting and ending dates; and
 - (C) A statement of how the occupant can obtain the Renovation Right Pamphlet, at no charge, from the contractor performing the renovation.

(b) While the renovation is ongoing, post 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 dwelling units. The signs must be accompanied by:

(A) A posted copy of the Renovation Right Pamphlet; or

(B) Information on how interested occupants can review or obtain a copy of the Renovation Right Pamphlet from the contractor at no cost.

(c) The posted signs must also include information on how interested occupants may review a copy of the records required by OAR 333-070-0110 or obtains a copy from the contractor at no cost to the occupants.

(3) The contractor must prepare, sign, and date a statement describing the steps taken to notify occupants of the intended renovation and to provide the Renovation Right Pamphlet.

(4) The written acknowledgment required by paragraphs (1)(a) and (2)(a) must:

(a) Include a statement acknowledging receipt of the Renovation Right Pamphlet before the start of the renovation, the name of the recipient, the address undergoing renovation, the signature of the recipient and the date of signature;

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

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

(5) If the scope, location, or expected starting or ending dates of the planned renovation change and the contractor provided written notification in accordance with (1) or (2)(a), the contractor must provide further written notification to the owners and occupants including revised information on the ongoing or planned renovation. This subsequent notification must be provided before the contractor performing the renovation initiates work beyond that described in the original notice.

812-007-0374

Notification Requirements for Certified Lead-Based Paint Renovation Contractors – Renovation in Child-Occupied Facilities

(1) No more than 60 days before beginning renovation in any child-occupied facility, the contractor performing the renovation must provide the building owner with the Renovation Right Pamphlet and comply with one of the following:

(a) Obtain from the owner a written acknowledgment that the owner has received the Renovation Right Pamphlet; or

(b) Obtain a certificate of mailing of the Renovation Right Pamphlet dated at least 7 days before the start of the renovation.

(2) In addition to the requirements of (1), if the owner does not occupy the building, the contractor must provide the Renovation Right Pamphlet to an adult representative of the child-occupied facility and comply with one of the following:

(a) Obtain, from the adult representative, a written acknowledgment that the adult representative has received the Renovation Right Pamphlet;

(b) Obtain a certificate of mailing of the Renovation Right Pamphlet at least 7 days before the start of the renovation; or

(c) Certify in writing that the contractor delivered the Renovation Right Pamphlet to the dwelling unit but was unsuccessful in obtaining a written acknowledgment from an adult occupant. Certification must include:

(A) The address of the facility undergoing renovation;

(B) The date and method of delivery of the Renovation Right Pamphlet;

(C) The name of the person delivering the Renovation Right Pamphlet;

(D) A reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available);

(E) The signature of an owner or employee of the contractor; and

(F) The date the contractor's owner or employee signed the certification.

(3) In addition to the requirements of (1) and (2), the contractor must provide the parents and guardians of children using the child-occupied facility with the Renovation Right Pamphlet and information describing the general nature and locations of the renovation and the anticipated completion date. The contractor may comply by doing one of the following:

(a) Mail or hand-deliver the Renovation Right Pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility;

(b) While the renovation is ongoing, post 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 parents or guardians of the children frequenting the child-occupied facility. The signs must be accompanied by:

(A) A posted copy of the Renovation Right Pamphlet; or

(B) Information on how the parents or guardians can review or obtain a copy of the Renovation Right Pamphlet from the contractor at no cost.

(c) The posted signs must also include information on how interested parents or guardians of children frequenting the child-occupied facility may review a copy of the records required by OAR 333-070-0110 or obtains a copy from the contractor at no cost to the parents or guardians.

(4) The contractor must 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.

(5) The written acknowledgment required by paragraphs (1)(a) and (2)(a) must:

(a) Include a statement acknowledging receipt of the Renovation Right Pamphlet before the start of the renovation, the name of the recipient, the address undergoing renovation, the signature of the recipient and the date of signature;

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

(c) Be written in the same language as the agreement for renovation.

Penalty Rules:

812-005-0800

Schedule of Penalties

The agency may assess penalties, not to exceed the amounts shown in the following guidelines:

(31) Violation of work practice standards for LBP renovation pursuant to OAR 812-007-0340 or violation of recordkeeping and reporting requirements pursuant to OAR 333-070-0110: first offense, \$1,000; second offense, \$3,000; and third offense, \$5,000 and suspension of the certified LBP renovation contractor license for up to one year. The civil penalty is payable to the Construction Contractors Board LBP Activities Fund as provided in ORS 701.995 and OAR 812-007-0025.

(32) Violation of OAR 812-007-0100, 812-007-0200 or 812-007-0300: first offense, \$1,000; second offense, \$3,000; and third offense, \$5,000. The civil penalty is payable to the Construction Contractors Board Lead-Based Paint (LBP) Activities Fund as provided in ORS 701.995 and OAR 812-007-0025.

RELEVANT RULES – OREGON HEALTH AUTHORITY

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, electro-statically 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 or 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.

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.

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 333-070-0100. 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.

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.

333-070-0160

Accreditation Fees

The following fees are established:

- (1) Course Fee Schedule:
 - (a) Course — Accreditation Fee — Reaccreditation fee:
 - (b) Renovator Initial — \$560 — \$340:
 - (c) Dust Sampling Technician Initial — \$560 — \$340:
 - (d) Renovator Refresher — \$400 — \$310:
 - (e) Dust Sampling Technician Refresher — \$400 — \$310
- (2) Student Fee Schedule:
 - (a) Course — Fee:
 - (b) Renovator Initial — \$17:
 - (c) Renovator Refresher — \$17:
 - (d) Dust Sampling Technician Initial — \$17:
 - (e) Dust Sampling Refresher — \$17.

(f) The student fee is to be paid by the training program at the completion of each training course. The \$17 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) Firms 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.