ALABAMA STATE COMMITTEE OF PUBLIC HEALTH
ALABAMA DEPARTMENT OF PUBLIC HEALTH
ADMINISTRATIVE CODE

CHAPTER 420-3-29
RENOVATION CONTRACTOR CERTIFICATION

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420-3-29-.01 General Provisions.

(1) **Purpose** - This chapter establishes the procedures to be followed for certification of contractors or firms who perform renovation in target housing and child-occupied facilities. This chapter also contains requirements that all persons engaged in renovation are properly trained, that training programs are accredited, and that firms are certified; and that all renovation in target housing and child-occupied facilities is performed by accredited renovators of certified firms according to the prescribed work practice standards contained in these rules; and ensures that owners and occupants of target housing and child-occupied facilities receive information on lead-based paint hazards before these renovations begin.

(2) **Statutory authority** - The State Board of Health is authorized to adopt and promulgate these rules under and by virtue of the authority of Chapter 22-37A, Code of Ala. 1975.

(3) **Adoption by reference** - Lead clearance levels and hazard standards for lead in paint, dust, and soil established in 40 CFR Part 745 is hereby incorporated by reference and made a part of these rules as if set out in full and all provisions thereof are adopted as a rule of the State Board of Health. Said document is available at http://alabamapublichealth.gov/lead.
Author: Salvador Gray, Charles Brookins, James Daughtry, Steven McDaniel
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420-3-29-.02 Applicability.

(1) This chapter applies to target housing and child-occupied facilities as defined in 40 CFR §745.223, and as further defined by this chapter except for the following:

(a) Renovations in target housing or child-occupied facilities in which a written determination has been made by an Alabama accredited 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 2milligrams/per square centimeter (mg/cm) or 0.5 percent by weight, where the firm performing the renovation has obtained a copy of the determination.

(b) Renovations in target housing or child-occupied facilities in which an accredited renovator, using an EPA recognized test kit as defined in Rule 420-3-29-.03 and following the kit manufacturer's instructions, has tested each component affected by the renovation and determined that the components are free of paint or other surface coatings that 2 contain lead equal to or in excess of 1.0 mg/cm 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 accredited renovator is required to test only one of the individual components, unless the individual components appear to have been repainted or refinished separately.

(c) Emergency Renovations. The information distribution requirements in Rule 420-3-29-.04 do not apply to emergency renovations, which are renovation activities that were not planned but result from a sudden, unexpected event (such as non-routine failures of equipment) that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage. Interim controls performed in response to an elevated blood lead level in a resident child are also emergency renovations. Emergency renovations other than interim controls are also

exempt from the warning sign, containment, waste handling, training, accreditation, and certification requirements in Rules 420-3-29-.10, 420-3-29-.05, and Ala. Admin. Code, Chapter 822-X-1 (Registration and Accreditation of Lead Training Programs and Individuals Engaged in Lead Hazard Reduction Activities) to the extent necessary to respond to the emergency. Emergency renovations are not exempt from the cleaning requirements of Rule 420-3-29-.10(1)(e), which must be performed by accredited renovators or individuals trained in accordance with 40 CFR (Code of Federal Regulation) §745.90(b)(2) and Ala. Admin. Code, Rule 822-X-1-.05, the cleaning verification requirements of Rule 420-3-29-.10(2), which must be performed by accredited renovators, and the recordkeeping requirements of Rule 420-3-29-.15(2)(f) and (2)(g).

(d) If any portion of a renovation project is intended solely to remove lead-based paint components and is noted in the contract, then the project must comply with Ala. Admin. Code, Chapter 420-3-27.

(2) The training requirements in 40 CFR §745.90 and Ala. Admin. Code, Rule 822-X-1-.04 and the work practice standards for renovation activities in Rule 420-3-29-.10 apply to all renovations covered by these rules, except housing designated for the elderly or persons with disabilities (unless one or more children under 6 years of age resides or is expected to reside in such housing for the elderly or person with disabilities) or any zero-bedroom dwelling.

(3) This chapter applies to all persons who are engaged in renovation as defined in 40 CFR Part 745 Subpart E – Residential Property Renovation, and as further defined by this chapter.

(4) This chapter shall apply to any person contracted by the homeowner to perform renovations, or to plan such activities and also apply where the owner performs such activities in or upon another structure which is not his or her private residence or the portion thereof.

(5) Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the federal government or the state of Alabama having jurisdiction or control over any property or facility, or engaged in any activity resulting in or which may result in a lead-based paint hazard, and each officer, agent, or employee thereof, is subject to and must comply with all substantive and procedural requirements regarding lead-based paint and renovation set out herein and in any local, state, or federal regulations.

(6) Individuals who perform renovation within their own residential dwellings are not bound by this chapter, unless the dwelling is occupied by a person or persons other than the owner

or the owner's immediate family or a child resides in the dwelling who has been identified as having an elevated blood lead level.

(7) Renovation activities in target housing and child-occupied facilities shall be performed by accredited individuals of certified firms.

Author: Salvador Gray, Charles Brookins, James Daughtry, Steven McDaniel
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420-3-29-.03 Definitions.

(1) Abatement - any measure or set of measures designed to permanently eliminate lead-based paint hazards included in Ala. Admin. Code, Chapter 420-3-27. Abatement includes, but is not limited to:

(a) The removal of lead-based paint and lead-contaminated dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, or the removal or covering of lead-contaminated soil; and

(b) All preparation, cleanups, disposal, and post-abatement clearance testing activities associated with such measures.

(c) Specifically, abatement includes, but is not limited to:

1. Projects for which there is a written contract or other documentation, which provides that an individual or firm certified in accordance with this rule, will be conducting activities in or to a residential dwelling or a child-occupied facility that are designed to or will permanently eliminate lead-based paint hazards.

2. Projects resulting in the permanent elimination of lead-based paint hazards conducted by firms or individuals certified in accordance with these rules, unless such projects are covered by paragraph (d) of this definition.

3. Projects resulting in the permanent elimination of lead-based paint hazards, conducted by certified firms or individuals who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities as identified and defined by this section unless such projects are covered by paragraph (d) of this definition.

4. Projects resulting in the permanent elimination of lead-based paint hazards, including lead-based paint and lead-contaminated dust or soil that are conducted in response to state or local abatement orders.

(d) Abatement does not include renovation, remodeling, landscaping, or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

(2) Accredited Individual – this is an individual who engages in renovation and/or abatement, who has successfully completed a Safe State accredited lead training course appropriate for the type or category of Renovation and/or Abatement to be provided, who meets all other personal accreditation requirements established by Safe State under these rules, and who holds a valid registration in the state accreditation registry maintained by Safe State for the relevant type or category of lead renovation and/or abatement. To perform any lead hazard reduction activities, an accredited individual shall be certified by the Department pursuant to Rule 420-3-29-.05 (Certification of Firms).

(3) Accredited Renovator - an individual who has successfully completed a renovator course accredited by Safe State, and is registered by Safe State, and who either performs or directs workers who perform renovations, and is certified by the Department pursuant to Rule 420-3-29-.05 (Certification of Firms) to perform renovations.

(4) Accredited Lead-Based Paint Inspector (accredited inspector) - an individual who has been trained by an accredited training program, as defined in this rule, and registered by Safe State to conduct inspections to identify lead-based paint. An accredited lead-based paint inspector also samples for the presence of lead in dust and soil for the purpose of abatement clearance testing. For the purpose of these rules, an accredited lead-based paint inspector means the same as a certified lead-based paint inspector as defined in 40 CFR §745.223.

(5) Accredited Risk Assessor - an individual who has been trained by an accredited training program, as defined in this rule, and is registered by Safe State to conduct risk assessments, and certified by the Department pursuant to Rule 420-3-29-.05 (Certification of Firms) to perform risk assessments. A risk assessor also samples for the presence of lead in dust and soil for the purpose of identifying lead hazards and abatement clearance testing.

(6) Accredited Training Program - a training program that has been accredited either by Safe State or a state or tribe which Alabama has a written reciprocal agreement to provide training for individuals engaged in lead hazard reduction activities and renovation.

(7) Adequate Quality Control - a plan or design which ensures the authenticity, integrity, and accuracy of samples including dust, soil, and paint chips or paint film samples. Adequate quality control also includes provision for representative sampling.

(8) Administrative Procedure Act - The Alabama Administrative Procedure Act,§41-22-1, et seq., Code of Ala. 1975.

(9) American Society for Testing and Materials (ASTM) - an international standards organization that develops and publishes voluntary consensus technical standards for a wide range of materials, products, systems, and services.

(10) Available - being present at a work-site or reachable by telephone, pager, or answering service at all times when renovation activities are being conducted, and able to be present at the work site within 1 hour after notification.

(11) Board - the State Board of Health as defined in§ 22-2-1,et seq., Code of Ala. 1975.

(12) Certificate of Mailing - the United States Postal Service Certificate of Mailing is a service that provides a postmarked mailing receipt as evidence that an item was mailed.

(13) Certified Firm - a company, partnership, corporation, sole proprietorship or individual, association, or other business entity that has submitted documentation to the Department stating that its employees performing renovation have received training from an accredited training program and registered by Safe State; and has been issued a certificate from the Department.

(14) Chewable Surface - the interior or exterior surface painted with lead-based paint that a young child can mouth or chew. Hard metal substrates and other materials that cannot be dented by the bite of a young child are not considered chewable.

(15) Child-Occupied Facility - a building, or portion of a building constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least 2 different days within the same week (Sunday through Saturday period), provided each day's visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities 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 6, such as restrooms and cafeterias. Common areas that children under age 6 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 of the building that are immediately adjacent to the child- occupied facility or the common areas routinely used by children under age 6 as defined in 40 CFR §745.103 (Definitions).

(16) Cleaning Verification Card –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.

(17) Clearance Levels - values that indicate the maximum amount of lead permitted in soil or surface dust following completion of an abatement activity as identified by EPA, pursuant to 15 USC§ 2683.

(18) Clearance Sampling - a visual assessment and dust sample collection or soil sampling performed by an accredited lead-based paint inspector or risk assessor.

(19) Common Area - a portion of a building that is generally accessible to all occupants. Such an area may include, but is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages, boundary fences or outbuildings.

(20) Component or Building Component - specific design or structural elements or fixtures of a building, residential dwelling, or child-occupied facility 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, 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 down spout, 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, casings, sashes, wells, and air conditioners.

(21) Containment - a process to protect workers, occupants and the environment by controlling exposures to the lead-contaminated dust and debris created during renovation.

(22) Department - the Alabama Department of Public Health.

(23) Deteriorated Paint - any interior or exterior paint or other coating that is peeling, chipping, chalking, cracking, or otherwise separating from the substrate or a building component.

(24) Discipline - one of the specific types or categories of lead hazard reduction activities and renovation identified in these rules for which individuals may receive training from accredited programs and become registered by Safe State. This includes, but is not limited to, certified renovators, inspectors, and risk assessors.

(25) Dry Disposable Cleaning Cloth - a commercially available dry, electrostatically charged, white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.

(26) Dust Sample Collection - a procedure using wipe sampling to collect samples of dust from surfaces for the purpose of determining if the dust is contaminated with lead or lead-based paint.

(27) Elevated Blood Lead Level (EBLL) - a single blood lead test at or above the blood lead reference value established by the Centers for Disease Control and Prevention.

(28) EPA - the United States Environmental Protection Agency.

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

(30) Health Officer - the State Health Officer of the State of Alabama Department of Public Health or a County Health Officer as provided in Code of Ala. 1975, §22-2-8 and 22-3-4, or his/her authorized representatives and any officer or agent or employee of the Department authorized to act for the Department with respect to the enforcement and administration of these rules.

(31) HEPA Vacuum - 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.

(32) HUD - the United States Department of Housing and Urban Development.

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

(34) Inspection - See Lead-Based Paint Inspection.

(35) Interim Control - a measure or set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards. Interim controls include, but are not limited to, repairs, painting, temporary containment, specialized cleaning, ongoing lead-based paint maintenance activities, and the establishment and operation of management and resident education programs.

(36) Lead-Based Paint - paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter (1.0 mg/cm2) or 0.5 percent by weight unless other standards are established by the EPA, which will be adopted by reference.

(37) Lead-Based Paint Free - a status or designation for target housing or child-occupied facilities in which a written determination has been made by an accredited lead-based paint inspector or risk assessor that all 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, or which shall be adopted by reference for the purpose of this definition more stringent criteria as set by EPA.

(38) Lead-Based Paint Hazard - any condition that causes exposure to lead from lead-contaminated dust, lead contaminated soil, or lead-contaminated paint that is deteriorated or subject to deterioration or damage or is present on chewable surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects identified by an accredited lead risk assessor pursuant to the Toxic Substances Control Act, (TSCA) §403, as amended and (40 CFR. §745.65).

(39) Lead-Based Paint Inspection - a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation.

(40) Lead-Contaminated Dust - surface dust in residential dwellings, or child-occupied facilities that contains an area or mass concentration of lead at or exceeding levels identified by an accredited lead risk assessor to follow EPA current guidelines.

(41) Lead-Contaminated Soil - bare soil on residential real estate property and on the property of a child-occupied facility that

contains lead at, or exceeding levels identified by an accredited lead risk assessor to follow EPA current guidelines.

(42) Lead Hazard Reduction Activities - activities designed to reduce exposure to lead in residences or child occupied facilities to include lead-based paint inspections, risk assessments, renovation, abatement (enclosure, encapsulation, component removal, or removal of lead-based paint or lead contamination, or both), clearance sampling following abatement or renovation, the design and planning of such activities, and other related activities as established in Title IV of the Toxic Substances control Act, as amended.

(43) Lead Hazard Screen - a limited risk assessment activity that involves limited paint and dust sampling as described in Ala. Admin. Code, Rule 420-3-27-.10 (7).

(44) Living Area - areas of a residential dwelling used by one or more children under 6 years of age, including, but not limited to, living rooms, kitchen areas, dens, play rooms, and children’s bedrooms.

(45) Minor repair and maintenance activities -include minor heating, ventilation or air conditioning work, electrical work, and 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 where none of the work practices prohibited or restricted by Rule 420-3-29-.10(1)(c) 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 must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.

(46) Multi-Family Dwelling - a structure that has more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied in whole or in part, as the home or residence of one or more persons.

(47) Paint In Poor Condition - more than 10 square feet of deteriorated paint on exterior components with large surface areas; or more than 2 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, trims).

(48) Pamphlet - the EPA pamphlet titled “Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and

Schools" developed under TSCA §406(a) for use in complying with TSCA §406(b), or any state or tribal 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).

(49) Person - individuals, firms, corporations, partnerships, commissions, state agencies, county governmental bodies, municipalities, parties, companies, associations, or any other private or public legal entities; any interstate body; any department, agency, or instrumentality of the federal government.

(50) Project - for the purpose of this rule, a project is a renovation disturbing lead-based paint from one or more single family residential dwelling units, multi-family residential dwelling units, (including attached structures and outbuildings), child occupied facilities, or any combination thereof located within the same local government jurisdiction.

(51) Recognized Test Kit - a commercially available kit recognized by EPA 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.

(52) Registered Individual –an accredited individual who is currently registered with Safe State.

(53) Registry - the Alabama statewide "Registry of Lead Hazard Reduction and Renovation Training Courses and Individuals" maintained by Safe State.

(54) Renovation - 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 Rule 420-3-29-.03(1). The term renovation includes (but is not limited to): the removal, modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity [such as sanding, scraping, or other such activities that may generate paint dust]); the removal of building components (e.g., walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, 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.

(55) Residential Dwelling - target housing that is:

(a) A detached single-family dwelling unit, including any attached or unattached structures located within the same lot line such as porches and stoops, garages, play equipment, and fences.

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

(56) Risk Assessment -

(a) An on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards.

(b) The provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

(57) Renovation Contractor - any person operating as a firm that employs individuals to perform renovation. Firms include renovators who design, plan, perform, oversee, train workers, or evaluate renovation projects as well as self-employed individuals who engage in renovation.

(58) Safe State - the Safe State Program, a division of the University of Alabama, designated by statute to accredit lead training providers and individual lead-based paint abatement and renovation professionals performing lead hazard reduction activities.

(59) Target Housing - any residential dwelling constructed prior to 1978, except housing for the elderly or persons with disabilities (unless one or more children under 6 years of age resides or is expected to reside in such housing for the elderly or person with disabilities) or any zero-bedroom dwelling. Any attached or unattached structure built or added after 1978 located within the same lot lines are not included.

(60) Training Hour - at least 50 minutes of actual learning, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and hands-on experience.

(61) TSCA - the Toxic Substances Control Act, 15 U.S.C. §2601, et al., as amended.

(62) Unit –the measurement equivalent to one single target housing.

(63) Visual Assessment - a procedure to determine the presence of visible dust, paint chips, painted debris, and/or deteriorated paint.

(64) Visual Inspection For Clearance Testing - the visual examination of a residential dwelling or a child-occupied facility following a renovation to determine whether or not the renovation has been successfully completed.

(65) Visual Inspection For Risk Assessment –the visual examination of a residential dwelling or a child-occupied facility to determine the existence of deteriorated lead-based paint or other potential sources of lead-based paint hazards.

(66) Wet Disposable Cleaning Cloth - a commercially available, pre-moistened white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.

(67) Wet Mopping System - 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.

(68) Wipe Sample - a sample collected by wiping a representative surface of a known area(s), as determined by ASTM E1728, "Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques," or equivalent method, with an acceptable wipe material as defined in ASTM E1792, "Standard Specification for Wipe Sampling Materials for Lead in Surface Dust," or equivalent.

(69) Wipe Sampling - a procedure to determine the presence of lead in dust following established wipe protocol as stated in the wipe sample definition, sample proposal as specified in 40 CFR §745.63.

(70) Work Area - the area that the certified renovator establishes to contain the dust and debris generated by a renovation.

(71) Zero-Bedroom Dwelling - any residential dwelling in which the living areas are not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory or single room occupancy housing, military barracks, and rentals of individual rooms in residential dwellings.

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420-3-29-.04 Information Distribution Requirements.

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

(a) Provide the owner of the unit with the pamphlet and comply with one of the following:

1. Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet.

2. Obtain a certificate of mailing at least 7 days prior to the renovation.

(b) In addition to the requirements in paragraph (1)(a) of this rule, if the owner does not occupy the dwelling unit, the firm shall provide an adult occupant of the unit with the pamphlet, and comply with one of the following:

1. Obtain, from the adult occupant, a written acknowledgment that the occupant has received the pamphlet; or certify in writing that a pamphlet has been delivered to the dwelling and that the firm performing the renovation has been unsuccessful in obtaining a written acknowledgment from an adult occupant. Such certification must include the address of the unit undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available), the signature of a representative of the firm performing the renovation, and the date of signature.

2. Obtain a certificate of mailing at least 7 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 firm performing the renovation must:

(a) Provide the owner with the pamphlet, and comply with one of the following:

1. Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet.

2. Obtain a certificate of mailing at least 7 days prior to the renovation.

(b) Comply with one of the following:

1. Notify in writing, or ensure written notification of, each affected unit and make the pamphlet available upon request prior to the start of renovation. Such notification shall be accomplished by distributing written notice to each affected unit. The notice shall describe the general nature and locations of the planned renovation activities; the expected starting and ending dates; and a statement of how the occupant can obtain the pamphlet, at no charge, from the firm performing the renovation, or

2. 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 renovation firm at no cost to 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 firm provided written initial notification to each affected unit, the 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 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 firm performing the renovation must:

(a) Provide the owner of the building with the pamphlet, and comply with one of the following:

1. Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet.

2. Obtain a certificate of mailing at least 7 days prior to the renovation.

(b) If the occupant of the child-occupied facility is not the owner of the building, provide an adult representative of the

child-occupied facility with the pamphlet, and comply with one of the following:

1. Obtain, from the adult representative, a written acknowledgment that the adult representative has received the pamphlet; or certify in writing that a pamphlet has been delivered to the facility and that the firm performing the renovation has been unsuccessful in obtaining a written acknowledgment from an adult representative. Such certification must include the address of the child-occupied facility undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., representative refuses to sign), the signature of a representative of the firm performing the renovation, and the date of signature.

2. Obtain a certificate of mailing at least 7 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 complying with one of the following:

1. Mail or hand-deliver the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility.

2. 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 can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parents or guardians.

(d) The renovation firm 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.

(4) Written acknowledgment. The written acknowledgments required by paragraphs (1), (2)(a), (2)(b), (3)(a)1. and 2., (3)(b)1. and 2., and (3)(c)1. and 2.of this rule must:

(a) Include a statement recording the owner or occupant's name and 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 either a separate sheet or part of any written contract or service agreement for the renovation.

(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.

Author: Salvador Gray, Charles Brookins, James Daughtry, Steven McDaniel
Statutory Authority: Code of Ala.1975, §§22-37A-1, et seq.
History: New Rule: Filed July 27, 2010; effective August 31, 2010. **Amended:** Published January 31, 2022; effective March 17, 2022.

420-3-29-.05 Certification Of Firms.

(1) Any firm which performs or offers to perform renovation activities as described in Rule 420-3-29-.10 must be certified by the Department prior to performing or offering to perform such work including bidding for lead-based paint renovation projects.

(2) A firm seeking renovation certification, with at least one accredited individual employed for each discipline applied for, shall submit to the Department an application for certification on a form provided by the Department with a non-refundable application fee of $300 due every year for each discipline and a letter attesting that the firm shall only employ renovators accredited by Safe State when conducting regulated renovation activities, and that the firm and its employees shall follow the work practice standards as outlined in Rule 420-3-29-.10 for conducting renovation. A list of employees who have been accredited by Safe State as a renovator shall be provided with the application along with their accreditation numbers and registration expiration dates.

(a) Initial certification.

1. Firms that perform renovations for compensation must apply to the Department for certification to perform renovations or dust sampling. To apply, a firm must submit a completed application for firms, to the Department, signed by an authorized agent of the firm, with the correct amount of fees. If a firm pays excess amount of fees, the Department will reimburse the excess amount.

2. After the Department receives a firm's application, the Department will take one of the following actions within 28 days of the date the application is received:

(i) The Department will approve a firm's application if the Department determines that it is complete and that the environmental compliance history of the firm, its principals, or its key employees does not show an unwillingness or inability to maintain compliance with environmental statutes or regulations. An application is complete if it contains all of the information requested on the form and includes the correct amount of fees. When the Department approves a firm's application, the Department will issue the firm a certificate with an expiration date not more than 1 year from the date the application is approved. The Department certification also allows the firm to perform renovations covered by this rule in any Indian Tribal area in Alabama that does not have a renovation program that is authorized under this rule.

(ii) The Department will request a firm to supplement its application if the Department determines that the application is incomplete. If the Department requests a firm to supplement its application, the firm must submit the requested information or pay the additional fees within 14 days of the date of the request.

(iii) The Department will not approve a firm's application if the firm does not supplement its application in accordance with paragraph (a)(2)b. of this rule or if the Department determines that the environmental compliance history of the firm, its principals, or its key employees demonstrates an unwillingness or inability to maintain compliance with environmental statutes or regulations. The Department will send the firm a letter stating the reason for not approving the application. The Department will not refund the application fees. A firm may reapply for the Department certification at any time by filing a new, complete application that includes the correct amount of fees.

(b) Amendment of Certification.

1. A firm must amend its certification within 90 days of the date a change occurs to information included in the firm's most recent application. If the firm fails to amend its certification within 90 days of the date the change occurs, the firm may not perform renovations or dust sampling until its certification is amended.

2. To amend a certification, a firm must submit a completed application for certification of lead renovation contractors, signed by an authorized agent of the firm, noting on the form that it is submitted as an amendment and indicating the information that has changed. The firm must also pay the correct amount of fees.

3. If additional information is needed to process the amendment, or the firm did not pay the correct amount of fees, the Department will request the firm to submit the necessary information or fees. The firm's certification is not amended until the firm complies with the request.

4. Amending a certification does not affect the certification expiration date.

(c) Firm responsibilities. Firms performing renovations must ensure that:

1. All individuals performing renovation activities on behalf of the firm are either accredited renovators in accordance with Rule 822-X-1.05 or have been trained by an accredited renovator.

2. An accredited renovator is assigned to each renovation project performed by the firm and discharges all of the accredited renovator responsibilities identified in Rule 420-3-29-.11.

3. All renovation activities performed by the firm are accomplished in accordance with the work practice standards in Rule 420-3-29-.10.

4. The pre-renovation education requirements of Rule 420-3-29-.04 have been performed.

5. The recordkeeping requirements of Rule 420-3-29-.15 are met.

Author: Salvador Gray, Charles Brookins, James Daughtry
Statutory Authority: Code of Ala.1975, §§22-37A-1, et seq.
History: New Rule: Filed July 27, 2010; effective August 31, 2010. **Amended:** Published January 31, 2022; effective March 17, 2022.

420-3-29-.06 Denial Of Applications For Certification.

(1) The Department may deny an application for certification to any applicant who fails to meet the standards or who does not follow the procedures established by these rules, including, but not limited to:

(a) Failure to submit the required information, fee payment, and documentation with the application.

(b) Failure to comply with applicable requirements, procedures, and standards set forth in law or these rules.

(c) Submission of false information on an application, supplying false statements, or failure to disclose required information.

(d) Any past violations of state or federal law pertaining to lead hazard reduction activities within the last 2 years.

(2) An applicant may appeal the Department's denial pursuant to the State Board of Health's Rules for Hearing of Contested Cases, Ala. Admin. Code, Chapter 420-1-3.
Author: Salvador Gray, Charles Brookins, James Daughtry
Statutory Authority: Code of Ala.1975, §§22-37A-1, et seq.
History: New Rule: Filed July 27, 2010; effective August 31, 2010. **Amended:** Published January 31, 2022; effective March 17, 2022.

420-3-29-.07 Renewal.

(1) A firm must renew its certification every year. All certified firms shall renew their certification licenses before the expiration date. Applications for renewal along with a non-refundable application fee of $300 for each discipline should be received by the Department no later than 45 days prior to the expiration date. Failure to maintain certification will require a firm to re-apply for certification pursuant to Rule 420-3-29-.05.

(a) To be re-certified, a firm must submit a complete application for certification of lead renovation. A completed application for certification of lead renovation contractors is signed by an authorized agent of the firm, noting on the form that it is submitted as a renewal. A complete application must also include payment of the appropriate fee.

1. An application for re-certification is timely submitted if it is more than 45 days prior to the expiration of the firm's current certification.

2. If the firm fails to obtain re-certification before the firm's current certification expires, the firm must not perform renovations, dust sampling, or any lead hazard reduction activities until it is certified anew pursuant to paragraph (a) of this rule.

(2) After the Department receives a firm's application for re-certification, the Department will review the application and take one of the following actions within 28 days of receipt:

(a) The Department will approve a firm's application if the Department determines that it is timely and complete and that the environmental compliance history of the firm, its principals, or its key employees does not show an unwillingness or inability to maintain compliance with environmental statutes or regulations. When the Department approves a firm's application for re-certification, the Department will issue the firm a new certificate with an expiration date 1 year from the date that the firm's current certification expires. The Department's certification also allows the firm to performrenovations or dust sampling covered by these rules in any Indian Tribal area in Alabama that does not have a renovation program.

(b) The Department will request a firm to supplement its application if the Department determines that the application is incomplete.

(c) The Department will not approve a firm's application if it is not received or is not complete as of the date that the firm's current certification expires, or if the Department determines that the environmental compliance history of the firm, its principals, or its key employees demonstrates an unwillingness or inability to maintain compliance with environmental statutes or regulations. The Department will send the firm a letter providing its reasons for not approving the application. The Department will not refund the application fees. A firm may re-apply for certification at any time by filing a new application and paying the appropriate fee.

Author: Salvador Gray, Charles Brookins, James Daughtry, Steven McDaniel
Statutory Authority: Code of Ala.1975, §§22-37A-1, et seq.
History: New Rule: Filed July 27, 2010; effective August 31, 2010. **Amended:** Published January 31, 2022; effective March 17, 2022.

420-3-29-.08 Suspension, Revocation, And Modification Of Certifications.

(1) The Department, after providing a written notice to a firm in violation of these rules and providing the firm an opportunity to comply, may suspend, revoke, or modify a firm's certification if a firm has:

(a) Performed work requiring certification at a job site with individuals who are not accredited and registered by Safe State.

(b) Failed to comply with the work practice standards established in Rule 420-3-29-.10 (Work Practice Standards for Conducting Renovation) and 420-3-29-.11 (Standards for Conducting Renovation Activities).

(c) Misrepresented material facts in its letter of application for certification to the Department.

(d) Failed to maintain required records pursuant to Rules 420-3-29-.11 (Standards for Conducting Renovation Activities) and 420-3-29-.15 (Record Keeping and Reporting Requirements).

(e) Failed to comply with federal, state, or local lead-based paint statutes, rules, or regulations.

(f) In addition to an administrative or judicial finding of violation, for purposes of this section only, execution of a consent agreement in settlement of an enforcement action constitutes evidence of a failure to comply with relevant statutes or regulations.

(2) Contested case hearings shall be provided in accordance with the Alabama Administrative Procedure Act and the State Board of Health's Contested Case Hearing Rules, Chapter 420-1-3 Ala. Admin. Code. Informal settlement conferences may be conducted as provided in the State Board of Health's Contested Case Hearing Rules, Chapter 420-1-3.
Author: Salvador Gray, Charles Brookins, James Daughtry
Statutory Authority: Code of Ala.1975, §§22-37A-1, et seq.
History: New Rule: Filed July 27, 2010; effective August 31, 2010. **Amended:** Published January 31, 2022; effective March 17, 2022.

420-3-29-.09 Reciprocity.

Any firm certified and licensed by EPA, another state or tribal program to perform renovation may petition the Department on an application form provided by the Department along with the appropriate application fee, to grant certification, provided that each employee involved in renovation is accredited and registered by Safe State. The denial of such is subject to review pursuant to the State Board of Health's Rules for Hearing of Contested Cases, Ala. Admin. Code, Chapter 420-1-3.
Author: Salvador Gray, Charles Brookins, James Daughtry
Statutory Authority: Code of Ala.1975, §§22-37A-1, et seq.

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420-3-29-.10 Work Practice Standards For Conducting Renovation.

(1) Standards for renovation activities. Renovations must be performed by certified firms using accredited renovators as directed in Rule 420-3-29-.05. The responsibilities of certified firms are set forth in Rule 420-3-29-.05 and the responsibilities of accredited renovators are set forth in Rule 420-3-29-.11.

(a) Occupant protection. Firms must 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. These signs must be posted before beginning the renovation and must remain in place and remain readable until the renovation and the post-renovation cleaning verification has been completed. If warning signs have been posted in accordance with 24 CFR §35.1345(b)(2) or 29 CFR §1926.62(m), additional signs are not required by this section.

(b) Containing the work area. Before beginning the renovation, the firm must isolate the work area so that no dust or debris leaves the work area while the renovation is being performed. In addition, the firm must 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. The firm must also ensure that containment is installed in such a manner that it does not interfere with occupant and worker egress in an emergency.

1. Interior renovations. The firm must:

(i) 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.

(ii) Close and cover all openings, including duct openings, in the work area with taped-down plastic sheeting or other impermeable material.

(iii) Close windows and doors in the work area. Doors must be covered with plastic sheeting or other impermeable material. Doors used as an entrance to

the work area must be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

(iv) Cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

(v) 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.

2. Exterior renovations. The firm must:

(i) 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.

(ii) 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.

(iii) 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.

(iv) In certain situations, the 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. .

(c) Prohibited and restricted practices The work practices listed below shall be prohibited or restricted during a renovation:

1. Open-flame burning or torching of lead-based paint.

2. The use of machines that remove lead-based paint through high speed operation such as sanding, grinding, power planning, needle gun, abrasive blasting, or sandblasting, unless such machines are used with HEPA exhaust control.

3. Operating a heat gun on lead-based paint, unless temperatures remain below 1100 degrees Fahrenheit.

(d) Waste from renovations must be handled as follows:

1. Waste from renovation activities must be contained to prevent release of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work area, it must be covered.

2. At the conclusion of each work day and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, 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.

3. When the firm transports waste from renovation activities, the firm must contain the waste to prevent release of dust and debris.

(e) Cleaning the work area. After the renovation has been completed, the firm must clean the work area until no dust, debris, or residue remains.

1. Interior and exterior renovations. The firm must:

(i) Collect all paint chips and debris and, without dispersing any of it, seal this material in a heavy-duty bag.

(ii) Remove the protective sheeting. Mist the sheeting before folding it, fold the dirty side inward, and either tape shut to seal or seal in heavy-duty bags. Sheeting used to isolate contaminated rooms from non-contaminated rooms must remain in place until after the cleaning and removal of other sheeting. Dispose of the sheeting as waste.

2. Additional cleaning for interior renovations. The firm must clean all objects and surfaces in the work area and within 2 feet of the work area in the following manner, cleaning from higher to lower:

(i) 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.

(ii) 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.

(iii) 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 2-bucket mopping method, or using a wet mopping system.

(2) Standards for post-renovation cleaning verification are as follows:

(a) Interiors.

1. An accredited renovator must 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.

2. After a successful visual inspection, an accredited renovator must:

(i) 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 paragraphs (1)(e)2.(ii) and (1)(e)2.(iii) of this rule, 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 1 hour or until the surface has dried completely, whichever is longer.

(IV) After waiting for the windowsill to dry, wipe the windowsill with a dry disposable cleaning cloth. After this wipe, if the wipe matches the cleaning verification card then the windowsill has been adequately cleaned. If the wipe does not match the cleaning verification card then continue the cleaning process until it matches the cleaning verification card.

(ii) 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 forty (40) square feet, the surface within the work area must be divided into roughly equal sections that are each less than forty (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 paragraphs (1)(e)2.(ii) and (1)(e)2.(iii) of this rule, 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 (1) 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. If the wipe does not match the cleaning verification card then continue the cleaning process until it matches the cleaning verification card.

3. When the work area passes the post-renovation cleaning verification, remove the warning signs.

(b) Exteriors. An accredited renovator must 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. When the area passes the visual inspection, remove the warning signs.

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

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

(b) The renovation firm is to re-clean the work area until the dust clearance sample results are below the clearance standards in Rule 420-3-29-.13 or any applicable state, territorial, tribal, or local standard.

(c) In case of renovation of residence associated with elevated blood lead level (EBLL), the clearance testing must be performed by an accredited inspector or risk assessor.

(4) 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 subpart if they are conducted after post-renovation cleaning verification has been performed.
Author: Salvador Gray, Charles Brookins, James Daughtry
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420-3-29-.11 Standards For Conducting Renovation Activities.

(1) All renovation activities shall be performed pursuant to the work practice standards contained in these rules.

(2) When performing any renovation activity, an accredited individual of a certified firm must perform that activity in compliance with the appropriate documented methodologies. Documented methodologies appropriate for this rule are found in:

(a) The U. S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, June 1995 and Chapter 7 Lead-Based Paint Inspection, 1997 Revision. (The Guidelines).

(b) The U.S. Environmental Protection Agency (EPA) 40 CFR Part 745 Lead; Identification of Dangerous Levels of Lead; Final Rule, January 5, 2001.

(c) The documents referenced in Rule 420-3-29-.11(2)(a) and (b) are hereby incorporated by reference and are available at http://alabamapublichealth.gov/lead.

(3) Accredited renovators are responsible for ensuring compliance with 420-3-29-.10 at all renovations to which they are assigned. An accredited renovator:

(a) Must perform all of the tasks described in Ala. Admin. Code, Rule 420-3-29-.10(2) and must either perform or direct workers who perform all of the tasks described in Ala. Admin. Code, Rule 420-3-29-.10(1).

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

(c) Must be physically present at the work site when the signs required by Ala. Admin. Code, Rule 420-3-29-.10(1)(a) are posted, while the work area containment required by Ala. Admin. Code, Rule 420-3-29-.10(1)(b) is being established, and while the work area cleaning required by Ala. Admin. Code, Rule 420-3-29-.10(1)(e) is performed.

(d) Must 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) Must be available, either on-site or by telephone, at all times that renovations are being conducted.

(f) When requested by the party contracting for renovation services, must use an acceptable test kit to determine whether components to be affected by the renovation contain lead-based paint.

(g) Must be able to present proof of Safe State registration as required in Chapter 822-X-1 Ala. Admin. Code (Registration

and Accreditation of Lead Training Programs and Individuals Engaged in Lead Hazard Reduction Activities).

(h) Must prepare the records required by Rule 420-3-29-.15(2)(g).

(4) Certified Inspector Risk Assessor responsibilities. When performing optional dust clearance sampling under Ala. Admin. Code, Rule 420-3-29-.10(3)(Work Practice Standards for Conducting Renovation), an accredited inspector or risk assessor:

(a) Must collect dust samples in accordance with dust sample collection techniques referenced in Rule 420-3-27-.9(10), must send the collected samples to a laboratory recognized by EPA under TSCA §405(b), and must compare the results to the clearance levels in accordance with EPA current guidelines. Dust sampling technicians are prohibited to perform dust sampling for post-abatement project clearance in accordance with Ala. Admin. Code, Rule 420-3-27-.9(10)(Work Practice Standards for Conducting Renovation).

(b) Must be able to present proof of Safe state registration as required in Chapter 822-X-1 Ala. Admin. Code (Registration and Accreditation of Lead Training Programs and Individuals Engaged in Lead Hazard Reduction Activities).

(5) Types of detection/testing methods include but are not limited to:

(a) Laboratory analysis. Only National Lead Laboratory Accreditation Program (NLLAP)-approved laboratories recognized by the EPA pursuant to §405(b) TSCA, as capable of performing analysis for lead compounds in paint chip, dust, and soil samples may be used. Each sample must be accompanied by chain-of-custody documentation.

(b) X-ray fluorescence (XRF) spectroscopy. XRF instruments may be used for on-site lead detection following the manufacturer's protocol. Inconclusive or questionable results should be verified through the testing of paint chip samples by a NLLAP-approved laboratory. This paragraph shall not be construed as to relieve the XRF user of any duty to comply with other applicable requirements. XRF testing is not approved at this time for clearance purposes. If EPA approves XRF methodology for clearance testing it will be adopted by reference.

(c) Recognized test kit. The Department recognizes only those test kits that have been approved by EPA according to 40 CFR §745.88 (as amended).

(6) If the dust sampling technique is utilized, clearance levels for the purposes of this rule may be found in Rule 420-3-29-.13,

the EPA Standards on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead-Contaminated Soil, or other equivalent standards according to Lead; Identification of Dangerous Levels of Lead or according to 40 CFR §745.

(7) The Health Officer, or his or her designee, after proper identification, shall be permitted to enter a renovation area at any reasonable time for the purpose of conducting investigations to determine compliance with these rules. The Health Officer, or his or her designee, shall be permitted to examine the records of the firm to determine compliance with these rules.

(8) A lead-based paint inspection other than recognized lead testing kits, described in section Rule 420-3-29-.11(5)(c), shall be conducted only by persons accredited by Safe State and registered as an inspector or risk assessor, and must be conducted under a certified firm according to the procedures in Ala. Admin. Code, Rule 420-3-27-.09(6).

(9) Lead hazard screens can only be conducted by persons accredited and registered by Safe State as a risk assessor, and must be conducted under a certified firm according to the procedures in Ala. Admin. Code, Rule 420-3-27-.09(7).

(10) Risk assessments shall be conducted only by persons accredited and registered by Safe State as a risk assessor, and conducted under a certified firm according to the procedures in Ala. Admin. Code, Rule 420-3-27-.09(8).

(11) Abatement shall be conducted only by an individual accredited and registered by Safe State as a worker or supervisor, and shall be conducted under a certified firm according to the procedures in Ala. Admin. Code, Rule 420-3-27-.09(9).

(12) Post-abatement clearance procedures shall be performed by an accredited inspector or risk assessor of a certified firm in accordance with documented methodologies according to the procedures in Ala. Admin. Code, Rule 420-3-27-.09(10).
Author: Salvador Gray, Charles Brookins, James Daughtry, Daniel Wysmulek, Steven McDaniel
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420-3-29-.12 Renovation Project Notification.

(1) No firm or renovator shall engage in a renovation project on target housing or a child occupied facility that is subject to Ala. Admin. Code, Chapter 420-3-27 prior to notifying the Department of such activities. All notifications shall be made in

writing by mail, e-mail, or fax on a form provided by the Department. Notification must be received at least 7 working days prior to commencement of the project. Online notification may be completed by clicking on the appropriate website address which can be found on the renovation project notification form.

(2) For emergency renovation projects where a 7 day notice is not feasible, the firm or supervisor shall notify the Department within 3 calendar days after commencement of such emergency projects.

(3) The notification shall state:

(a) The physical address and vicinity map of the location of the project;

(b) The building owners' and managers' names, addresses, and phone numbers;

(c) The dates when the project will begin and end;

(d) The name of the accredited renovator for each project; and

(e) Any other information required by the Department.

(4) Notification revisions shall be made by the applicant in writing by mail, e-mail, online, or fax on a form provided by the Department and shall be received by the program in accordance with the following:

(a) Revisions to a start date for a project shall be received at least 7 working days before the new start date; on or before the previously stated or previously revised start date

(b) Revision to a completion date other than the completion date stated in the approved project notification or subsequent revision shall be received by the new completion date; and

(c) For long term intermittent projects, notification shall be made by phone, e-mail, online, or fax to the Department at least 72 hours prior to start and completion of each phase.

(d) All revisions shall be submitted to the Department prior to initiating the activities or changes that the revision addresses.

(5) The following shall be maintained on the site during renovation activities and shall be available for review by the Department:

(a) A copy of the renovation notification where applicable and all revisions.

(b) Safe State-issued photo identification cards for all accredited (registered) personnel performing lead renovation activities.

(c) The occupant protection plan; and

(d) Any applicable renovation design and specifications, risk assessment and inspection reports.

(6) Failure to submit a timely project notification application is a violation of these rules.
Author: Salvador Gray, Charles Brookins, James Daughtry, Daniel Wysmulek
Statutory Authority: Code of Ala.1975, §§22-37A-1, et seq.
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420-3-29-.13 Clearance Levels And Lead Hazard Levels.

Clearance sample procedures shall be conducted on all applicable renovation projects by an accredited inspector or risk assessor of a certified firm after appropriate cleaning has been completed.

(1) Independence/Conflict of Interest - Clearance testing shall be performed by accredited individuals or entities independent of those performing hazard reduction activities. If accredited in-house employees are used to conduct clearance testing, the in-house accredited employee shall not have participated in the renovation work.

(2) Dust Clearance Levels and Lead Hazard Levels for Risk Assessment - Clearance levels established in 40 CFR Part 745 must be met. If the residual lead level exceeds the applicable clearance level, the components represented by the failed sample shall be recleaned and retested.
Author: Salvador Gray, Charles Brookins, James Daughtry, Daniel Wysmulek, Steven McDaniel
Statutory Authority: Code of Ala.1975, §§22-37A-1, et seq.
History: New Rule: Filed July 27, 2010; effective August 31, 2010. **Amended:** Published January 31, 2022; effective March 17, 2022.

420-3-29-.14 Enforcement And Inspections.

The administration and enforcement of these rules shall be in accordance with the Alabama Lead Reduction Act of 1997. Failure or refusal to comply with any requirement of these rules is prohibited.

(1) An owner or operator of an entity engaged in lead renovation activities who fails to comply with Rules 420-3-29-.05 (Certification of Firms), 420-3-29-.10 (Work Practice Standards for Conducting Renovation), 420-3-29-.12 (Renovation Project Notification), 420-3-29-.15 (Record Keeping and Reporting Requirements), and rules adopted or orders issued by the Board shall be guilty of a Class C misdemeanor as described in Code of Ala. 1975, §22-37A-7.

(2) If it appears that a person has violated, is violating, or is threatening to violate Rules 420-3-29-.05, 420-3-29-.10, 420-3-29-.12, 420-3-29-.15, and rules adopted or orders issued by the Board, the State Health Officer, or a county health officer, as appropriate, may institute a civil suit in his or her own name in a circuit court to obtain injunctive relief to restrain the person from continuing the violation or threat of violation.

(3) Failure or refusal to establish and maintain records or to make available or permit access to or copying of records, as required by these rules, is a violation.

(4) Failure or refusal to permit entry or inspection as required is a violation.

(5) Violators may be subject to civil and criminal sanctions.

(6) Lead-based paint is assumed to be present at renovations covered by these rules. The Department may conduct inspections and issue subpoenas to ensure compliance with this section.

Author: Salvador Gray, Charles Brookins, James Daughtry
Statutory Authority: Code of Ala.1975, §§22-37A-1, et seq.
History: New Rule: Filed July 27, 2010; effective August 31, 2010. **Amended:** Published January 31, 2022; effective March 17, 2022.

420-3-29-.15 Record Keeping And Reporting Requirements.

(1) Firms performing renovations must retain and, if requested, make available to the Department all records necessary to demonstrate compliance with these rules for a period of 3 years following completion of the renovation. This 3 year retention requirement does not supersede longer obligations required by other provisions for retaining the same documentation, including any applicable state or tribal laws or regulations.

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

(a) Reports certifying that a determination had been made, by a state accredited lead-based paint inspector/risk assessor

working for a certified firm, that lead-based paint is not present on the components affected by the renovation, as described in Rule 420-3-29-.02(1).

(b) Signed and dated acknowledgments of receipt as described in Rules 420-3-29-.04 (1)(a)1., (1)(b)1., (2)(a)1., (3)(a)1., and (3)(b)1.

(c) Certifications of attempted delivery as described in Rules 420-3-29-.04 (1) (b)1., (2)(c), and (3)(b)1.

(d) Certificates of mailing as described in Rules 420-3-29-.04 (1)(a)2., (1)(b)2., (2)(a)2., (3)(a)2., and (3)(b)2.

(e) Records of notification activities performed regarding common area renovations, as described in Rules 420-3-29-.04(2)(c) and (2)(d), and renovations in child-occupied facilities, as described in Rule 420-3-29-.04(3)(b).

(f) Any signed and dated statements received from owner-occupants documenting that the requirements of Rule 420-3-29-.10 (Work Practice Standards) do not apply. These statements must include, a declaration that the housing is not a child-occupied facility and is designated as elderly only, the address of the unit undergoing renovation, the owner's name, an acknowledgment by the owner that the work practices to be used during the renovation will not necessarily include all of the lead-safe work practices contained in EPA's renovation, repair, and painting rule, the signature of the owner, and the date of signature. These statements must be written in the same language as the text of the renovation contract, if any.

(g) Documentation of compliance with the requirements of Rule 420-3-29-.10 (Work Practice Standards), including documentation that an accredited renovator was assigned to the project, that the accredited renovator provided on-the-job training for workers used on the project, that the accredited renovator performed or directed workers who performed all of the tasks described in Rule 420-3-29.11 (Standards for Renovation Activities) and that the accredited renovator performed the post-renovation cleaning verification described in Rule 420-03-29.10(2) (Standards for Post-Renovation Cleaning Verification). If the renovation firm was unable to comply with all of the requirements of this rule due to an emergency as defined in Rule 420-3-29-.02(1)(b)1., the 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 accredited renovator's training certificate, and a certification by the accredited renovator assigned to the project that:

1. Training was provided to workers (topics must be identified for each worker).

2. Warning signs were posted at the entrances to the work area.

3. If test kits were used, that the specified brand of kits was used at the specified locations and that the results were as specified.

4. The work area was contained by:

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

(ii) Closing and covering all openings including 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 6 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).

5. Waste was contained on-site and while being transported off-site.

6. 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).

7. The accredited 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 test kits are used, the renovation firm must provide within 30 days of the completion of the renovation identifying information as to the manufacturer and model of the test kits used, a description of the components that were tested including their locations, and the test kit results to the person who contracted for the renovation.

(4) If dust clearance sampling is performed in lieu of cleaning verification as permitted by Rule 420-3-29-.10(3), the renovation firm must provide, within 30 days of the completion of the renovation, a copy of the dust sampling report to the person who contracted for the renovation.

Author: Salvador Gray, Charles Brookins, James Daughtry
Statutory Authority: Code of Ala.1975, §§22-37A-1, et seq.
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420-3-29-.16 Effective Date (Repealed 3/17/22).

(REPEALED)
Author: Salvador Gray, Charles Brookins, James Daughtry
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