SAFE STATE ENVIRONMENTAL PROGRAMS ADMINISTRATIVE CODE

CHAPTER 822-X-1 REGISTRATION AND ACCREDITATION OF LEAD TRAINING PROGRAMS AND INDIVIDUALS ENGAGED IN LEAD HAZARD REDUCTION ACTIVITIES

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822-X-1-.08	Effective Date - July 27, 1998; October 15, 2002

822-X-1-.01 Purpose.

(1) Chapter 822-X-1, "Chapter", as authorized by Acts 1997, No. 97-553, the Alabama Lead Reduction Act of 1997, establishes the procedures and requirements to be followed for the review, accreditation, and registration of training programs, lead hazard reduction activities courses, and individuals.

(2) The legislature of the State of Alabama has enacted Chapter 37A of Title 22, Code of Ala. 1975, to meet the requirements established in Title IV of the Federal Toxic Substances Control Act (TSCA), which is Public Law 99-519, as amended, to ensure the availability of a trained and qualified workforce to identify and address lead-based paint hazards, and to protect the general public from exposure to lead hazards. Theappropriate Federal statutes and regulations are adopted herein by reference as legal authority. Where there is an inconsistency between the Alabama statute and Federal regulations, the Alabama statute controls; and where the Alabama statute is silent, Federal regulations control.
Author: John Sikes, Gayle Howell, Kim Whitehurst, Charles Markin

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822-X-1-.02 Applicability.

(1) This chapter applies to target housing and child-occupied facilities as defined in 40 CFR 745.223 and in AAC Chapter 420-3-27.03.

(2) This Chapter applies to all persons who are engaged in lead-based paint hazard reduction activities as defined in 40 CFR 233 and in AAC Chapter 420-3-27-.03 that are conducted in or on target housing or child-occupied facilities.

(3) This Chapter shall apply to any person contracted by the owner of a residential dwelling or child occupied facility to perform lead hazard reduction or abatement activities or to plan such activities and to where the owner performs such activities in or upon another residential dwelling which is not his or her private residence or the portion thereof.

(4) This Chapter applies to 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, lead-based paint activities, and lead hazard reduction activities set out herein and in any local, State, or Federal regulations.

(5) This Chapter shall not apply to persons performing lead-based paint abatement within a residential dwelling that they unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or by a child residing in the building that has been identified as having an elevated blood lead level.
Author: John Sikes, Gayle Howell, Kim Whitehurst, Charles Markin, Jason Brasfield
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822-X-1-.03 Definitions.

(1) ***AAC*** means the Alabama Administrative Code.

(2) ***Abatement*** means any measure or set of measures designed to permanently eliminate lead-based paint hazards. 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, and the removal or covering of lead-contaminated soil; and

(b) All preparation, cleanup, 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 the Department's rules promulgated in AAC Chapter 420-3-27 will be conducting activities in or to a residential dwelling or child-occupied facility that:

(i) Shall result in the permanent elimination of lead-based paint hazards; or

(ii) Are designed to permanently eliminate lead-based paint hazards and are described in paragraphs (a) and (b) of this definition.

2. Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals certified in accordance with the Department rules promulgated in AAC Chapter 420-3-27, 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 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 hazard reduction 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 involve lead hazard reduction activities as defined by this Section. 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.

(3) ***Accredited abatement worker*** means an individual who has been trained by an accredited training program, as defined by this Section, and registered by Safe State pursuant to Section 822-X-1-.06 to perform abatements. For the purpose of this Chapter, an accredited abatement worker shall have the same meaning as a certified abatement worker as defined in 40 CFR 745.223.

(4) ***Accredited lead-based paint inspector*** means an individual who has been trained by an accredited training program, as defined by this Section, and registered by Safe State pursuant to Section 822-X-1-.06 to conduct lead-based paint inspections, sample for the presence of lead in dust and soil for the purpose of abatement clearance testing, and plan and approve the activities and sign reports of a sampling technician. For the purpose of this Chapter, an accredited lead-based paint inspector shall have the same meaning as a certified inspector as defined in 40 CFR 745.223.

(5) ***Accredited project designer*** means an individual who has been trained by an accredited training program, as defined by this Section, and registered by Safe State pursuant to Section 822-X-1-.06 to prepare abatement project designs, occupant protection plans, and post-abatement reports for lead abatement projects. For the purpose of this Chapter, an accredited project designer shall have the same meaning as a certified project designer as defined in 40 CFR 745.223.

(6) ***Accredited risk assessor*** means an individual who has been trained by an accredited training program, as defined by this Section, and registered by Safe State pursuant to Section 822-X-1-.06 to conduct risk assessments, sample for the presence of lead in dust and soil for the purpose of identifying lead hazards and abatement clearance testing, and plan and approve the activities and sign reports of a sampling technician. For the purpose of this Chapter, an accredited risk assessor shall have the same meaning as a certified risk assessor as defined in 40 CFR 745.223.

(7) ***Accredited supervisor*** means an individual who has been trained by an accredited training program, as defined by this Section, and registered by Safe State pursuant to Section 822-X-1-.06 to supervise and conduct abatements and to prepare occupant protection plans and post-abatement reports. For the purpose of this Chapter, an accredited supervisor shall have the same meaning as a certified supervisor as defined in 40 CFR 745.223.

(8) ***Accredited renovator*** means an individual who has been trained by an accredited training program, as defined by this Section, and registered by Safe State pursuant to Section 822-X-1-.06 to perform or direct workers who perform renovations. For the purpose

of this Chapter, an accredited renovator shall have the same meaning as a certified renovator as defined in 40 CFR 745.223.

(9) ***Accredited sampling technician*** means an individual who has been trained by an accredited training program, as defined by this Section, and registered by Safe State pursuant to Section 822-X-1-.06 to conduct visual assessments of painted surfaces and perform dust sample collections following remodeling and renovation activities: and certain other visual assessments as required by HUD regulation 24 CFR 35 as amended. For the purpose of this Chapter, an accredited sampling technician shall have the same meaning as a "clearance technician" as defined in 24 CFR 35.1340. Also for the purposes of this Chapter, a "sampling technician" shall have the same meaning as a "dust sampling technician" as referenced in 40 CFR 745.90

(10) ***Accredited training program*** means a training program that has been accredited by either Safe State pursuant to 822-X-1-.04, or by a state or tribe with which Alabama has a written reciprocal agreement pursuant to this Chapter, to provide training for individuals engaged in lead hazard reduction activities.

(11) ***Administrator*** means the Administrator of the United States Environmental Protection Agency.

(12) ***Certification examination*** means a lead-based paint activity discipline-specific examination administered by or authorized by Safe State or a state or tribe with which Safe State has a written reciprocal agreement pursuant to Section 822-X-1-.04.

(13) ***CFR*** means Code of Federal Regulations

(14) ***Child-occupied facility*** means a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, six (6) years of age or under, on at least two different days within any week (Sunday through Saturday period), provided that 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 may include, but are not limited to, day-care centers, preschools, and kindergarten classrooms. Child-occupied facilities may be located in target housing, 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 6 only pass through such as hallways, stairways, and garages are not included. In addition, with respect to the 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 6.

(15) ***Clearance sampling*** means a visual assessment and dust sample collection or soil sampling following:

(a) Lead-based paint abatement that must be performed only by a Safe State registered lead-based paint inspector or risk assessor; or

(b) Lead contaminated soil abatement that must be performed only by a Safe State registered lead-based paint inspector or risk assessor; or

(c) Interim controls, renovation, and remodeling as required by HUD which may be performed by a sampling technician as well as a Safe State registered lead-based paint inspector or risk assessor;

(16) ***Common area*** means 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.

(17) ***Course agenda*** means an outline of the key topics to be covered during a training course, and must include the starting time for each lecture, exercise, or hands-on section and the name of the instructor for each key topic.

(18) ***Course student roster*** means a list of names of every individual who attended the course, including those who did not complete all the requirements of the course.

(19) ***Course test*** means a closed-book evaluation of the overall effectiveness of the training which shall test the trainees' knowledge and retention of the topics covered during the course.

(20) ***Course test blue print*** means written documentation identifying the proportion of course test questions devoted to each major topic in the course curriculum.

(21) ***Department*** means the Alabama Department of Public Health.

(22) ***Deteriorated paint*** means any interior or exterior paint that is peeling, chipping, chalking, cracking, or otherwise separating from the substrate of a building component.

(23) ***Discipline*** means one of the specific types or categories of lead hazard reduction activities identified in this Chapter for which individuals may receive training from accredited training programs and become registered with Safe State. For example, "abatement worker” is a discipline.

(24) ***Electronic document submittals*** means photographs, transcripts, application forms, rosters, notifications, or other

supporting documentation required by this Chapter that is submitted via electronic means, i.e. internet forms, facsimile, or other forms of non-paper transmittal.

(25) ***EPA*** means the United States Environmental Protection Agency.

(26) ***Guest instructor*** means an individual designated by the training program manager to provide instruction specific to the lecture, hands-on exercises, or work practice components of a course.

(27) ***Hands-on exercise*** means an activity which requires the student to practice performing a work task or procedure. An exercise or activity in which the instructor shows a student how to perform a task but without requiring the student to actually perform the task is a demonstration, rather than a hands-on exercise.

(28) ***Hands-on skills assessment*** means an evaluation which tests the trainees' ability to satisfactorily perform the work practices and procedures identified in Section 822-X-1-.04(2)(b)1-.6. as well as any other skill taught in a training course.

(29) ***HUD*** means the United States Department of Housing and Urban Development.

(30) ***Inspection*** shall have the same meaning as lead-based paint inspection.

(31) ***Inspector*** shall have the same meaning as an accredited lead-based paint inspector.

(32) ***Interim controls*** means a 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, on-going monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

(33) ***Lead-based paint*** means paint or other surface coating that contains lead equal to or in excess of 1.0 milligram per square centimeter (1.0 mg/cm 2) or 0.5% by weight , or such other levels set by the EPA which shall be adopted by reference for the purposes of this definition.

(34) ***Lead-based paint free*** means a designation for target housing or a child-occupied facility for which a written determination has been made by a Safe State registered lead-based paint inspector or risk assessor that all components are free of lead-based paint.

(35) ***Lead-based paint hazard*** means 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 accessible surfaces, chewable surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by the EPA pursuant to TSCA, as amended.

(36) ***Lead-based paint hazard control*** means any set of measures designed to temporarily reduce human exposure or likely exposure to lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or subject to deterioration or damage or is present on accessible surfaces, on chewable surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by the Department pursuant to TSCA, as amended.

(37) ***Lead-based paint inspection*** means 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.

(38) ***Lead-contaminated dust*** means surface dust in a residential dwelling or child-occupied facility that contains an area or mass concentration of lead at or exceeding levels as then in effect set by the Department pursuant to TSCA, as amended.

(39) ***Lead-contaminated soil*** means bare soil on the property of a residential dwelling and on the property of a child-occupied facility that contains lead at or exceeding levels as then in effect set by the Department pursuant to TSCA, as amended.

(40) ***Lead hazard reduction activities*** mean activities designed to reduce exposure to lead in residential dwellings or child occupied facilities and include lead-based paint inspections, risk assessments, renovations, enclosure, encapsulation, component removal, or removal of lead-based paint or lead contamination, or both, clearance sampling following abatement, the design and planning of such activities, and other related activities as established in TSCA, as amended.

(41) ***Learning objective*** means the knowledge, skills, abilities, and behaviors a student is expected to obtain from a given instruction activity.

(43) ***Person*** means an individual, firm, corporation, partnership, commission, state agency, county governmental body, municipal corporation, party, company, association, or any other private or public legal entity; any Indian tribe; any interstate body; the State of Alabama, its counties, districts and municipalities, and all subdivisions, districts, officers, agencies, departments, institutions, or instrumentalities thereof; and any department, agency, or instrumentality of the Federal government.

(44) ***Principal instructor*** means the individual who has the primary responsibility for organizing and teaching a particular course.

(45) ***Project*** means for the purposes of this Chapter, an abatement of lead-based paint from one or more residential dwellings (including attached structures and outbuildings), child-occupied facilities, or any combination located within the same local government jurisdiction and submitted under a common project notification.

(46) ***Project design*** means a written or graphic plan which is included as part of an abatement contract, prepared by a Safe State registered project designer specifying how an abatement project is to be conducted that must include, at a minimum, the scope of work, cost allocation or similar document, technical specifications, lead-based paint hazard control methods, interior dust abatement and cleanup methods, requirement for clearance sampling or testing, waste disposal, integration of lead hazard reduction activities with modernization and rehabilitation projects, and the project designer's signature and accreditation number.

(47) ***Registered individual*** means a person such as an accredited abatement worker, lead-based paint inspector, project designer, risk assessor, supervisor, or other individual involved in lead hazard reduction activities who has been accredited by an accredited training program and who is entered in the Registry.

(48) ***Registered training course*** means any lead hazard reduction activities training course which is accredited by Safe State or by a state or tribe with which Alabama has a written reciprocal agreement, that is entered in the Registry.

(49) ***Registry*** means the Alabama state-wide "*Registry of Lead Hazard Reduction Activities Training Courses and Individuals*" maintained by Safe State.

(50) ***Renovation/remodeling*** 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 this part. 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 paintedsurfaces to install blown-in insulation or to gain access to attics, planing 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.

(51) ***Residential dwelling*** means 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; or

(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.

(52) ***Risk assessment*** means

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

(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.

(53) ***Safe State*** means the Safe State Program, a division of the University of Alabama, designated by statute as the state accreditation agency for lead hazard training.

(54) ***State and tribal programs*** means any lead-based paint activities or lead hazard reduction programs for target housing and child-occupied facilities established by 40 CFR Part 745, Subpart Q.

(55) ***Target housing*** means any residential dwelling constructed prior to 1978, except housing for the elderly or persons with disabilities (unless one or more children age six (6) years or under resides or is expected to reside in such housing for the elderly or persons with disabilities) or any 0-bedroom dwelling.

(56) ***Training course*** means a course of instruction designed to develop specialized knowledge and skills in leadhazard reduction activities such as inspector, risk assessor, supervisor, project designer, abatement worker, sampling technician, renovator, or other disciplines as provided in Title IV of TSCA, as amended. For the purposes of this Chapter, the term “training course” shall include refresher training courses unless the context clearly indicates otherwise.

(57) ***Training curriculum*** means an established set of course topics for instruction in a training course for a particular discipline designed to provide specialized knowledge and skills.

(58) ***Training hour*** means at least 50 minutes of actual instruction, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, or hands-on exercises, or any combination of lecture, activity, demonstration, evaluation, or hands-on exercise. Training hours do not include time spent on registration, breaks, and lunches.

(59) ***Training manager*** means the individual responsible for administering a training program, monitoring the performance of principal instructors and guest instructors, and ensuring that the training program complies at all times with Section 822-X-1-.04.

(60) ***Training program*** means an individual or organization that provides training for individuals engaged in lead hazard reduction activities, that has not been accredited by either Safe State pursuant to 822-X-1-.04, or by a state or tribe with which Alabama has a written reciprocal agreement pursuant to this Chapter.

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

(62) ***Visual inspection for risk assessment*** means 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.

(63) ***Week day*** means either Monday, Tuesday, Wednesday, Thursday, or Friday, except for holidays.
Author: John Sikes, Gayle Howell, Kim Whitehurst, Charles Markin, Jason Brasfield
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822-X-1-.04 Accreditation Of Lead Hazard Reduction Activities Training Programs: Target Housing And Child-Occupied Facilities.

(1) Procedures and requirements for training program accreditation

(a) Scope

1. A training program may seek accreditation to offer training courses in any of the following disciplines: inspector, risk assessor, supervisor, project designer,

renovator, abatement worker, sampling technician, and such other disciplines as are from time to time provided for in Title IV of TSCA, as amended. A training program may also seek accreditation to offer refresher training courses for those same disciplines.

2. A training program shall not provide or offer, or claim to provide or offer, accredited training courses without first applying for and receiving accreditation and registration from Safe State as required under this Section.

(b) Training Program Application procedure. Following are the procedures a training program shall follow to apply to Safe State for accreditation to offer lead hazard reduction activities training courses:

(1) A training program seeking conditional accreditation must not only submit to Safe State a written application using an application form designated by Safe State, but also must meet the requirements of (1)(c) of this Section. Applications for an English language training course and for a non-English language training course in the same discipline must be submitted separately. For each training course the training program shall submit the following information:

(i) The training program's name, street address, mailing address, and telephone number;

(ii) A list of training courses for which it is applying for accreditation;

(iii) A statement signed by the training manager certifying that the training program meets the requirements established by this Section;

(iv) Copies of documents evidencing the education, work experience, training, or demonstrated experience of the training manager, principal instructor, and any guest instructors as described in 822-X-1-.04(1)(c)1. - 3. The training program shall give written notice to Safe State of any changes in the training instructors or guest instructors initially listed in the application for accreditation;

(v) A legible copy of the student and instructor manuals and other materials to be used for each training course with identification of the location of topics in the student manual on forms designated by Safe State. If a published textbook is used as supplemental training course material, the author's

name, textbook title, publisher, and publication date shall be provided;

(vi) A statement as to who developed or authored the training course materials;

(vii) A copy of the course agenda for each training course;

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

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

(x) Starting times and ending times for each day of training, and the total hours of each training course;

(xi) A list of learning objectives for each lecture and hands-on exercise;

(xii) A copy of the course test blueprint and the course test;

(xiii) A copy of the quality control plan as described in 822-X-1-.04(1)(c)13. and;

(xiv) Accreditation fee for each course equal to $450 per each training day of eight training hours.

2. Within 60 calendar days after receiving from the training program a complete application described in 822-X-1-.04 (1)(b)1., Safe State will conditionally accredit the training program. Conditional accreditation will be effective for up to one year and is subject to renewal at the discretion of Safe State. Upon receiving conditional accreditation, to demonstratethat it meets the requirements of 822-X-1-.04(1)(c) and (d) for each training course for which it seeks accreditation, a training program must have each such training course audited by Safe State. If Safe State's audit finds that the training course meets the requirements of 822-X-1-.04(1)(c) and (d) Safe State shall grant final accreditation and issue to the training program a letter confirming accreditation for each accredited training course. If a training program is not granted final accreditation as the result of the audit conducted pursuant to this paragraph, the students of that class are not eligible for accreditation. If the training course is disapproved following the audit, the training program may re-apply.

3. A training program may apply for accreditation to offer training courses in as many disciplines as it chooses. A training program may seek accreditation for additional training courses at any time as long as the training program also can demonstrate that it meets the requirements of 822-X-1-.04(1)(c).

(c) Requirements for the accreditation of training programs. For a training program to obtain final accreditation from Safe State to offer training courses, in addition to the application procedure described in 822-X-1-.04(1)(b), the program shall meet the following requirements:

1. The training program shall employ a training manager who has:

(i) Demonstrated experience in either lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, industrial hygiene, or environmental assessment and remediation; and

(ii) One of the following:

(I) Two (2) years of experience, education, or training in teaching workers or adults; or

(II) Two (2) years of experience managing a training program specialization in environmental hazards; or

(III) A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration, program management, or a related field.

2. The training manager shall designate a qualified principal instructor for each training course who has:

(i) Demonstrated experience, education, or training in teaching workers or adults; and

(ii) Completed a training course and maintained current refresher training for each discipline in which they are to teach; and

(iii) Two (2) years of experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

3. The training manager may designate guest instructors as needed to provide specific instruction on training course topics. There are two classifications of guest instructors, each requiring different qualifications:

(i) Guest instructors who provide instruction specific to the hands-on exercises or work practice topics of a training course must meet the same qualification requirements as a principal instructor listed in paragraph (1)(c)2.

(ii) Guest instructors who provide instruction specific to training course topics other than hands-on exercises and work practices topics must demonstrate experience, education, or training in teaching workers or adults and have at least two (2) years of experience, education, or training in the training course topic in which the guest instructor will provide instruction.

4. The principle instructor shall be responsible for the organization of the training course and oversight of the teaching of all training course material. The principal instructor shall ensure that all topics covered in each training course reflect the federal, state, and local regulations, standards, and guidelines that are then in effect at the time the training course is conducted.

5. The following documents shall be recognized by Safe State as evidence that training managers, principal instructors, and guest instructors have the education, work experience, training, or demonstrated experience listed in paragraphs (1)(c)1. through (1)(c)3. of this Section.

(1) Academic transcripts or diploma, as evidence of meeting the educational requirements.

(ii) Documentation of work experience, as evidence of meeting the work experience requirements, shall be detailed on forms designated by Safe State. Detailed descriptions of workexperience shall include, at a minimum, the number of and inclusive dates of projects and jobs, the size of each project and job, descriptions of tasks performed by the individual, and the names and telephone numbers of supervisors on each project or job.

(iii) Certificates from train-the-trainer courses and lead-specific training courses, as evidence of meeting the training requirements.

6. The training program shall ensure the availability of, and provide adequate facilities for, the delivery of the lecture, course test, hands-on exercises, and hands-on skills assessment activities. This includes providing and using training equipment that reflects current work practices and maintaining or updating the equipment and facilities as needed.

7. The training manager shall allow Safe State to audit the training program to verify the contents of the application for accreditation submitted by the training program. Safe State, states and tribes with written reciprocal agreements with Safe State, EPA, or all three may audit the training program to verify the contents of the application for accreditation submitted by the training program.

8. Training programs must offer training courses which teach the standards for conducting lead hazard reduction activities described in the Department's rules in AAC Chapter 420-3-27, as amended, and those standards adopted by EPA pursuant to Title IV of TSCA, as amended. These standards shall be taught in the appropriate training courses to provide trainees with the knowledge and skills needed to perform the lead hazard reduction activities.

9. To become accredited in the following disciplines, the training program shall provide training courses that meet the following training hour requirements:

(i) The inspector training course shall last a minimum of 24 training hours, with a minimum of 8 hours devoted to hands-on experience. The minimum curriculum requirements for the inspector training course are contained in paragraph (2)(b)1. of this Section;

(ii) The risk assessor training course shall last a minimum of 16 training hours, with a minimum of 4 hours devoted to hands-on exercises. The minimum curriculum requirements for the risk assessor training course are contained in paragraph (2)(b)2. of this Section;

(iii) The supervisor training course shall last a minimum of 32 training hours, with a minimum of 8 hours devoted to hands-on exercises. The minimum curriculum requirements for the supervisor training course are contained in paragraph (2)(b)3. of this Section;

(iv) The project designer training course shall last a minimum of 8 training hours. The minimum curriculum

requirements for the project designer training course are contained in paragraph (2)(b)4. of this Section;

(v) The renovator training course shall last a minimum of 8 training hours with a minimum of 2 hours devoted to hands-on exercises. The minimum curriculum requirements for the renovator training course are contained in paragraph (2)(b)5., of this Section;

(vi) The abatement worker training course shall last a minimum of 16 training hours, with a minimum of 8 hours devoted to hands-on exercises. The minimum curriculum requirements for the abatement worker training course are contained in paragraph (2)(b)6. of this Section.

(vii) The sampling technician training course shall last a minimum of 8 training hours, with a minimum of 2 hours devoted to hands-on- exercises. The minimum curriculum requirements for the sampling technician training course are contained in paragraph (2)(b)7. of this Section.

10. Each training course shall be taught in the language in which all students of that particular class are fluent. Written materials must be correctly translated into the language in which all participating students are fluent. The principal and guest instructor(s) must be sufficiently fluent in the language in which the class is conducted, interpreters may not be used to teach or instruct training courses.

11. Minimum trainee competency and proficiency requirements.

(i) For each training course offered, the training program shall conduct hands-on skills assessment, (except the project designer training course), and a course test at the completion of the training course. The minimum passing score on any course test shall be 70% correct. The hands-on skills assessment, if applicable, and the course test must be successfully completed by the student in order for the individual to pass any training course.

(ii) The training manager is responsible for maintaining the validity and integrity of the hands-on skills assessment to ensure that it accurately evaluates the student’s performance of the work practices and procedures associated with the training course topics contained in paragraphs (2)(b) of this Section.

(iii) The training manager is responsible for maintaining the validity and integrity of the course test to ensure that it accurately evaluates the student's knowledge and retention of the training course topics, contained in paragraph (2)(b) of this Section.

(iv) The course test shall be developed in accordance with the course test blueprint submitted with the training accreditation application. The supervisor, inspector, risk assessor, and project designer course tests shall consist of a minimum of 50 multiple choice test items. All other course tests shall consist of a minimum of 25 test items using any Safe State approval format.

12. Training programs shall issue a unique training course completion certificates to each student who successfully completes the course requirements. The training course completion certificate shall include:

(i) The name and address of the student;

(ii) The name of the training course or refresher training course that the student has completed and the discipline;

(iii) Inclusive dates of the training course and the date of test passage;

(iv) The name, address, and telephone number of the training program;

(v) The street address of the training site if different from the training program's address;

(vi) The printed name of the principal instructor;

(vii) The printed name and signature of the training manager;

(viii) For non-English abatement worker training and refresher training courses only, the language in which the course was taught;

(ix) The date the training course was accredited and the name of the agency issuing the accreditation.

(x) A unique identification number which clearly distinguishes the training course and the student to whom the course completion certificate was issued from any other training course or student; and

(xi) The expiration date of the individual's training in that discipline, which is three years from the last day of the training course or refresher training course.

(xii) The renovator and sampling technician* certificate requires a photograph of the accredited student on the training course certificate.

13. The training manager shall develop and implement a quality control plan. The plan shall be used to maintain and improve the quality of the training program over time. This quality control plan shall contain, at a minimum, the following requirements:

(i) Procedures for periodic revision of training materials, hands-on exercises, and the course test to reflect new developments, new regulations, and innovations in the field;

(ii) Procedures for the training manager's annual review of instructor competence and awareness of new developments, new regulations, and innovations in the lead-based must be reviewed at least annually;

(iii) The training manager shall not require persons enrolled in training courses to participate in more than eight hours of actual training in any single 24 hour period;

(iv) The training manager shall not require or allow attendance in training courses to exceed four hours in any single day following a work shift of eight hours or more;

(v) The training manager shall require that all training course requirements must be completed within two weeks of the training course start date;

14. The training manager shall be responsible for ensuring that the training program complies at all times with all of the requirements of this Section.

(d) Notification procedures.

1. At least ten (10) calendar days prior to the first day of instruction of a training course, the training manager, using forms designated by Safe State, must provide to Safe State written notification of the starting date of that training course, the training site, and language in which it will be taught.

2. The training manager shall give Safe State written notice of any changes in the starting date, location, or language of a training course at least two (2) week days prior to the first day of instruction of that training course.

3. No later than seven (7) calendar days after the conclusion of a training course or refresher training course, the training manager shall provide a written course student roster to Safe State on forms designated by Safe State. The course student roster shall contain the name of every individual who attended the training course, including those who did not complete all of the training course requirements. The student roster shall also contain the test scores for each individual, the form of individual identification, the unique certificate number assigned to that attendee, and additional information deemed necessary by Safe State to manage the information effectively.

4. Notice of a new principal or guest instructor shall be given at least 30 calendar days prior to the date that new instructor is to begin teaching and shall be accompanied by the required documentation of that new instructor's qualifications.

5. The training manager's failure to provide timely notifications required by (d)1. through (d)4. of this paragraph may result in disapproval by Safe State of training course completion certificates issued by that training program as part of an individual's application for accreditation in Alabama or suspension by Safe State of the training program's accreditation or registration, or both.

(2) Minimum training curricula requirements

(a) To become accredited to offer lead hazard reduction activities training courses in specific disciplines, training programs must ensure that each training course of study includes, at a minimum, the training course topics listed in (2)(b) of this paragraph.

(b) Requirements ending in an asterisk (*) indicate areas that require hands-on exercises as an integral component of the training course. Requirements ending in a cross (+) indicate work practice topics. An instructor/student ratio of 1:10 isrecommended for the hands-on exercises. The training program must provide enough work stations to ensure students perform hands-on exercises with minimal waiting time. Demonstrations of work tasks and procedures shall not be substituted for hands-on exercises.

1. Inspector Training Course:

   (i) The role and responsibilities of the inspector.

   (ii) Background information on federal, state, and local laws regulations and guidance that pertains to lead-based paint and lead hazard reduction activities.

   (iii) Background information on lead and its adverse health effects.

   (iv) Lead-based paint inspection methods, including selection of rooms and components for sampling and testing.*+

   (v) Paint, dust, and soil sampling methodologies.*+

   (vi) Clearance standards and testing, including random sampling.*+

   (vii) Preparation of the final inspection report.*+

   (viii) Record keeping.

2. Risk Assessor Training Course:

   (i) The role and responsibilities of the risk assessor.

   (ii) Collection of background information to perform a risk assessment.

   (iii) Sources of environmental lead contamination such as paint, surface dust and soil, water, air, packaging, and food.

   (iv) Visual inspection for the purposes of identifying potential sources of lead-based paint hazards.*+

   (v) Lead hazard screen protocol.+

   (vi) Sampling for other sources of lead exposure.*+

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

   (viii) Development of hazard control options, the role of interim controls, and operations and

maintenance activities to reduce lead-based paint hazards.+

(ix) Preparation of a final risk assessment report.+

3. Supervisor Training Course:

(i) Role and responsibilities of a supervisor.

(ii) Background information on lead and its adverse health effects.

(iii) Background information on federal, state, and local laws regulations and guidance that pertains to lead-based paint abatement.

(iv) Liability and insurance issues relating to lead-based paint abatement.

(v) Risk assessment and inspection report interpretation.*+

(vi) Development and implementation of an occupant protection plan and abatement report.+

(vii) Lead-based paint hazard recognition and control.*+

(viii) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices.*+

(ix) Interior dust abatement/clean-up or lead-based paint hazard control and reduction methods.*+

(x) Soil and exterior dust abatement or lead-based paint hazard control and reduction methods.*+

(xi) Clearance standards and testing.

(xii) Clean-up and waste disposal.+

(xiii) Record keeping.

4. Project Designer Training Course:

(i) Role and responsibilities of a project designer.

(ii) Development and implementation of an occupant protection plan for large-scale abatement projects.

(iii) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices for large-scale abatement projects.+

(iv) Interior dust abatement/clean-up or lead hazard control and reduction methods for large-scale abatement projects.+

(v) Clearance standards and testing for large-scale abatement projects.

(vi) Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large-scale abatement projects.

5. Renovator Training Course:

(i) Role and responsibilities of a renovator.

(ii) Background information on lead and its adverse health effects.

(iii) Background information on EPA, HUD, OSHA, and other Federal, State, and local regulations and guidance that pertains to lead-based paint and renovation activities.

(iv) Procedures for using acceptable test kits to determine whether paint is lead-based paint. * †

(v) Renovation methods to minimize the creation of dust and lead-based paint hazards. * †

(vi) Interior and exterior containment and cleanup methods. * †

(vii) Methods to ensure that the renovation has been properly completed, including cleaning verification and clearance testing. * †

(viii) Waste handling and disposal methods. * †

(xi) Providing on the job training to other workers.

(x) Record preparation.

6. Abatement Worker Training Course:

(i) Role and responsibilities of an abatement worker.

(ii) Background information on lead and its adverse health effects.

(iii) Background information on federal, state, and local regulations and guidance that pertains to lead-based paint abatement.

(iv) Lead-based paint hazard recognition and control.*+

(v) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices.*+

(vi) Interior dust abatement methods/clean-up or lead-based paint hazard reduction.*+

(vii) Soil and exterior dust abatement methods or lead-based paint hazard reduction.*+

7. Sampling Technician Training Course:

(i) Health effects of lead exposure.

(ii) Visual assessments.*+

(iii) Dust wipe sampling.*+

(iv) Selecting a laboratory and interpreting results.*+

(v) Writing and delivering the report.*+

8. Reserved.

(3) Requirements for the accreditation of refresher training courses.

(a) A training program may seek accreditation of refresher training courses in any of the following disciplines: lead-based paint inspector, risk assessor, supervisor, project designer, renovator, abatement worker, sampling technician or other such disciplines as are from time to time provided for in Title IV of TSCA, as amended.

1. To seek Safe State accreditation of refresher training courses, a training program must include in its refresher training courses the following minimum requirements:

(i) For each discipline which is the subject of the refresher training course, a review of the curriculum topics of the training course for the appropriate discipline listed under paragraph (2)(b) of this Section.

(ii) An overview of safety practices then in effect relating to lead hazard reduction activities in general, as well as specific information pertaining to that refresher training course for that discipline;

(iii) Laws and regulations then in effect relating to lead hazard reduction activities in general, as well as specific information pertaining to that refresher training course for that discipline;

(iv) Technologies then in effect relating to lead hazard reduction activities in general, as well as specific information pertaining to that refresher training course for that discipline;

(v) The abatement worker, supervisor, inspector, and risk assessor refresher training courses shall last a minimum of eight (8) training hours. The project designer, renovator, and sampling technician refresher training courses shall last a minimum of four (4) training hours.

(vi) A hands-on skills assessment for that discipline, (except for the project designer refresher training course) and a refresher training course test consisting of a minimum of 25 multiple choice questions at the completion of the refresher training course. The abatement worker refresher training course test may consist of a minimum pf 25 test items using any Safe State approved format.

2. The training program seeking accreditation of refresher training courses shall submit a written application to Safe State in the manner described in this Section. For each refresher training course which the training program desires to offer, the training program must submit the information specified in paragraph (1)(b)1., and meet all the conditions specified in paragraph (1)(b)2., of this Section.

3. The training manager, for each refresher training course, shall follow the notification procedures specified by paragraph (1)(d) of this Section.

(4) Training program record keeping requirements

(a) Accredited training programs, including conditionally accredited training programs, shall maintain, and make available to Safe State, upon request, the following records for each training course and refresher training course:

1. All documents specified in paragraph (1)(c)5. of this Section;

2. The current training curriculum and training course materials, including any documents reflecting any changes made to these materials;

3. The course test blueprint and course test;

4. The learning objectives for each lecture, exercise, and hands-on exercise;

5. Information regarding how the hands-on skills assessment is conducted including, but not limited to, who conducts the hands-on skills assessment, how the skills are graded, what facilities are used, and the pass/fail rate;

6. The quality control plan as described in paragraph (1)(c)13., including the following:

(i) Copies of revisions of training course materials, hand-on exercises, and the course test that reflect innovations and changes in the field or regulations;

(ii) Copies of the annual review of the competency of the principal instructor and all guest instructors;

(iii) Other records as required by the quality control plan.

7. The training or refresher training course agenda;

8. Results of the students' hands-on skills assessments and course tests, and a record of each student's training or refresher training course completion certificate; and

9. Any other material not listed in this paragraph that was submitted to Safe State as part of the training program's application for accreditation, re-accreditation, registration, or re-registration.

(b) The training program shall retain these records at the street address specified on the training program accreditation, re-accreditation, registration, or re-registration application (or as modified in accordance with this paragraph) for a minimum of three years and six months. The training program shall notify Safe State in writing within 30 calendar days after changing the street address or transferring the records from the street address specified on any application form submitted to Safe State.

(5) Training program audits

(a) In addition to audits performed in connection with 822-X-1-.04(1)(b)2. and (1)(c)7., Safe State may conduct unannounced audits of each training program, training course or refresher training course, or both to ensure compliance with all requirements of this Chapter.

(b) During an audit by Safe State, a training program, at no charge to Safe State, shall allow representatives of Safe State to attend all or any part of any training course. Training programs shall not restrict access by Safe State to any part of a training course while Safe State is conducting an on-site audit. As part of the audit process, training programs, upon request, shall make records as described in paragraph (4) of this Section available to Safe State for review, copying, and inspection.

(c) Out-of-state training programs may satisfy the audit requirements of this paragraph in either of the following ways:

1. By conducting a training course in Alabama and making arrangements, at no charge to Safe State for Safe State to conduct an on-site audit of the training course; or

2. By paying in advance the estimated travel costs for Safe State to travel to the training program out-of-state location for the purpose of conducting an audit. The estimated travel costs will be based on the University of Alabama policies regarding reimbursements of travel costs and food and lodging expense.

3. If the training program fails to notify Safe State of changes in the training course site or of cancellation of the training courses, Safe State may be unable to refund the advanced travel costs received by Safe State to the training program unless Safe State receives such notification at least two (2) week days prior to the date the change or cancellation is to take effect.

(6) Reciprocity. Safe State may seek written reciprocal agreements with other states or tribes where equivalency of lead certification and training requirements can be demonstrated. Safe State may recognize the accreditation of a training course or refresher training course granted by any other state or tribe with which Safe State has a written reciprocal agreement. A training program may apply to have any accredited training or refresher training course included in the Registry if the training or refresher training course has been accredited bySafe State, or by a state or tribe with which Alabama has a written reciprocal agreement.

(7) Electronic Document Submittals. Required documents may be submitted electronically via Safe State-managed internet sites,

electronic mail, facsimile, or other Sate State approved method in lieu of paper document submissions only if authorization is granted in advance by Safe State. Safe State reserves the right to request that original documentation be submitted at any time, even if authorization for electronic document submittals was previously granted.
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822-X-1-.05 Accreditation Of Individuals Engaged In Lead Hazard Reduction Activities: Target Housing And Child-Occupied Facilities.

(1) Procedures for accreditation of individuals

(a) Individuals seeking accreditation by Safe State to engage in lead hazard reduction activities shall:

1. Using forms designated by Safe State, submit to Safe State a written application and other required documentation demonstrating that they meet the accreditation requirements established in paragraph (1) (c) of this Section for the particular discipline for which accreditation is sought; and

2. Submit payment of an accreditation fee with the application for accreditation as follows:

(i) Inspector	$150.00 *
(ii) Risk Assessor	$150.00 *
(iii) Supervisor	$150.00
(iv) Project Designer	$150.00
(v) Renovator	$100.00
(vi) Lead Abatement Worker	$ 40.00
(vii) Sampling Technician	$ 100.00

*Any individual who applies simultaneously for accreditation as an accredited inspector and accredited risk assessor will be assessed a total accreditation fee of $200 for the two disciplines.

3. Documentation accompanying the application for accreditation shall meet the requirements established in paragraph (1)(d) of this Section. Safe State reserves the right to require submission of an official form of photographic identification issued by a government agency or office. Safe State will obtain evidence of the applicant having successfully passed the appropriate third-party certification examination.

4. It shall be a violation of this Chapter for an individual to conduct any of the lead hazard reduction activities described in the Department's rules in AAC Chapter 420-3-27-.10, unless that individual is accredited by Safe State pursuant to this Section, is registered pursuant to 822-X-1-.06(2), and is employed by a certified firm.

(b) Upon receipt of the completed application and verification that the applicant has met the requirements for the discipline, Safe State shall, within 30 calendar days, issue to the individual an Alabama Accreditation for Lead Hazard Reduction Activities certificate and a Safe State-issued photo identification card for the appropriate discipline(s). An individual's accreditation expires three (3) years from the last day of the individual's most recently completed training or refresher training course. Applicants who are accredited in accordance with the requirements of this Section shall also be entered in the Registry, without submitting a separate registration fee. Registration expires one (1) year from the last day of the individual's most recently completed training or refresher training course. Thereafter, to remain registered until the end of the accreditation or re-accreditation period, an individual must re-register annually in accordance with 822-X-.06(2)(a)3.

(c) Requirements for individual accreditation. To become accredited in any lead hazard reduction activities discipline, an individual must:

1. Successfully complete a training or refresher training course which is accredited in accordance with 822-X-1-.04 and is registered by Safe State in accordance with 822-X-1-.06(1) and receive a training course completion certificate in the appropriate discipline. Applicants who have successfully completed an accredited training or refreshertraining course which is not registered by Safe State may follow the procedures in paragraph (4) of this Section;

2. 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 course in lieu of the initial renovator training course to become a certified renovator.

3. Individuals who have successfully completed an accredited lead-based paint inspector or risk assessor course may take an accredited refresher sampling technician course in lieu of the initial training to become an accredited sampling technician.

4. Have attained at least 19 years of age; and

5. Meet or exceed the following additional requirements:

(i) For Lead-Based Paint Inspector:

(I) Take and pass the applicable Inspector certification examination which has been administered by a Safe State-approved testing service following procedures in paragraph (2) of this Section. Certification examination results from examinations administered by parties other than a Safe State-approved testing service must be verified by Safe State.

II. No additional requirements.

(ii) For Risk Assessor:

(I) Safe State registration as a lead-based paint inspector,

(II) Take and pass the applicable Risk Assessor certification examination which has been administered by a Safe State-approved testing service following procedures in paragraph (2) of this Section. Certification examination results from examinations administered by parties other than a Safe State-approved testing service must be verified by Safe State, and;

(III) One of the following:

A. Certification as an industrial hygienist, professional engineer, registered architect, or certification ina related engineering or health or environmental field (e.g., safety professional, environmental scientist); or

B. A bachelor's degree from a college or university accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or its equivalent, and

one year of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction); or

C. An Associate degree and two years of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction); or

D. A high school diploma (or equivalent), and at least three years of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction).

(iii) For Supervisor:

(I) Take and pass the applicable Supervisor certification examination which has been administered by a Safe State-approved testing service following procedures in paragraph (2) of this Section. Certification examination results from examinations administered by parties other than a Safe State-approved testing service must be verified by Safe State, and;

(II) One year of experience as an accredited or certified lead abatement worker; or

(III) At least two years of experience in a related field (e.g., lead, asbestos, or environmental remediation work) or in the building trades.

(iv) For Project Designer:

(I) Successful completion of an accredited and Safe State registered training course for supervisors; and

(II) One of the following:

A. A bachelor's degree in engineering, architecture, or a related profession from a college or university accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or its equivalent, and one year of experience in building construction and design, or a related field; or,

B. Four years of experience in building construction and design, or a related field.

(v) For Renovator:

(I) No additional requirements.

(vi) For Abatement Worker:

(I) No additional requirements.

(d) The following documents shall be recognized by Safe State as evidence of meeting the requirements of paragraph (1)(c) of this Section. These documents shall be submitted with the application for accreditation.

1. Academic transcripts or diploma, as evidence of meeting the educational requirements. Photocopies of academic transcripts or diploma are acceptable documents.

2. Documentation of work experience, as evidence of meeting the work experience requirements, detailed on forms designated by Safe State. Detailed descriptions of work experience must be included and, at a minimum, consist of the number of and inclusive dates of projects and jobs, the size of each project and job, descriptions of tasks performed by the applicant, and the names and telephone numbers of supervisors on each project or job.

3. An original training course completion certificate(s) issued by a Safe State registered training program or, if an original certificate is not available, a photocopy of the training certificate and course student roster accompanied by an original, signed letter from a Safe State registered training program which verifies that the applicant has completed the required training course, as evidence of meeting the training requirements.

4. An original or photocopy of a state-issued driver's license, a state-issued Department of Motor Vehicle identification card, a passport, a military identification card, or an official/certified birth certificate (no photocopies), as evidence of meeting the minimum age requirement.

(2) Procedures for taking the certification examination

(a) Safe State shall administer the certification examination or enter into agreements with other parties to administer the certification examination for lead hazard reduction activities for the disciplines of inspector, risk assessor, and supervisor.

(b) In order to take the certification examination for the disciplines of inspector, risk assessor, and supervisor an individual must:

1. Submit to Safe State, using designated forms, a written application to take one or more certification examination; and

2. Submit payment of the required certification examination fee for each examination.

(c) Upon receipt of a complete application for certification examination, Safe State shall forward to the applicant a notification of time and location for the examination.

(d) The applicant shall present official photographic proof of identity (issued by a government agency or office) and the notification of time and location to the Safe State-designated examiner at the examination site before being allowed to take the examination.

(e) Safe State will notify the applicant in writing of the results of the certification examination. The applicant must correctly answer at least 70% of the certification examination items in order to pass the certification examination.

(f) If the applicant does not pass the certification examination, (s)he may re-take the certification examination by repeating the application procedure described in paragraph (2)(b) of this Section.

(g) An individual may take the certification examination for a particular discipline no more than three (3) times within a six (6) month period. If an individual does not pass the certification examination after three attempts, the individual must include with the next certification examination application evidence of completion of a training course in the particular discipline since the date of the last attempted certification examination before being permitted to re-take the certification examination.

(3) Procedures for re-accreditation of individuals

(a) To maintain accreditation in a particular discipline, an accredited individual must apply to Safe State for re-accreditation no later than the third year of accreditation. The application must be received by Safe State no less than 30calendar days prior to the date of expiration of accreditation. To apply for re-accreditation, an individual must:

1. Using forms designated by Safe State, submit to Safe State an application for re-accreditation accompanied by an original refresher training course completion certificate in that discipline. If an original refresher training course completion certificate is not available, a photocopy of the refresher training course completion

certificate and course student roster accompanied by an original, signed letter from a Safe State registered training program which verifies that the applicant has completed the required refresher training course in that discipline will be accepted.

2. Submit payment of an accreditation fee with the application for accreditation as follows:

(i) Inspector	$150.00 *
(ii) Risk Assessor	$150.00 *
(iii) Supervisor	$150.00
(iv) Project Designer	$150.00
(v) Renovator	$100.00
(vi) Sampling Technician	$100.00
(vii) Lead Abatement Worker	$ 40.00

* Any individual who applies simultaneously for re-accreditation as an inspector and risk assessor will be assessed a total re-accreditation fee of $200 for the two disciplines.

(b) Upon receipt of the completed application for re-accreditation Safe State shall, within 30 calendar days, issue to the individual an Alabama Accreditation for Lead Hazard Reduction Activities certificate and a Safe State-issued photo identification card within the appropriate discipline(s). The re-accreditation expires three (3) years from the last day of the individual's most recently completed lead hazard reduction activities refresher training course. Any individual who is re-accredited by Safe State shall also be entered in the Registry and remain registered, unless suspended or revoked under 822-X-1-.07, without payment of a separate fee for one year from the last day of the individual's most recently completed lead hazard reduction activities refresher training course. Thereafter, to remain registered until the end of the next re-accreditation period and subsequent re-accreditation periods,an individual must comply with the requirements of Section 822-X-.06(2)(a)3.

(4) Individual accreditation and re-accreditation based upon non-registered training courses

(a) Individuals who have taken a training or refresher training course not currently registered by Safe State in accordance with 822-X-1-.04(1) or (3) or recognized through a reciprocal agreement in accordance with 822-X-1-.04(7), may

receive accreditation or re-accreditation by satisfying either of the following requirements:

1. The training program which is accredited to conduct the non-registered training course registers the training or refresher training course in accordance with paragraph 822-X-1-.06(1); or

2. The applicant completes a Safe State registered refresher training course in the appropriate discipline and submits to Safe State a complete application for accreditation or re-accreditation pursuant to paragraph (1) or (3) of this Section.

(b) The expiration date of an individual's accreditation or re-accreditation obtained in accordance with paragraph (4)(a) and (4)(b)of this Section shall be three (3) years from the last day of the most recently completed training or refresher training course.

(c) Individuals who are accredited or re-accredited in accordance with paragraph (4)(a) and (4)(b) of this Section shall be entered into the Registry without submitting a separate fee. Registration shall expire one (1) year from the last day of the most recently completed training or refresher training course. Thereafter, to remain registered until the next re-accreditation, an individual must comply with the requirements of Section 822-X-.06(2)(a)3.

(d) For individuals who are accredited or re-accredited in accordance with paragraphs (4)(a) and (4)(b) of this Section, subsequent refresher training shall be a refresher training course that is registered by Safe State.

(5) Reciprocity. Safe State may seek written reciprocal agreements with other states or tribes where equivalency with accredited training programs and training course requirements described in this Chapter can be demonstrated. Individuals seeking Alabama accreditation or registration by means of reciprocal agreements between Alabama and another stateor tribe shall apply for accreditation or registration in accordance with procedures established from time to time by Safe State.

(6) Electronic document submittals

(a) Required documents may be submitted electronically via Safe State-managed internet sites, electronic mail, facsimile, or other Safe State approved methods in lieu of paper document submissions only if authorization is granted in advance by Safe State. Safe State reserves the right to request that original documentation be submitted at any time, even if authorization for electronic document submittals was previously granted.

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822-X-1-.06 Registration And Re-Registration Of Accredited Training Courses And Accredited Individuals.

(1) Registration and re-registration of accredited training courses

(a) Safe State accredited training or refresher training courses will be entered in the Registry for the first year of accreditation at no additional fee for a period ending May 31 following accreditation. For subsequent years the training program may submit to Safe State a written application for re-registration.

(b) Re-registration will be for one year, June 1 through May 31. To ensure continuing registration of its training or refresher training courses, a training program must submit a complete application for re-registration no later than April 30 of each year. If a training program fails to complete timely re-registration for a training course the registration or re-registration for that training course shall expire and the training course will be deleted from the Registry. A complete application for re-registration shall include the following:

1. A list of training and refresher training courses to be re-registered;

2. A copy of training or refresher training course completion certificates to verify that all previously approved instructors have maintained training;

3. Name(s) of any principal or guest instructors to be added to the list of approved instructors and copies of their initial and any refresher training certificates specific to the courses they are to teach; and

4. A statement signed by the training manager stating that:

(i) The training program complies at all times with all requirements in paragraphs (1) through (3) of this Section, as applicable, and;

(ii) The record keeping and reporting requirements of 822-X-1-.04(4) shall be followed.

5. Payment of an annual fee of $100 for each course to be re-registered.

(c) The training manager shall allow Safe State to audit the training program to verify the contents of the application for re-registration as described in 822-X-1-.04(5).

(d) A training program whose training courses are accredited by another state or tribe which has entered into a reciprocal agreement with Safe State in accordance with 822-X-1-.04(7) may, using forms designated by Safe State, register its training or refresher training courses in the Registry by submitting to Safe State a written application for registration which shall include the following:

1. The training program's name, street address, mailing address, and telephone number; and

2. For each training and refresher training course for which it is applying for Safe State registration:

(i) The name of the approved training program manager;

(ii) The name of the approved principal instructor and copies of training and refresher training certificates specific to the course to be taught;

(iii) A list of all other instructors and copies of all initial and refresher training certificates specific to the courses they are to teach;

(iv) A training or refresher training course agenda;

(v) A current certificate of accreditation or letter of training program accreditation from the state or tribe with which Safe State has a written reciprocal agreement; and

(vi) Payment of an annual registration fee of $100 per training or refresher training course to be entered in the Registry maintained by Safe State.

(d) If the accreditation of a training program is suspended, revoked, or modified in accordance with 822-X-1-.07, the training program’s listing in the Registry shall likewise be suspended, revoked, or modified.

(e) Training or refresher training course completion certificates issued by a training program not entered in the

Registry will not be recognized for purposes of individual accreditation and registration pursuant to 822-X-1-.05(1) or (3) and 822-X-.06(2).

(2) Registration and re-registration of accredited individuals

(a) Accredited individuals shall be entered in the Registry in the following ways:

1. Upon initial accreditation in accordance with paragraph 822-X-1-.05(1), individuals shall be entered in the Registry for one year from the date established in accordance with paragraph 822-X-1-.05(1)(b) without paying a separate fees for registration.

2. Upon re-accreditation in accordance with paragraph 822-X-1-.05(3), individuals shall be entered in the Registry for one year from the date established in accordance with paragraph 822-X-1-.05(3) without paying a separate fees for re-registration.

3. To remain in the Registry during the years between accreditation and re-accreditation (and subsequent re-accreditation), an individual shall:

(i) Submit to Safe State a written application for re-registration using forms designated by Safe State.

(ii) The application for re-registration in a particular discipline must be accompanied by the following fee:

(I) Inspector	$150.00 *
(II) Risk Assessor	$150.00 *
(III) Supervisor	$150.00
(IV) Project Designer	$150.00
(V) Renovator	$100.00
(VI) Sampling Technician	$100.00
(VII) Lead Abatement Worker	$40.00

* Any individual who applies for re-registration as an inspector and risk assessor simultaneously will be assessed a total re-registration fee of $200 for the two disciplines.

(3) Electronic document submittals

(a) Required documents may be submitted electronically via Safe State-managed internet sites, electronic mail, facsimile, or other Safe State approved methods in lieu of paper document submissions only if authorization is granted in advance by Safe State. Safe State reserves the right to request that original documentation be submitted at any time, even if authorization for electronic document submittals was previously granted.

Author: John Sikes, Gayle Howell, Kim Whitehurst, Charles Markin, Jason Brasfield
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822-X-1-.07 Suspension, Revocation, Or Modification Of Accreditation And Registration Of Training Programs Or Courses Or Individuals Engaged In Lead Hazard Reduction Activities.

(1) Procedures for the suspension, revocation, or modification of accreditation and registration of training programs or courses or individuals

(a) Safe State, after providing notice and an opportunity for hearing as provided for herein, may suspend, revoke, or modify a training program's accreditation or registration (including refresher training accreditation or registration) if the training program, its training manager, orother person with supervisory authority over that training program has:

1. Misrepresented the contents of a training course or a refresher training course to EPA, Safe State, any state or tribe with which Safe State has a written reciprocal agreement, or the student population; or

2. Failed to submit required information or notifications in a timely manner or in the format required by Safe State as required by this Chapter; or

3. Failed to maintain the records required by this Chapter; or

4. Falsified accreditation or registration records, instructor qualifications, or other accreditation-related or registration-related information or documentation; or

5. Failed to comply with the training standards and requirements in this Chapter; or

6. Failed to comply with Title IV of TSCA, as amended, Chapter 37A, Title 22, Code of Ala. 1975, as amended, or such other federal, state, or local laws, statutes, or ordinances or any regulations promulgated pursuant thereto, applicable to lead hazard reduction activities or lead-based paint hazards; or

7. Made false or misleading statements to Safe State in its application for accreditation, re-accreditation, registration or re-registration which Safe State relied upon in approving the application.

(b) Safe State may, after providing notice and opportunity for hearing as provided for herein, may suspend, revoke, or modify an individual's accreditation or registration, or both, if an individual has:

1. Obtained training documentation through fraudulent means; or

2. Gained admission to and completed an accredited training course or refresher training course through misrepresentation of admission requirements; or

3. Obtained accreditation or registration through misrepresentation of accreditation or registration requirements or related documents dealing with education, training, professional registration, or experience; or

4. Permitted another person to duplicate or to use the individual's own Alabama Accreditation for Lead Hazard Reduction Activities certificate and/or the individual’s own Safe State-issued photo identification card for purposes in violation of this Chapter or law; or

5. Performed lead hazard reduction activities at a project that is certified under the Department’s rules in AAC Chapter 420-3-27 without having a Safe State-issued photo identification card in the appropriate discipline available at the job site for inspection; or

6. Made false or misleading statements or approvals of a sampling technician's lead-based paint activities; or

7. Failed to comply with the work practice standards established by the Department’s rules in AAC Chapter 420-3-27; or

8. Been subject of a final order imposing a civil penalty or a criminal conviction for engaging in a prohibited act or acts under the Department’s rules in AAC Chapter 420-3-27; or

9. Failed to comply with Title IV of TSCA, as amended, Chapter 37A, Title 22, Code of Ala. 1975, as amended, or any other federal, state, or local laws, statutes, or ordinances or any regulations promulgated pursuant thereto, applicable to lead hazard reduction activities or lead-based paint hazards; or

10. Executed a consent agreement in settlement of an enforcement action brought by EPA or the Alabama State Board of Health arising out of or as a result of a violation of Title IV of TSCA, as amended, Chapter 37A, Title 22, Code of Ala. 1975, as amended, or any other federal, state, or local laws, statutes, or ordinances or any regulations promulgated pursuant thereto, applicable to lead hazard reduction activities or lead-based paint hazards.

(c) Prior to Safe State taking action to suspend, revoke, or modify the accreditation or registration of a training program, of a training course, of a refresher training course, or of an individual, Safe State shall notify the training program or individual in writing of the following:

1. A short and plain statement of the grounds for the action and a reference to the rules and laws involved.

2. A statement of the commencement date and duration of the suspension, revocation, or modification should the training program or individual not request a hearing withinfourteen (14) calendar days from its receipt of the written notice from Safe State.

3. A statement of the actions, if any, which the training program or individual may take to avoid suspension, revocation, or modification or to receive accreditation or registration in the future.

4. The method for requesting a hearing prior to Safe State taking the action described in the notice.

(d) The notice required by paragraph (1)(c) of this Section may be delivered to the training program or individual either by personal service as in civil actions, by certified mail, return receipt requested, or by expedited delivery or mail service such as United Parcel Service.

(e) If a hearing is requested in a timely manner by the training program or individual, Safe State shall:

1. Provide the training program or individual forty-five (45) calendar days from its receipt of the written notice from Safe State to offer written statements and evidence on all material issues involved, and any other

explanations, comments, and arguments that the training program or individual deems relevant to the proposed action.

2. Provide the training program or individual such other procedural opportunities as contained in the Alabama Administrative Procedures Act in Chapter 22 of Title 41, Code of Ala. 1975, as amended, to ensure a fair and impartial hearing.

3. Appoint an official or other individual of the Department as Presiding Officer to conduct the hearing. No person shall serve as the Presiding Officer if he or she has had any prior actual knowledge of the specific matter.

(f) The Presiding Officer appointed pursuant to paragraph (1)(e)3. of this Section shall:

1. Conduct a fair, orderly, and impartial hearing within 90 days of the request for hearing;

2. Consider all relevant evidence, explanations, comments, and arguments submitted.

3. Notify the training program or individual in writing within 90 calendar days of completion of the hearing of the Presiding Officer's decision and order. Such an order is forwarded to the Director of Safe State who shall implement thatorder as the final Safe State action which may be subject to judicial review in accordance with the Administrative Procedures Act.

(g) If Safe State determines that danger to the public health, interest, or welfare warrants an emergency suspension of the accreditation or registration of a training program, of a training course, of a refresher training course or of an individual prior to the opportunity for a hearing, Safe State shall notify the training program or individual in writing in the manner provided for in this Section of the following:

1. A statement of the immediate suspension of the accreditation or registration of the training program, of the training course, of the refresher training course, or of the individual. If Safe State previously had not issued a suspension, revocation, or modification to the training program or individual pursuant to paragraph (1)(a) or (1)(b) of this Section, Safe State shall issue such notice at the same time the immediate suspension notice is issued.

2. A short and plain statement of the grounds for the immediate suspension action and a reference to the rules or laws involved.

3. A statement that the suspension shall become effective immediately, unless otherwise stated in the notice and the duration of the suspension. The suspension may be effective for a period of not longer than 120 days and shall not be renewable.

4. The training program's or individual's right to request a hearing on the immediate suspension within 15 calendar days from the date of the training program's or individual's receipt of the notice from Safe State and the procedures for the conduct of such a hearing.

(h) Any notice, decision, or order issued by Safe State under this Section, any transcripts or other verbatim record of oral testimony, and any documents filed by training program or individual in a hearing under this Section, shall be available to the public, except as otherwise provided by law. Any such hearing at which oral testimony is presented shall be open to the public, except that the Presiding Officer may exclude the public to the extent necessary to allow presentation of information which may be entitled to confidential treatment provided in Chapter 27 of Title 8, Code of Ala. 1975, or as otherwise provided by law.

(i) The public shall be notified of the suspension, revocation, modification, or reinstatement of the accreditation or registration of a training program, a training course or a refresher training course, or individual through appropriate mechanisms.

(j) Safe State and EPA may maintain a list of training programs, training courses, refresher training courses and individuals whose accreditation or registration has been suspended, revoked, modified, or reinstated.

(k) In considering a person's application for inclusion in the Registry, Safe State shall not recognize a training or refresher training course completion certificate issued by any training program for a training or refresher training course which has had its accreditation or registration suspended or revoked by Safe State, any state, tribe, or the EPA.

Author: John Sikes, Gayle Howell, Kim Whitehurst, Charles Markin
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Individuals and training programs may apply for accreditation and registration pursuant to this Chapter on or after September 1, 1998.
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