

HFS 163.02 Scope. (1) **APPLICABILITY.** (a) This subchapter, subch. II and subch. IV apply to a person performing, supervising or offering to perform or supervise a lead hazard reduction activity or lead investigation activity involving target housing or a child-occupied facility or the real property on which the target housing or child-occupied facility stands, when certification is required under s. HFS 163.10 (1), and to a person performing an activity involving lead-based paint or a lead hazard when certification is required under a grant, contract or under an order issued by a court, the department, another state agency or a local agency. Persons certified under this chapter are also required to conduct activities in a manner that does not increase the hazards from lead-based paint to building occupants.

(b) This subchapter, subch. III and subch. IV apply to a training course that is offered, advertised, conducted or taught leading to, or intended to lead to, certification under this chapter, and to the training manager and instructors for the training course.

(c) In addition to provisions under subchs. I to IV that apply to target housing and child-occupied facilities, subch. V applies to real property for which a certificate of lead-free status or lead-safe status has been issued. Subject to the certification exceptions under s. HFS 163.43, subch. V also applies to a person performing, supervising or offering to perform or supervise an activity that disturbs lead-based paint on real property for which a certificate of lead-safe status is in effect.

(2) **APPROVED ALTERNATIVE TO A REQUIREMENT.** The department may approve an alternative to any requirement in this chapter that is not a statutory requirement when the department is provided with satisfactory written proof that the alternative is as protective of human health and the environment as the original requirement. A request for approval of an alternative shall be in writing, shall be sent to the department and shall include justification for the alternative. The department shall approve or deny the alternative or request additional information within 20 working days of receipt of the request for approval. If granted, the department shall send the applicant a written notice of approval that may include limits on the approval.

Note: Submit your request for approval of an alternative to a requirement to the Asbestos and Lead Section, Bureau of Occupational Health, Room 137, 1 W. Wilson St., P.O. Box 2659, Madison, WI 53701-2659; e-mail "plicasbestoslead@dhfs.state.wi.us"; ph. 608-261-6876; or fax 608-266-9711.

HFS 163.03 Definitions. In this chapter:

(1) "Abatement" means any measure or set of measures intended to permanently eliminate lead-based paint hazards. Abatement includes any of the following:

(a) Activities intended to permanently eliminate a lead-based paint hazard, as follows:

1. Removal of lead-based paint or dust-lead.
2. Enclosure or encapsulation of lead-based paint.
3. Replacement of lead-based painted surfaces or fixtures.
4. Removal or covering of lead-contaminated soil.
5. All preparation associated with the activities in subds. 1. to 4.

6. Cleanup associated with the activities in subds. 1. to 4.

7. Preparation for disposal of waste from the activities in subds. 1. to 4.

(b) The following projects:

1. A project involving target housing or a child-occupied facility conducted under a written contract or other documentation that indicates the project meets one of the following criteria:

a. The project will result in the permanent elimination of a lead-based paint hazard.

b. The project is intended to permanently eliminate a lead-based paint hazard and includes one of the activities described in par. (a).

2. A project resulting in the permanent elimination of a lead-based paint hazard, conducted by a person certified by the department under this chapter, unless the project is covered by par. (c).

3. A project resulting in the permanent elimination of a lead-based paint hazard, conducted by persons who, through their name or promotional literature, represent, advertise or hold themselves out to be in the business of performing abatement activities as identified and defined by this section, unless the project is covered by par. (c).

4. A project conducted in response to a state or local government abatement order that results in the permanent elimination of a lead-based paint hazard.

5. A project conducted in response to a request for an abatement activity or which the contractor claims to be an abatement.

(c) "Abatement" does not include measures and activities intended to temporarily, but not permanently, reduce lead-based paint hazards. Furthermore, "abatement" does not include activities that are intended solely 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.

(2) "Accreditation" means an approval status granted by the department to a training course meeting the requirements under subchs. I and III. Accreditation may be either contingent accreditation or full accreditation.

(3) "Accreditation audit" means an audit of a training course or training course records conducted by department staff to review for compliance with this chapter.

(4) "Adequate quality control" means a plan or design which ensures the authenticity, integrity and accuracy of samples, including dust, soil and paint chip or paint film samples and includes provisions for representative sampling.

(5) "Agent" means a person who is under a contract to manage or maintain real property.

(6) "Arithmetic mean" means the algebraic sum of data values divided by the number of data values.

Note: An example of an arithmetic mean is adding the values for the concentration of lead in several soil samples, as determined through analysis by a recognized laboratory, and dividing that total by the number of samples analyzed.

(7) "Bare soil" means soil or sand that is not covered by grass, sod, other live ground covers, wood chips, gravel, artificial turf, pavement or similar covering.

(8) "Certificate of lead-free status" or "lead-free certificate" means a certificate issued under this chapter by a certified lead inspector or risk assessor and registered with the department that documents a finding by the inspector or risk assessor that a premises, dwelling or unit of a dwelling is free of lead-bearing paint as of the date specified on the certificate.

(9) "Certificate of lead-safe status" or "lead-safe certificate" means a certificate issued under this chapter by a certified lead hazard investigator or risk assessor and registered with the department that documents that the hazard investigator or risk assessor detected no lead-based paint hazards affecting the premises, dwelling or unit of the dwelling on the date specified on the certificate.

(10) "Certification" means an approval status granted by the department to an individual or lead company meeting the conditions for certification under this chapter.

(11) "Certification examination" means a written, closed-book examination that evaluates the applicant's knowledge of information necessary to properly perform work in a specific discipline and is administered to an applicant for certification by the department or a person under the authority of the department.

(12) "Certification period" means the period of time for which certification is granted by the department.

(13) "Child-occupied facility" means a facility licensed by the department to provide day care services, any public or private school or preschool attended by children younger than 6 years of age, including a state-operated residential treatment center, or a building or portion of a building constructed prior to 1978, visited by the same child, under 6 years of age, on at least 2 different days within any week, Sunday through Saturday, provided that each day's visit lasts at least 3 hours and the combined annual visits last at least 60 hours.

(14) "Clearance" means the actions taken after a lead-based paint activity to make a final determination that the dust-lead levels are below the clearance levels.

(15) "Clearance level" means the value under s. HFS 163.14 (1) (b) 8. that indicates the maximum amount of lead permitted in dust on a surface following completion of a lead-based paint activity.

(16) "Common area" means a portion of a building, the land on which the building stands and other improvements on that land that are generally accessible to occupants of the building.

Note: Examples of common areas are a hallway, stairway, laundry room, recreation room, playground, community center, garage and boundary fence.

(17) "Component" means a specific design, architectural or structural element or fixture of a structure that is distinguished from another component by form, function or location. Interior components include ceiling, crown molding, wall, chair rail, door, door trim, floor, fireplace, radiator

or other heating unit, shelf, shelf support, stair tread, stair riser, stair stringer, newel post, railing cap, balustrade, window and trim (including sash, window head, jamb, interior sill or stool and trough), built-in cabinet, column, beam, bathroom vanity, counter top and air conditioner. Exterior components include painted roofing, chimney, flashing, gutter, downspout, ceiling, soffit, fascia, rake board, cornerboard, bulkhead, door and door trim, fence, floor, joist, lattice work, railing, railing cap, siding, handrail, stair riser, stair tread, stair stringer, column, balustrade, exterior windowsill, window trough or well, casing, sash and air conditioner.

(18) "Containment" means the physical measures taken to isolate the work area in order to ensure that dust and debris created or released during activities are not spread, blown or tracked from inside to outside of the work area.

Note: Containment is more than simply laying plastic on the floor. For interior work involving a high-risk lead-based paint activity, appropriate containment would include hanging plastic sheeting to create a barrier between the work area and the rest of the house, with an airlock entryway. For additional information on appropriate containment, refer to Chapter 8, Resident Protection and Worksite Preparation, of HUD's Guidelines for the Evaluation and Control for Lead-Based Paint Hazards in Housing.

(19) "Contingent accreditation" means a temporary approval status granted by the department to a training course for a specific discipline on the basis of a desk audit of accreditation application materials for compliance with this chapter.

(20) "Course agenda" means an outline of the key topics to be covered during a training course, including the time allotted to teach each topic.

(21) "Course test" means a written, closed-book test administered by a training provider at the end of a course that is intended to evaluate trainees' knowledge and retention of the course learning objectives.

(22) "Course test blueprint" means written documentation identifying the proportion of course test questions devoted to each major course learning objective.

(23) "Department" means the Wisconsin department of health and family services.

(24) "Deteriorated paint" means paint that is cracking, flaking, chipping, peeling, chalking or otherwise separating from the substrate of a building component or from underlying paint on a component. "Deteriorated paint" does not include paint where nail holes, hair-line cracks, or small nicks or scratches resulting from normal wear and tear are present, provided all layers of paint remain securely bonded to the substrate.

(25) "Direct supervision" means supervision by an individual who is on-site and readily available to observe and assist.

(26) "Disturb" means to break up, burn, crush, cut into, dissolve, sand, scrape, abrade or otherwise manipulate paint in a manner that dust-lead or debris is generated.

Note: Washing or vacuuming lead-based painted surfaces does not, by itself, disturb paint unless the method used dislodges chips of paint of lead-based paint, such as by power washing.

(27) "Discipline" means one of the specific job categories in s. HFS 163.10 (2) or s. HFS 163.43 for which individuals are trained and become certified by the department.

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

(29) "Documented methodologies" means written protocols, standards or methods that are generally used and accepted for conducting regulated activities.

Note: Examples of documented methodologies include the following: The U.S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control for Lead-Based Paint Hazards in Housing; the EPA Guidance on Residential Lead-Based Paint Hazards in Housing; the EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-Contaminated Soil; the EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling (EPA report number 7474-R-95-001); Wisconsin Childhood Lead Poisoning Prevention and Control Handbook; regulations, guidance, methods or protocols issued by States and Indian Tribes that have been authorized by EPA; and other equivalent methods and guidelines. To request federal documents, contact HUD USER by telephone at 800-245-2691 or the National Lead Information Clearinghouse by telephone at 800-424-5323 or by fax at (202) 659-1192.

(30) "Dripline" means the area within 3 feet surrounding the exterior foundation of a building.

(31) "Durable material" means a construction product capable of withstanding normal use without significant deterioration, such as vinyl flooring, siding, paneling, aluminum coil stock, sheetrock or plywood.

(32) "Dust-lead" means dust that contains lead.

(33) "Dust-lead hazard" means dust that contains a dust-lead loading equal to or exceeding the level under s. HFS 163.15.

(34) "Dust sample" means a sample of dust collected using a documented methodology, such as a dust wipe sample or vacuum sampling.

(35) "Dust wipe sample" means a sample of dust collected by wiping a representative surface of a known area with an acceptable wipe material, such as a moist towelette.

(36) " Dwelling" means any structure, all or part of which is used or intended to be used for human habitation as a home or residence. A dwelling includes a structure that is being converted to a dwelling or that is intended for human habitation but is currently vacant.

(37) " Dwelling unit" means a structure or that part of a structure that is used or intended to be used for human habitation by one or more persons maintaining a common household.

(38) "Elevated blood lead investigation" means the environmental investigation activities conducted in response to a report of a lead poisoning and intended to identify lead hazards that may contribute to the lead poisoning.

(39) "Elevated blood lead level" means a level of lead in blood that is any of the following:

(a) Twenty or more micrograms per 100 milliliters of blood, as confirmed by one venous blood test.

(b) Fifteen or more micrograms per 100 milliliters of blood as confirmed by 2 venous blood tests that are performed at least 90 days apart.

(40) "Employee" has the meaning under s. 103.001 (5), Stats.

(41) "Encapsulant" means a covering or coating that forms a barrier between lead-based paint and the environment using an adhesively bonded covering material or a liquid-applied coating, with or without reinforcement materials. To be considered an encapsulant, a coating shall either be marketed by the manufacturer as an encapsulant or shall meet the standards of an encapsulant established by a state or federal agency, a professional organization or association.

(42) "Encapsulation" means the process of making lead-based paint inaccessible by the application of an encapsulant.

(43) "Enclosure" means the use of rigid, durable materials that are mechanically fastened to the substrate, component or building structure, with all edges, joints and seams sealed in order to act as a dust-tight barrier between lead-based paint and the environment.

(44) "EPA" means the U.S. environmental protection agency.

(45) "Friction surface" means an interior or exterior surface that is subject to abrasion or friction, including certain surfaces of windows, floors and stairs.

Note: Surfaces that are not subject to abrasion during normal use are not considered friction surfaces, even though they may be abraded on occasion.

(46) "Full accreditation" means an approval status granted by the department to a training course for a specific discipline subsequent to contingent accreditation, which is granted on the basis of an on-site accreditation audit finding of compliance with this chapter.

(47) "General supervision" means assistance and oversight provided by a person who is either on site or in contact with and readily available to the person being supervised.

(48) "Guest instructor" means an individual who teaches under the direct supervision of a principal instructor or assists the principal instructor with hands-on activities or work practice components of a course.

(49) "Hands-on skills assessment" means an evaluation of a trainee's ability to satisfactorily perform hands-on skills taught in a training course.

(50) "Hazardous waste" means a solid waste that fits the definition of hazardous waste in s. NR 605.04 and that is not excluded by the provisions of s. NR 605.05.

(51) "HEPA filter" means a high efficiency particulate air filter that removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency.

(52) "HEPA vacuum" means a vacuum cleaner device with an integral HEPA filter through which the contaminated air flows when the cleaner is operated according to instructions from the manufacturer.

(53) "High-risk abatement activity" means an activity that is intended to permanently eliminate a lead hazard and is likely to create significant dust-lead, vapor or debris that might cause a person to have an elevated blood lead level if abatement work practice standards are not carefully followed. The following activities are high-risk abatement activities when they are intended to permanently eliminate a lead-based paint hazard:

(a) Removing lead-based paint to the bare wood, such as by chemical stripping, using a heat gun, hand scraping or sanding, or using power tools with or without a dust collection system with a HEPA filter or full enclosure of the work area.

(b) Removing components containing lead-based paint, such as removal of complete window systems, siding, walls, cabinet or trim, but not including removal of doors or removal of window components solely for the purpose of window sash replacement.

(c) Removing dust-lead resulting from a specific incident that created a lead-based paint hazard, such as uncontained discharge of dust-lead and debris during a renovation project.

(d) Removing soil-lead.

(e) Any lead abatement activity that is not designated by the department as a low-risk abatement activity.

(54) "High-risk lead-based paint activity" means an activity that is likely to create significant dust-lead, vapor or debris that might cause a person to have an elevated blood lead level if lead-safe work practice standards are not carefully followed. High-risk lead-based paint activities include all of the following:

(a) A high-risk lead-based paint abatement activity.

(b) An activity other than abatement that meets all of the following conditions:

1. The activity is performed by the property owner or the property owner's employee or agent, performed for remuneration, or performed at the request of or with the permission of the property owner or the property owner's employee or agent.

2. The activity disturbs paint that is not proven to be lead-free.

3. The activity includes one of the following:

a. Removing paint from components by manually wet sanding or manually wet scraping more than 2 square feet per component, manually dry scraping or dry sanding, or by chemical stripping, using a heat gun or using power tools with or without a dust collection system having a HEPA filter or full enclosure of the work area.

Note: Dry scraping and dry sanding are restricted work practices under ss. HFS 163.14 (8) and 163.44 (4).

b. Removing painted components when more than 2 square feet of paint is disturbed, such as removal of complete window systems, siding, walls, cabinet or trim, but not including removal of doors or window components solely for the purpose of window sash replacement.

c. Other than using a power drill, power screw driver or nail driver, using power tools that disturb paint and create dust-lead, with or without a dust collection system having a HEPA filter or full enclosure of the work area. Power tools that create dust-lead include a sander, grinder, planer or saw.

d. All activities specified under 29 CFR 1926.62 (d) (2), including dry scraping and dry sanding but excluding manually wet scraping or wet sanding 2 square feet or less of lead-based paint.

Note: Refer to Appendix A for a list of high-risk activities under 29 CFR 1926.62 (d) (2). When a high-risk lead-based paint activity is intended to permanently eliminate a lead-based paint hazard, it is also a high-risk abatement activity, defined under sub. (53). Refer also to the definition of disturb under sub. (26) and to the definitions of a low-risk abatement activity and a low-risk lead-based paint activity under subs. (86) and (87).

(55) "HUD" means the U.S. department of housing and urban development.

(56) "Immediate family" means any of the following:

(a) Spouse.

(b) Children, stepchildren, grandchildren, foster children.

(c) Parents, stepparents, grandparents, foster parents.

(d) Sons-in-law or daughters-in-law.

(e) Brothers and their spouses.

(f) Sisters and their spouses.

(g) Aunts and uncles.

(57) "Impact surface" means an interior or exterior surface that is subject to damage by repeated sudden force, such as doors to certain parts of doorframes.

Note: Surfaces that are not subject to impact during normal use are not considered impact surfaces, even though they may be subject to impact on occasion.

(58) "Initial certification" means the first certification that the department grants an individual for a specific discipline or a certification the department grants after a lapse in certification of 12 months or more.

(59) "Interim certification" means a temporary status the department may grant to an individual who has applied for and is qualified to take a certification examination but is not yet eligible for initial certification.

(60) "Interior windowsill" or "window stool" means the portion of the horizontal window ledge adjacent to the interior side of the window sash when the window is closed. On older homes, the interior windowsill frequently protrudes into the interior of the room.

(61) "Lead" means the metallic element known by the symbol "Pb" in the periodic table of chemical elements.

(62) "Lead-based paint" or "lead-bearing paint" means paint or any other surface coating material containing more than 0.06% lead by weight, calculated as lead metal, in the total nonvolatile content of liquid paint or in the dried film of applied paint, or more than 0.7 milligrams lead per square centimeter in the dried film of applied paint.

Note: This definition means that Wisconsin considers paint to be lead-based paint when it contains a lower amount of lead than the amount of lead in the U.S. EPA/HUD definition of lead-based paint.

(63) "Lead-based paint activity" means an activity performed for purposes of abatement or that is performed by a property owner or the property owner's employee or agent, performed for remuneration, or performed at the request of or with the permission of the property owner or the property owner's employee or agent and that disturbs paint when the paint is not proven to be lead-free. Lead-based paint activities include abatement activities and scraping, sanding, cutting, planing, drilling or sawing painted surfaces during modification, demolition, maintenance, rehabilitation, remodeling, renovation or restoration activities.

Note: See also the definitions of "high-risk lead-based paint activity" and "low-risk lead-based paint activity."

(64) "Lead-based paint hazard" means any condition that causes exposure to lead from dust-lead, soil-lead, deteriorated paint that is not proven to be lead-free, or lead-based paint that is present on friction surfaces, impact surfaces, or surfaces that are chewed or mouthed, as observed or evidenced by teeth marks and would result in adverse human health effects.

(65) "Lead company" means a company, partnership, corporation, sole proprietorship, association, governmental agency or other entity that performs, supervises, advertises, claims to provide or offers to perform or supervise a lead hazard reduction activity or lead investigation activity.

(66) "Lead contractor supervisor" or "lead supervisor" means an individual who supervises or performs high-risk abatement activities.

(67) "Lead exposure" means a level of lead in the blood of 10 or more micrograms per 100 milliliters of blood.

(68) "Lead-free inspection" means a lead investigation activity conducted to determine whether a dwelling, dwelling unit, child-occupied facility or other premises qualifies for a certificate of lead-free status.

(69) "Lead hazard" means any substance, surface or object that contains lead and that, due to its condition, location or nature, may contribute to the lead poisoning or lead exposure of a child under 6 years of age.

(70) "Lead hazard investigator" means an individual who conducts lead hazard screen, risk assessment, lead-safe investigation or clearance activities or provides options to reduce specific lead hazards but does not use an XRF or conduct lead inspections.

(71) "Lead hazard reduction activity" means any action intended to permanently or temporarily reduce or eliminate human exposure to lead-based paint hazards.

(72) "Lead hazard reduction discipline" means a job category for which individuals are trained and become certified by the department to conduct specific lead hazard reduction activities. Lead hazard reduction disciplines are lead contractor supervisor, high-risk worker, low-risk supervisor, low-risk worker and project designer.

(73) "Lead hazard screen" means a risk assessment activity to determine whether a dwelling, dwelling unit or child-occupied facility in good condition is free of lead-based paint hazards or should have a full risk assessment. A lead hazard screen involves less paint or dust sampling or testing than in a full risk assessment.

(74) "Lead high-risk worker" or "lead worker" means an individual who performs high-risk abatement activities.

(75) "Lead inspection" means the on-site, surface-by-surface investigation of painted, varnished or other coated surfaces to determine the presence of lead.

(76) "Lead inspector" means an individual who conducts a lead-free inspection, or lead inspection and who may also conduct clearance activities.

(77) "Lead investigation activity" means any activity that determines whether lead-based paint or lead hazards are present. Lead investigation activities include clearance, dust-wipe sampling, elevated blood lead investigation, lead-free inspection, lead inspection, lead hazard screen, lead-safe investigation, paint chip testing, risk assessment and soil sampling activities.

(78) "Lead investigation discipline" means a job category for which individuals are trained and become certified by the department to conduct specific lead investigation activities. Lead investigation disciplines are lead hazard investigator, inspector, risk assessor and sampling technician.

(79) "Lead low-risk supervisor" means an individual who supervises or performs low-risk abatement activities that do not involve high-risk abatement activities.

(80) "Lead low-risk worker" means an individual who performs low-risk abatement activities that do not involve high-risk abatement activities.

(81) "Lead project designer" means an individual who designs abatement projects and who may also write occupant protection plans or abatement reports.

(82) "Lead risk assessor" means an individual who conducts lead investigation activities.

(83) "Lead sampling technician" means an individual who performs limited clearance activities, collects paint-chip, dust-wipe or soil samples, or assists a lead hazard investigator, inspector or risk assessor in conducting other lead investigation activities.

(84) "Lead-safe investigation" means a lead investigation activity conducted to determine whether a dwelling, dwelling unit, child-occupied facility or other premises qualifies for a certificate of lead-safe status.

(85) "Loading" means the quantity of a specific substance present per unit of surface area, such as the amount of lead in micrograms contained in the dust collected from a certain surface area divided by the surface area in square feet or square meters.

(86) "Low-risk abatement activity" means an activity that is intended to permanently eliminate a lead hazard and, if abatement work practice standards are not carefully followed, is likely to create dust-lead, vapor or debris that might cause a person to show evidence of lead exposure, but is not likely to create significant dust-lead, vapor or debris that might cause a person to have an elevated blood lead level. The following activities are low-risk abatement activities when they are intended to permanently eliminate a lead-based paint hazard:

(a) Enclosure or encapsulation of lead-based painted components without removing components.

(b) Removal of lead-based painted window sashes and replacement with new window sashes without removing the window framing or trim.

(c) Removal of lead-based painted doors and replacement with new doors without removing the door framing or trim.

(d) Covering of soil-lead.

(87) "Low-risk lead-based paint activity" means an activity that, if lead-safe work practice standards are not carefully followed, is likely to create sufficient dust-lead, vapor or debris to cause a person to show evidence of lead exposure, but is not likely to create significant dust-lead, vapor or debris that might cause a person to have an elevated blood lead level. Low-risk lead-based paint activities include all of the following:

(a) A low-risk abatement activity.

(b) An activity other than abatement that meets all of the following conditions:

1. The activity is performed by the property owner or the property owner's employee or agent, performed for remuneration, or performed at the request of or with the permission of the property owner or the property owner's employee or agent.

2. The activity disturbs paint that is not proven to be lead-free.

3. The activity includes one of the following:

a. Repairing deteriorated paint that is not proven to be lead-free, including preparing the surface by manually wet sanding or wet scraping 2 square feet or less of paint per component and repainting.

b. Restoring proper functioning of windows, drawers and doors.

c. Performing repairs manually or with power tools limited to power drills, screwdrivers or nail drivers.

Note: When a low-risk lead-based paint activity is intended to permanently eliminate a lead-based paint hazard, it is also a low-risk abatement activity, defined under sub. (86). The following activities usually do not disturb lead-based paint: cleaning as part of regular maintenance;

repainting a lead-based painted surface that is not deteriorated; removing carpeting, and installing carpeting or tread covers. Refer also to the definition of disturb under sub. (26), and the definitions of a high-risk abatement activity and a high-risk lead-based paint activity under subs. (53) and (54).

(88) "Mid-yard" means an area of a yard approximately midway between the outermost edge of the dripline of a structure and the nearest property boundary or midway between the outermost edges of the driplines of a structure and another building on the same property.

(89) "Multi-family dwelling" means a single structure that contains more than one dwelling unit.

(90) "Occupant" means a person who leases or lawfully resides in a dwelling as the person's home or residence or leases or lawfully occupies another premises, such as a child-occupied facility.

(91) "Occupant protection plan" means a written plan developed prior to an activity that describes the measures that will be taken to protect the building occupants from exposure to lead-based paint hazards.

(92) "Permanently covered soil" means soil which has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, such as asphalt or concrete. Grass, mulch and other landscaping materials are not considered permanent coverings.

(93) "Person" means any individual or entity, including a sole proprietorship, corporation, limited liability corporation, partnership or association, Indian tribe, state or local agency or political subdivision of a state, interstate body, or department, agency or other instrumentality of the federal government.

(94) "Play area" means an area of frequent contact by children under age 6, as indicated by observations of play patterns, information provided by parents or others, or the presence of play equipment, toys or other possessions of children.

(95) "Premises" means any of the following:

(a) An educational or child care facility, including attached structures and the real property upon which the facility stands, that provides services to children under 6 years of age.

(b) Other buildings and facilities, including attached structures and real property upon which the buildings or facilities stand, that might contain lead-based paint or a lead-based paint hazard.

(96) "Primary instructor" means an individual who has the primary responsibility for organizing and teaching a lead-safe maintenance training course.

(97) "Principal instructor" means an individual who has the primary responsibility for organizing and teaching a training course.

(98) "Property owner" means a person who has both equitable title and legal possession of a dwelling, child-occupied facility, registered lead-free property or registered lead-safe property.

(99) "Real property" means the land, buildings and improvements, and all contiguous property under the same ownership.

(100) "Recognized laboratory" means an environmental laboratory accepted by the department as being capable of performing an analysis for lead compounds in paint, soil and dust based on its accreditation by the national lead laboratory accreditation program (NLLAP) or an equivalent accreditation approved by the department.

Note: To obtain a list of recognized laboratories, write or phone the Asbestos and Lead Section, Bureau of Occupational Health, P.O. Box 2659, Madison, WI 53701-2659; e-mail "plicasbestoslead@dhs.state.wi.us"; ph. 608-261-6876; or fax 608-266-9711. The National Lead Information Center (NLIC) Clearinghouse updates the NLLAP list on a monthly basis. Updated copies may be obtained by calling NLIC at 1-800-424-5323.

(101) "Regional lead training center" means an institution sponsored by the EPA before March 1, 1999, to develop or conduct lead training courses.

(102) "Registered lead-free property" means those portions of real property that were included in a lead-free inspection and are described as real property covered by a current, valid certificate of lead-free status issued under this chapter and registered with the department.

(103) "Registered lead-safe property" means those portions of real property that were included in a lead-safe investigation and are described as real property covered by a current, valid certificate of lead-safe status issued under this chapter and registered with the department.

(104) "Regulated activity" means an activity to which work practice standards apply or for which accreditation, approval or training and certification is required under this chapter.

(105) "Replacement" means a strategy of abatement that entails removing building components that have surfaces coated with lead-based paint and installing new components free of lead-based paint.

(106) "Risk assessment" means an on-site investigation of paint, dust, water or other environmental media to determine the existence, nature, severity and location of lead hazards.

(107) "Soil-lead" means bare soil that contains lead at or in excess of levels that constitute a soil-lead hazard.

Note: The Wisconsin Department of Natural Resources (DNR) standard for nonindustrial lead in soil under NR 720.11, Table 2, is 50 parts per million. For additional information, contact the DNR at 608-266-5425.

(108) "Soil-lead hazard" means bare soil containing lead equal to or exceeding the applicable level under s. HFS 163.15 (2).

(109) "Substrate" means a surface on which paint, varnish or other coating has been or may be applied, including wood, drywall, plaster, concrete, brick or metal.

(110) "Target housing" means a dwelling constructed prior to 1978, except for any of the following:

(a) A dwelling for the elderly or persons with disabilities unless a child under 6 years of age resides or is expected to reside in the dwelling.

(b) A dwelling in which the living area is not separated from the sleeping area.

(111) "Training certificate" means a document meeting the requirements of s. HFS 163.20 (9), issued by a training manager to an individual as evidence the individual has successfully completed the course specified in the document.

(112) "Training hour" means at least 50 minutes of actual instruction, which shall include time devoted to learning activities, including lecture, small group activities, demonstrations, evaluations or hands-on activities.

(113) "Training manager" means an owner of a training course or an employee of a training provider who is authorized to act on behalf of the owner.

(114) "Training provider" means any person, including any individual, partnership, corporation, institution, organization, state agency or local government agency, who provides or offers to provide a training course accredited under this chapter.

(115) "Unkeyed plaster" means plaster whose mechanical bond with the supporting structure is broken, causing the plaster to become loose or bowed.

(116) "Vacuum sampling" means collecting a sample of dust collected by vacuuming a representative surface of known area with a vacuum and using documented methodologies.

(117) "Visual inspection" means:

(a) For clearance, visual examination following an activity that disturbs lead to determine whether or not the cleanup has been successfully completed, as indicated by the absence of visible residue, dust and debris, and that scheduled work has been completed.

(b) For risk assessment, visual examination to determine the existence of lead-based paint hazards or other potential sources of lead hazards.

(c) For conditions for maintaining a certificate of lead-safe status, visual examination to determine the existence of deteriorated lead-based paint, failure of an enclosure, encapsulant or covering, or the presence of other potential lead-based paint hazards.

(118) "Wet sanding" or "wet scraping" means a process of removing loose paint in which the painted surface to be sanded or scraped is kept wet to minimize the dispersal of paint chips and airborne dust.

(119) "Window trough" or "window well" means the portion of the windowsill between the interior windowsill or stool and the frame of the storm window. If there is no storm window, the window trough is the area that would receive upper and lower sashes if they were lowered.

(120) "Working day" means any day except Saturday, Sunday and holidays designated in s. 230.35 (4) (a), Stats.

(121) "XRF" means a portable instrument, analyzer or device used to determine lead concentration in milligrams per square centimeter using the principle of x-ray fluorescence.

Subchapter II - Certification of Persons to Perform Lead Hazard Reduction Activities or Lead Identification Activities

HFS 163.10 Certification of an individual. (1) REQUIREMENT. Except as provided under par. (c) and s. HFS 163.12 (1), an individual shall be certified by the department under this subchapter and shall be associated with a certified lead company through ownership, employment or contract before the individual may do any of the following:

(a) Perform, supervise or offer to perform or supervise a lead abatement activity or lead investigation activity involving one of the following:

1. A child-occupied facility or the real property on which the child-occupied facility stands.
2. Target housing or the real property on which the target housing stands when one of the following applies:
 - a. The individual performing the work does not own the target housing or real property.
 - b. An individual other than the property owner or the property owner's immediate family rents or occupies the target housing or real property.
 - c. A child residing in the target housing has been identified as having an elevated blood lead level.

(b) Perform or supervise an activity when certification is required under an order issued by a court, the department, another state agency or a local agency, under a contract, or as a condition for payment of services.

(c) An individual is not required to be certified under this subchapter when any one of the following applies:

1. All activities are within the scope of a license, certification or registration issued to the individual by the department of commerce under s. 101.178, 101.87 or ch. 145, Stats.
2. The only activities performed involve installation or repair of wiring, cables or components of the security, electrical, heating, plumbing or cooling system.
3. All paint involved in the activity has been tested by a person certified in an appropriate lead investigation discipline, who has determined that the paint does not meet the definition of lead-based paint under s. HFS 163.03 (63).

Note: For the requirement that a lead company be certified to perform, supervise or offer to perform or supervise an abatement activity, see s. HFS 163.12.

(2) DISCIPLINES. Certification of individuals shall be specific to one of the following lead hazard reduction or lead investigation disciplines:

(a) *Lead hazard reduction disciplines.* 1. 'Lead low-risk worker.' A certified lead low-risk worker may perform a low-risk lead-based paint activity, but must be supervised under s. HFS 163.14 (3) or (6) when performing abatement. A lead low-risk worker may not perform any high-risk abatement activity, prepare an occupant protection plan or abatement report, conduct sampling or supervise abatement activities.

2. 'Lead high-risk worker.' A certified lead high-risk worker may perform any high-risk or low-risk lead-based paint activity, but must be supervised under s. HFS 163.14 (3) or (6) when performing abatement. A lead high-risk worker may not prepare an occupant protection plan or abatement report, conduct sampling or supervise abatement activities.

3. 'Lead low-risk supervisor.' A certified lead low-risk supervisor may develop occupant protection plans, write abatement reports, and supervise or perform low-risk lead-based paint activities. A lead low-risk supervisor may take dust wipe samples before clearance is conducted to determine if cleanup is complete, but this activity does not meet the criteria for sampling under s. 901.055, Stats., or for clearance. A low-risk supervisor may not perform or supervise high-risk abatement activities.

4. 'Lead contractor supervisor.' A certified lead contractor supervisor may develop occupant protection plans, write abatement reports, and supervise or perform high-risk and low-risk lead-based paint activities. A certified lead contractor supervisor may take dust wipe samples before clearance is conducted to determine if cleanup is complete, but this activity does not meet the criteria for sampling under s. 901.055, Stats., or for clearance.

5. 'Lead project designer.' A certified lead project designer may design lead hazard reduction projects, develop occupant protection plans and write abatement reports. A certified lead project designer may not perform or supervise lead-based paint activities without certification in an appropriate lead hazard reduction discipline.

Note: For certification of a lead-safe maintenance worker and a lead-safe property manager, refer to s. HFS 163.43.

(b) *Lead investigation disciplines.* 1. 'Lead sampling technician.' When no abatement activity was performed, a certified lead sampling technician may conduct clearance following a lead-based paint activity involving a single-family dwelling, multifamily housing with fewer than 5 units, or an individual dwelling unit in multifamily housing. A certified lead sampling technician may take dust wipe, paint chip and soil samples and may assist a certified lead investigator, inspector or risk assessor to conduct other lead investigation activities. A certified lead sampling technician may not use an XRF, conduct clearance after an abatement or provide recommendations for reducing a lead hazard.

2. 'Lead inspector.' A certified lead inspector may conduct any clearance, lead-free inspection or inspection activity, and may use an XRF. A certified lead inspector may assist a certified lead hazard investigator or risk assessor to conduct other lead investigation activities, but may not identify hazards or provide recommendations for reducing a lead hazard.

3. 'Lead hazard investigator.' A certified lead hazard investigator may conduct any clearance, elevated blood-lead investigation, lead hazard screen, lead-safe investigation or risk assessment activity. A certified lead hazard investigator may assist a certified lead inspector or risk assessor to conduct a lead inspection, but may not use an XRF.

4. 'Lead risk assessor.' A certified lead risk assessor may conduct any lead investigation activity, including clearance, lead-free inspection, lead inspection, elevated blood-lead investigation, lead hazard screen, lead-safe investigation and risk assessment activities, and may use an XRF.

(3) CONDITIONS FOR INITIAL CERTIFICATION. (a) *Summary.* 1. An applicant shall use this subsection and subs. (4) to (7) to apply for certification when applying for certification in a lead hazard reduction or lead investigation discipline for the first time or after certification in the discipline has lapsed for 12 months or more.

2. An individual applying for initial certification in any discipline identified under sub. (2) shall be 18 years of age or older, shall meet applicable education and experience qualifications under par. (b), shall successfully complete certification training requirements under s. HFS 163.11 and, to be certified as a lead contractor supervisor, hazard investigator, inspector, low-risk supervisor or risk assessor, shall pass a certification examination under par. (c).

3. Before certification as a lead inspector or lead risk assessor may be granted, an individual applying for certification as a lead inspector or risk assessor shall have completed XRF manufacturer's training under par. (d).

4. To apply for certification under subs. 1. to 3., the applicant shall submit to the department an application under sub. (5) and include the applicable fee.

Note: Use this subsection and subs. (4) to (7) to apply for certification in a discipline for the first time or after certification in the discipline has lapsed for 12 months or more. Use sub. (8) to apply for recertification before certification expires or within 12 months after certification expires. For certification of property owners and their employees or agents as lead-safe maintenance workers or lead-safe property managers, use s. HFS 163.43.

(b) *Education and experience.* 1. 'Requirement.' An applicant for initial certification as a lead contractor supervisor, hazard investigator, low-risk supervisor, project designer or risk assessor shall meet the applicable education and experience qualifications in this paragraph in addition to the certification training requirements under s. HFS 163.11.

2. 'Contractor supervisor or low-risk supervisor.' An applicant for lead contractor supervisor or lead low-risk supervisor certification shall meet or exceed one of the following:

a. Have one year of experience as a certified lead worker, including as a low-risk or high-risk worker, lead low-risk supervisor or lead contractor supervisor.

b. Have 2 years of experience in a related field, such as lead, asbestos or environmental remediation work or in the building trades, such as construction.

3. 'Hazard investigator or risk assessor.' An applicant for lead risk assessor or lead hazard investigator certification shall meet one of the following:

a. Have a bachelor's degree and one year of experience in a related field, such as lead, asbestos, environmental remediation work or construction.

b. Have an associate's degree and 2 years of experience in a related field such as lead, asbestos, environmental remediation work or construction.

c. Have a high school diploma or equivalent and 3 years of experience in a related field, such as lead, asbestos, environmental remediation work or construction.

d. Hold professional certification as an industrial hygienist, professional engineer or registered architect or in a related professional engineering, health or environmental field, such as safety professional or environmental scientist.

e. Be a registered nurse or registered sanitarian and be employed by a health department that provides oversight of the individual's activities.

4. 'Project designer.' An applicant for lead project designer certification shall meet one of the following:

a. Have a bachelor's degree in engineering, architecture or a profession related to building construction and design and have one year experience in building construction and design or a field related to construction and design.

b. Have 4 years of experience in building construction and design or a field related to construction and design.

(c) *Certification examination for lead hazard investigators, inspectors, risk assessors, low-risk supervisors and contractor supervisors.* 1. 'Requirement.' To be certified, an applicant for initial certification as a lead contractor supervisor, hazard investigator, inspector, low-risk supervisor or risk assessor shall do one of the following:

a. Pass a certification examination administered by the department or by a person authorized by the department to administer the certification examination under the department's direction or with the department's approval, no earlier than 12 months prior to applying for initial certification and no later than 6 months after applying for initial certification. A training provider may not administer a certification examination, except that the department may be a training provider and also administer a certification examination.

b. Successfully demonstrate knowledge of this chapter if the individual previously passed a certification examination administered by EPA, another EPA-authorized state or an EPA-authorized tribe and currently possesses an applicable certification card or license issued by EPA, another EPA-authorized state or an EPA-authorized tribe. To demonstrate knowledge, the applicant shall obtain a regulatory worksheet and regulations from the department, shall accurately complete the worksheet with information from the regulations and shall submit the worksheet and proof of current certification to the department with the certification application.

Note: To obtain a copy of the worksheet and regulations, write or phone the Asbestos and Lead Section, Bureau of Occupational Health, Room 137, 1 W. Wilson St., P.O. Box 2659, Madison, WI 53701-2659; e-mail "plicasbestoslead@dhfs.state.wi.us"; ph. 608-261-6876; or fax 608-266-9711. Return the completed worksheet, application and certification fee to the same office.

2. 'Timing of certification examination.' a. Applicant with interim certification. An applicant for initial certification to whom the department granted interim certification under sub. (6) (b) shall take the next available certification examination offered at a reasonably accessible location, as determined by the department. The applicant with interim certification may take the certification examination a maximum of 3 times within 6 months after completing an approved training course for the discipline under s. HFS 163.11. If an applicant does not pass the certification examination and become certified by the department within this 6-month period, the department shall revoke the interim card. The individual shall retake the initial training course before reapplying for certification in the same discipline.

b. Applicant without interim certification. An applicant for initial certification who chooses not to seek interim certification or who is not eligible for interim certification, but who meets the certification examination prerequisites under subd. 3., shall take a certification examination offered at a reasonably accessible location, as determined by the department. The applicant may take the certification examination a maximum of 3 times within 6 months after the date the department receives the individual's first registration to take a certification examination. If an applicant does not pass the certification examination and become certified by the department within this 6-month period, the individual shall retake the initial training course before reapplying for certification.

3. 'Certification examination prerequisites.' To be registered to take a certification examination, an applicant for initial certification shall do both of the following:

a. Meet the age, education and experience, and training conditions for initial certification under this section.

b. Register for the certification examination by submitting to the department a completed application for certification under sub. (5) and the appropriate exam registration and certification fees under sub. (5) (g).

Note: To obtain a copy of the certification application, write or phone the Asbestos and Lead Section, Bureau of Occupational Health, Room 137, 1 W. Wilson St., P.O. Box 2659, Madison, WI 53701-2659; e-mail "plicasbestoslead@dhfs.state.wi.us"; ph. 608-261-6876; or fax 608-266-9711. Return the completed application and fees to the same office.

4. 'Rescheduling a certification examination.' If unable to take the certification examination at the time or date scheduled by the department, the applicant may reschedule the certification examination for another time or date without payment of an additional fee if the applicant requests the change not less than one working day prior to the scheduled certification examination. The certification examination fee is not refundable.

(d) *XRF manufacturer's training for lead inspectors or risk assessors.* 1. 'Requirement for training.' For certification as a lead inspector or risk assessor, an individual shall complete manufacturer's training meeting the requirements under ch. HFS 157 for at least one make and model of XRF the individual will be using and shall submit a completion certificate for the training before certification as a lead inspector or risk assessor may be issued. Manufacturer's training shall be provided by the XRF manufacturer or by an individual who has been directly trained by the XRF manufacturer. Documentation of any other training completed to operate other makes or models of XRF shall be retained by the applicant and submitted upon request by the department.

2. 'Certification pending training.' Pending completion of XRF manufacturer's training to use an XRF, an applicant for lead inspector certification who meets all other qualifications shall be issued certification as a lead sampling technician and an applicant for lead risk assessor certification who meets all other qualifications shall be issued certification as a lead hazard investigator.

(4) SUBMISSION OF DOCUMENTATION. If an applicant submits a photocopy rather than an original document, the applicant shall have the copy notarized as a true copy of the original before submitting the copy to the department.

(5) APPLICATION FOR INITIAL CERTIFICATION. An individual applying for initial certification shall submit all of the following to the department:

(a) *Application form.* A fully and accurately completed application on a form obtained from the department. The applicant shall include the applicant's social security number on the application and shall personally sign the application affidavit verifying the accuracy of the information.

(b) *Photograph.* Except when a photograph was submitted to the department by a training provider after the applicant completed a required course, a clearly identifiable photograph of the applicant's face in a standard passport size of 2" x 2," taken within the previous 24 months.

(c) *Verification of identification.* 1. 'Birth Date.' A document that verifies the applicant's birth date, such as a birth certificate or official identification.

2. 'Photo Identification.' An individual applying for certification who has not completed a course accredited by the department shall apply in person. When applying in person, the applicant shall provide 2 forms of identification, including an official photo identification, such as a motor vehicle driver's license or passport.

Note: Applications are accepted at the Asbestos and Lead Section, Bureau of Occupational Health, Room 137, 1 West Wilson Street, P.O. Box 2659, Madison, WI 53701-2659; e-mail "plicasbestoslead@dhs.state.wi.us"; ph. 608-261-6876; fax 608-266-9711; or contact the Asbestos and Lead Section for information about other locations.

(d) *Documentation of training.* All previous required training certificates or other documentation for required training under s. HFS 163.11. In addition, the department may ask the training provider or another certification program to verify training was completed as documented.

(e) *Documentation of education and experience.* Except as provided under par. (f), for certification as a lead contractor supervisor, hazard investigator, low-risk supervisor, project designer or risk assessor, an affidavit of education and experience required under sub. (3) (b) on a form obtained from the department. The applicant shall also be prepared to submit one or more of the following forms of documentation if requested by the department:

1. 'Education.' For documentation of education, an official transcript or diploma.
2. 'Experience.' For documentation of experience, information describing the relevant experience, which shall include the month and year the experience began and the month and year the experience ended or a statement that experience is ongoing, and which may include one or more of the following:
 - a. A resume describing the relevant experience.
 - b. A letter describing the tasks performed by the individual and signed by the employer where the experience was obtained.
 - c. Letters of reference from individuals with knowledge of the applicant's experience.
 - d. Copies of inspection reports prepared by the applicant.
 - e. Copies of certifications issued by other jurisdictions that allowed the individual to perform related work.

3. 'Other professional certification.' For documentation of other professional certification, a copy of the certification.

(f) *Other documentation.* For an applicant requesting certification based on current certification issued by EPA or another EPA-authorized state or tribal program, both of the following:

1. A copy of current certification issued by EPA or by an EPA-authorized state or tribe, notarized as a true copy of the original document.

2. A completed regulatory worksheet that has been personally completed by the applicant.

(g) *Fees.* 1. 'Initial certification fee.' A written request for a government certification fee exemption under subd. par. j. or a nonrefundable initial certification fee as follows:

a. For certification as a lead contractor supervisor, a fee of \$125.

b. For certification as a lead hazard investigator, a fee of \$150.

c. For certification as a lead high-risk worker, a fee of \$75.

d. For certification as a lead inspector, a fee of \$150.

e. For certification as a lead low-risk supervisor, a fee of \$75.

f. For certification as a lead low-risk worker, a fee of \$50.

g. For certification as a lead project designer, a fee of \$175.

h. For certification as a lead risk assessor, a fee of \$175.

i. For certification as a lead sampling technician, a fee of \$50.

Note: For certification of lead-safe maintenance workers and lead-safe property managers, see s. HFS 163.43.

j. To request a government certification fee exemption, the applicant shall complete the exemption section of the application and submit a letter from the employing governmental agency describing the job duties that qualify the employee for a government certification fee exemption.

2. 'Certification examination fee.' For lead contractor supervisor, hazard investigator, inspector, low-risk supervisor or risk assessor initial certification, a nonrefundable certification examination registration of \$50.

3. 'Replacement card fee.' If a certification card is lost, stolen or damaged, the individual who was issued the card may request the department to issue a replacement card and shall include with any request a fee of \$25 and an identifying photograph in a standard passport size of 2" by 2," taken within the previous 24 months.

4. 'Other fees.' The department may assess other fees as necessary to cover costs of administering this chapter, such as walk-in service.

Note: For copies of the application form or affidavit of education and experience, write or phone the Asbestos and Lead Section, Bureau of Occupational Health, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659; e-mail "plicasbestoslead@dhfs.state.wi.us"; ph. 608-261-6876; or fax 608-266-9711. Return the completed application and fee to the same office.

(6) ACTION BY THE DEPARTMENT. (a) *Time limit.* Within 10 working days after receipt of a fully and accurately completed certification application, as specified in sub. (5), the department shall grant interim or initial certification or shall deny certification.

(b) *Grant interim certification.* Subject to provisions for lead inspector and risk assessor applicants under sub. (3) (d) 2., the department may grant interim certification to an individual who applies for lead contractor supervisor, hazard investigator, inspector, low-risk supervisor or risk assessor certification, meets all of the certification examination prerequisites under sub. (3) (c) 3. and is registered for, but has not passed, the certification examination for the discipline. When interim certification is granted, the department shall issue or arrange for the issuance of an interim certification card for the appropriate specific discipline under sub. (2). An individual may be granted interim certification only once per discipline per lifetime.

Note: When interim certification is granted, the department will also register the applicant for a certification examination and send the applicant information regarding the scheduled certification examination.

(c) *Grant initial certification.* 1. 'Upon application.' If an individual applies for certification and meets all of the conditions for initial certification under sub. (3), the department may grant initial certification. When certification is granted, the department shall issue or arrange for the issuance of a certification card for the appropriate specific discipline under sub. (2).

2. 'Upon passing certification examination.' When an individual with interim certification passes the certification examination for the discipline, the department shall change the individual's certification from interim to initial and shall issue a revised certification card for the balance of the certification term for which the individual applied and was qualified.

(d) *Deny certification.* If certification is denied, the department shall give the applicant a written explanation for the denial and shall notify the applicant of the right to appeal that decision under s. HFS 163.33.

(7) LENGTH OF INTERIM AND INITIAL CERTIFICATION. (a) *Interim certification.* Interim certification shall remain valid for a maximum of 6 months after the completion date of the most recent training course for the discipline under s. HFS 163.11.

(b) *Initial certification.* 1. For a lead contractor supervisor, hazard investigator, inspector, project designer or risk assessor, initial certification shall remain valid for 1 year after the completion date of the most recent training required under s. HFS 163.11.

2. For lead high-risk worker, low-risk supervisor, low-risk worker or sampling technician:

a. An initial certification obtained during an odd-numbered calendar year shall expire at midnight on August 1 of the subsequent odd-numbered year.

b. An initial certification obtained during an even-numbered calendar year shall expire at midnight on August 1 of the subsequent even-numbered year.

(8) RECERTIFICATION OF AN INDIVIDUAL. (a) *Requirement.* No individual certified under this subchapter may perform an activity for which certification is required after the expiration date on that individual's certification card until the individual is recertified by the department and possesses a new, unexpired certification card. An individual shall use this subsection to apply for recertification before certification expires or within 12 months after certification expires.

Note: If it is 12 months or more since a certification expired, the person wanting to renew certification must make reapplication for initial certification under subs. (3) to (7).

(b) *Conditions.* To be recertified, the individual shall:

1. Be in compliance with all requirements of this chapter.
2. Be current with the certification training requirements under s. HFS 163.11.
3. Submit an application for recertification to the department under par. (c). The department shall refund the recertification fee if recertification is denied and the payer does not owe the department other fees.
4. Pass a certification examination under sub. (3) (c) when the department requires the individual to pass the certification examination because the department has reason to believe a training course or training certificate does not meet all requirements of this chapter.

Note: To request a certification exam registration form, write or phone the Asbestos and Lead Section, Bureau of Occupational Health, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659; e-mail "plicasbestoslead@dhfs.state.wi.us"; ph. 608-261-6876; or fax 608-266-9711. Return the completed registration form and fee to the same office.

(c) *Application.* An applicant for recertification shall submit all of the following to the department:

1. 'Application form.' A fully and accurately completed application on a form obtained from the department. The applicant shall include on the form his or her social security number if it is not already shown on the form. The applicant shall personally sign the application affidavit verifying the accuracy of the information.
2. 'Photograph.' Except when a photograph was submitted to the department by a training provider after the applicant completed a required course, a recent, clearly identifiable photograph of the applicant's face in a standard passport size of 2" x 2," taken within the previous 24 months.
3. 'Training certificates.' Except when training information was submitted to the department by a training provider after the applicant completed a required course, a copy of any training certificate that was not previously submitted for training required under s. HFS 163.11.
4. 'Recertification fee.' A written request for a government certification fee exemption under subd. par. j. or a recertification fee as follows:
 - a. For recertification as a lead contractor supervisor, a 1-year fee of \$125 or a 2-year fee of \$225.
 - b. For recertification as a lead hazard investigator, a 1-year fee of \$150 or a 2-year fee of \$275.

- c. For recertification as a lead high-risk worker, a 2-year fee of \$75.
- d. For recertification as a lead inspector, a 1-year fee of \$150 or a 2-year fee of \$275.
- e. For recertification as a lead low-risk supervisor, a 2-year fee of \$75.
- f. For recertification as a lead low-risk worker, a 2-year fee of \$50.
- g. For recertification as a lead project designer, a 1-year fee of \$175 or a 2-year fee of \$325.
- h. For recertification as a lead risk assessor, a 1-year fee of \$175 or a 2-year fee of \$325.
- i. For recertification as a lead sampling technician, a 2-year fee of \$50.
- j. To request a government certification fee exemption, the applicant shall submit a letter from the employing governmental agency describing the job duties that qualify the employee for a government certification fee exemption.

5. 'Certification examination registration.' If required under par. (b) 4. to take a certification examination, the applicant for recertification shall submit a certification examination registration form and a registration fee of \$50.

6. 'Other fees.' The department may assess other fees as necessary to cover costs of administering this chapter.

Note: For a copy of the application or certification examination registration form, write or phone the Asbestos and Lead Section, Bureau of Occupational Health, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659; e-mail "plicasbestoslead@dhfs.state.wi.us"; ph. 608-261-6876; or fax 608-266-9711. Return the completed application and fee to the same office.

(d) *Action by the department.* 1. Within 10 working days after receipt of a fully and accurately completed application for recertification, the department shall grant or deny recertification.

2. If an individual applies for recertification and meets the conditions for recertification under par. (b), the department may grant recertification. When recertification is granted, the department shall issue or arrange for the issuance of a certification card for the appropriate specific discipline under sub. (2).

3. If recertification is denied, the department shall give the applicant a written explanation for the denial and shall notify the applicant of the right to appeal that decision under s. HFS 163.33.

(e) *Length of recertification.* 1. When the department recertifies a lead contractor supervisor, hazard investigator, inspector, project designer or risk assessor, the department shall extend the certification of the individual for 1 or 2 years depending on whether a 1-year or 2-year fee is paid and the date by which refresher training must be completed.

2. When the department recertifies a lead high-risk worker, low-risk supervisor, low-risk worker or sampling technician, the department shall extend the certification of the individual for 2 years.

HFS 163.11 Certification training requirements. To be certified under this chapter as a lead contractor supervisor, hazard investigator, high-risk worker, inspector, low-risk supervisor, low-risk worker, project designer, risk assessor or sampling technician, an individual shall meet all of the following minimum training requirements:

(1) APPROVED TRAINING. Each training course the individual completes for purposes of certification or recertification shall be any of the following:

(a) Accredited by the department under this chapter or a comparable course previously accredited under this chapter and completed prior to the effective date of this chapter.

(b) Accredited by EPA or an EPA-authorized state or tribal lead training and certification program if the department determines the course is comparable to a course or courses under s. HFS 163.20 (8) and the course was completed in another state where the accrediting program has authority.

(c) Given by a training center authorized by EPA and completed in another state prior to March 1, 1999.

(d) Accredited by another state if the training course meets requirements that are comparable to the accreditation requirements under this chapter and was completed in that state prior to March 1, 1999.

(2) REQUIREMENT FOR INITIAL TRAINING. (a) *Lead hazard reduction training.* For certification to perform lead hazard reduction activities, an individual shall have successfully completed one or more department-approved initial training courses as follows:

1. 'Lead low-risk worker.' For certification as a lead low-risk worker, one of the following:

a. An initial 1-day lead low-risk work course.

b. An initial 1-day accredited lead-safe maintenance course followed by 4 hours of hands-on training and skills assessment from an accredited initial lead low-risk work course.

2. 'Lead high-risk worker.' For certification as a lead high-risk worker, lead low-risk worker training under subd. 1. followed by an initial 1-day lead high-risk work course.

3. 'Lead low-risk supervisor.' For certification as a lead low-risk supervisor, lead low-risk worker training under subd. 1. followed by an initial 1-day lead low-risk supervision course.

4. 'Lead contractor supervisor.' For certification as a lead contractor supervisor, lead high-risk worker training under subd. 2. followed by an initial 2-day lead contractor supervision course.

5. 'Lead project designer.' For certification as a lead project designer, lead contractor supervisor training under subd. 4. followed by an initial 1-day lead project designer course.

(b) *Lead investigation training.* For certification to perform lead investigation activities, an individual shall have successfully completed one or more department-approved initial training courses as follows:

1. 'Lead sampling technician.' For certification as a lead sampling technician, an initial 1-day lead sampling course.

2. 'Lead inspector.' For certification as a lead inspector, an initial 1-day lead sampling course followed by an initial 2-day lead inspection course.

3. 'Lead hazard investigator.' For certification as a lead hazard investigator, an initial 1-day lead sampling course followed by an initial 2-day lead hazard investigation course.

4. 'Lead risk assessor.' For certification as a lead risk assessor, an initial 1-day lead sampling course followed by an initial 2-day lead inspection course and an initial 2-day lead hazard investigation course.

(c) A comparable course approved by the department under sub. (1) (b) to (d).

(3) REFRESHER TRAINING. (a) *Requirement for refresher training.* 1. As a condition for recertification, an individual who is certified shall complete refresher training as follows:

a. An individual issued initial certification as a lead contractor supervisor, hazard investigator, inspector, project designer or risk assessor or recertification shall complete a refresher training course under par. (b) every 2 years, as indicated by the training due date on the certification card.

b. An individual issued initial certification as a lead high-risk worker, low-risk supervisor, low-risk worker or sampling technician shall complete a refresher training course under par. (b) during that certification period, as indicated by the training due date on the certification card.

2. As a condition for certification, an individual who is not certified and has not completed initial or refresher lead training within the previous 24 months, shall meet one of the following refresher training requirements:

a. An individual whose certification has been expired for less than 12 months shall complete a refresher training course under par. (b).

b. An individual whose certification has been expired for 12 months shall complete initial training under sub. (2) (a) or (b) if the last training was completed more than 3 years ago or a refresher training course under par. (b) if the last training was completed within the past 3 years, and shall retake and pass the certification examination under s. HFS 163.10 (3) (c).

(b) *Required refresher training.* 1. 'Refresher training for lead hazard reduction disciplines.' For lead hazard reduction disciplines, an individual shall successfully complete refresher courses approved by the department for lead hazard reduction disciplines. The minimum number of department-approved hours required for lead hazard reduction disciplines are as follows:

a. For certification as a lead low-risk worker, a 2-hour lead low-risk worker refresher training course.

b. For certification as a lead high-risk worker, a 4-hour lead high-risk worker refresher training course.

c. For certification as a lead low-risk supervisor, a 4-hour lead low-risk supervisor refresher training course.

d. For certification as a lead contractor supervisor, an 8-hour lead contractor supervisor refresher training course.

e. For certification as a lead project designer, a 4-hour lead project designer refresher training course.

2. 'Refresher training for lead investigation disciplines.' For lead investigation disciplines, an individual shall successfully complete refresher courses approved by the department for lead investigation disciplines. The minimum number of department-approved hours required for lead investigation disciplines are as follows:

a. For certification as a lead sampling technician, a 2-hour lead sampling technician refresher training course.

b. For certification as a lead inspector, an 8-hour lead inspector refresher training course.

c. For certification as a lead hazard investigator, an 8-hour lead hazard investigator refresher training course.

d. For certification as a lead risk assessor, an 8-hour lead risk assessor refresher training course.

(4) PROOF OF TRAINING. The individual shall retain an original training certificate, issued by the training provider, for each required training course completed.

HFS 163.12 Certification of a lead company. (1) REQUIREMENT. (a) Except as provided under par. (b), a person shall be certified by the department as a lead company under this chapter and shall have appropriately certified staff or shall contract with an appropriately certified individual before it may perform, supervise, advertise, claim to provide or offer to perform or supervise a lead hazard reduction activity or a lead investigation activity for which certification is required under s. HFS 163.10 (1).

(b) A person is not required to be certified as a lead company when the person is a property owner who personally performs regulated activities only on the property owner's owner-occupied dwelling and the owner-occupied dwelling is not occupied by an individual who is not the property owner or the property owner's immediate family.

(2) CONDITIONS FOR CERTIFICATION. To be certified as a lead company, an applicant shall do all of the following:

(a) *Apply.* Submit a completed application under sub. (3).

(b) *Use certified individuals.* Agree to employ or contract with only appropriately certified individuals to perform or supervise regulated activities when certification is required under this chapter.

(c) *Follow work practice standards.* Agree that all lead company employees or subcontractors will follow the applicable work practice standards under s. HFS 163.14 or 163.44 when performing activities covered by the standards.

(d) *Demonstrate knowledge of applicable regulations.* An owner, officer or employee of the lead company who is authorized by the lead company to act on the lead company's behalf shall demonstrate knowledge of applicable lead-based paint regulations and protocols by doing one of the following:

1. Being certified as a lead contractor supervisor, hazard investigator, inspector, project designer, risk assessor or low-risk supervisor.
2. When certification is impracticable, correctly completing and submitting to the department a lead company regulatory work sheet.

(3) **APPLICATION FOR CERTIFICATION.** A person seeking certification shall submit an application under par. (a) or (b) to the department:

(a) *Application for a nongovernmental lead company.* 1. 'Application form.' The lead company that is not a governmental agency shall submit a fully and accurately completed application on a form obtained from the department. The application shall include all of the following information:

- a. The lead company's name, mailing address, physical address and telephone number and the physical address of records required under s. HFS 163.13 (3) if different from the physical address.
- b. The federal employer identification number for the lead company or a statement why the lead company does not have one.
- c. Names and social security numbers of the lead company's owners.
- d. Names of corporate officers of the lead company if the lead company is incorporated.
- e. The name of an individual who meets one of the certification requirements under sub. (2) (d) 1. or the completed regulatory worksheet under sub. (2) (d) 2.

Note: To request a copy of the lead company regulatory work sheet or lead company application form, contact the Asbestos and Lead Section, Bureau of Occupational Health, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659; e-mail "plicasbestoslead@dhfs.state.wi.us"; ph. 608-261-6876; or fax 608-266-9711.

- f. A statement signed by an owner or officer of the lead company attesting that the lead company will employ or contract with only appropriately certified persons to conduct or supervise lead investigation or lead-based paint activities when certification is required under this chapter.
- g. A statement signed by an owner or officer of the lead company attesting that the lead company, its employees and subcontractors will follow the work practice standards in s. HFS 163.14 when conducting lead investigation activities or lead-based paint activities covered by the work practice standards.
- h. A list of certified staff employed by or under contract with the lead company at the time of application.

2. 'Fee.' The application shall include all the following fees:

a. A nonrefundable initial certification fee of \$75.

b. Any other fee imposed by the department as necessary to cover costs of administering this chapter.

Note: For a copy of the application form, write or phone the Asbestos and Lead Section, Bureau of Occupational Health, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659; e-mail "plicasbestoslead@dhfs.state.wi.us"; ph. 608-261-6876; or fax 608-266-9711. Return the completed application and fee to the same office.

(b) *Application for a governmental agency.* A lead company that is a governmental agency shall submit a fully and accurately completed application on a form obtained from the department. The application shall include all of the following information:

1. Name, mailing address, physical address and telephone number for the agency and physical address of records required under s. HFS 163.13 (3) if different from the agency's physical address.

2. A statement signed by an authorized representative of the agency attesting that the agency will employ or contract with only appropriately certified persons to conduct or supervise lead investigation activities or lead-based paint activities when certification is required under this chapter.

3. A statement signed by an authorized representative of the agency attesting that the agency, its employees and subcontractors will follow the work practice standards in s. HFS 163.14 when conducting lead investigation activities or lead-based paint activities covered by the work practice standards.

Note: For a copy of the application form, write or phone the Asbestos and Lead Section, Bureau of Occupational Health, Room 137, 1 W. Wilson Street, P.O. Box 2659, Madison, WI 53701-2659; e-mail "plicasbestoslead@dhfs.state.wi.us"; ph. 608-261-6876; or fax 608-266-9711. Return the completed application to the same office.

(4) **ACTION BY THE DEPARTMENT.** (a) *Time limit.* Within 10 working days after receipt of a fully and accurately completed certification application, the department shall grant or deny a lead company's request for certification.

(b) *Grant certification.* If the department grants lead company certification, the department shall issue a certificate of approval.

(c) *Deny certification.* If the department denies lead company certification, the department shall give the lead company a written explanation for the denial and shall notify the lead company of the right to appeal that decision under s. HFS 163.33.

(5) **EXPIRATION OF LEAD COMPANY CERTIFICATION.** A lead company's lead certification shall expire as follows:

(a) An initial certification obtained during an odd-numbered year shall expire at midnight on August 1 of the subsequent odd-numbered year.

(b) An initial certification obtained during an even-numbered year shall expire at midnight on August 1 of the subsequent even-numbered year.

(6) RENEWAL OF CERTIFICATION. (a) *Requirement.* To continue to perform, supervise, advertise, claim to provide or offer to perform or supervise a lead abatement activity or lead investigation activity, a lead company shall submit the following to the department before certification expires:

1. A completed renewal of certification application indicating changes to lead company information since the previous application.

2. A nonrefundable fee of \$75, except that a state or local government agency is exempt from paying the fee.

Note: Submit the application and fee to the Asbestos and Lead Section, Bureau of Occupational Health, P.O. Box 2659, Madison, WI 53701-2659.

(b) *Action by the department.* 1. 'Time limit.' Within 10 working days after receipt of a fully and accurately completed application, the department shall grant or deny a lead company's request for renewal of certification.

2. 'Grant renewal of certification.' If the department grants a lead company renewal of certification, the department shall issue a certificate of approval.

3. 'Deny renewal of certification.' If the department denies a lead company renewal of certification, the department shall give the lead company a written explanation for the denial and shall notify the lead company of the right to appeal that decision under s. HFS 163.33.

(c) *Length of lead company renewal of certification.* When the department renews the certification of a lead company, the department shall extend a lead company's certification 2 years, except that lead company certifications with an expiration date of November 1, 2001, shall be renewed to expire at midnight on August 1, 2003.

HFS 163.13 Responsibilities of certified persons. (1) **MAY NOT REFUSE ENTRY.** No person at a site where a lead company conducts business or at the site of a current or previously conducted regulated activity may refuse entry to any representative of the department acting under the authority of s. HFS 163.30 (3).

(2) **REQUIREMENT FOR VALID CARD ON SITE.** Only a Wisconsin lead certification card is valid in this state for performing a regulated activity. Each individual performing or supervising a regulated activity shall have a valid unexpired certification card at the jobsite whenever performing or supervising that activity. Only the most recent certification card is valid for any given discipline.

(3) **REQUIREMENT FOR RECORDKEEPING.** The certified lead company shall retain all documentation, reports or plans required under this subchapter for a minimum of 5 years. If the lead company goes out of business, the department shall be contacted and offered the opportunity to become the repository for these records.

(4) **REQUIREMENT FOR SUPERVISION OF A WORKER.** A lead low-risk worker or high-risk worker shall be supervised according to s. 163.14 (3) (c) or (6) (c). According to recordkeeping requirements under sub. (3), the lead company shall maintain documentation of all jobs where a lead low-risk worker was directly supervised and shall maintain documentation that a lead low-risk worker successfully demonstrated understanding and compliance with pertinent regulations and

protocols when performing low-risk lead-based paint activities. Documentation of competence shall be on a form obtained from or approved by the department.

Note: For a copy of the worker competency form, write or phone the Asbestos and Lead Section, Bureau of Occupational Health, Room 137, 1 W. Wilson St., P.O. Box 2659, Madison, WI 53701-2659; e-mail "plicasbestoslead@dhsf.state.wi.us"; ph. 608-261-6876; or fax 608-266-9711.

(5) REQUIREMENT FOR WRITTEN CONTRACT. A certified lead company shall have a written contract for all regulated activities performed for remuneration. The contract shall specify the activities to be performed, comply with s. ATCP 110.05 and include the following:

(a) Information regarding the presence or absence of bonding or insurance coverage, including workers compensation insurance. Where a representation is made that bonding or insurance will be in effect while regulated activities are conducted, the lead company shall provide proof before work begins.

(b) For a high-risk or low-risk lead-based paint activity, a statement regarding who is responsible for paying additional cleanup and clearance costs if clearance levels are not met.

(c) For a clearance activity, a statement regarding any potential conflict of interest, such as whether the lead company conducting the clearance is directly or beneficially owned, controlled or managed by the lead company conducting the high-risk or low-risk lead-based paint activity.

(d) For a lead investigation activity, all of the following:

1. The extent of the investigation and any limitations.

2. Which of the following actions will be taken if deteriorated paint is detected during a lead hazard screen, lead-safe investigation or risk assessment or if an XRF provides an inconclusive reading:

a. Treat the paint as lead-based paint unless the paint is proven to be lead-free.

b. Take a paint chip sample for submission to a recognized laboratory for testing.

(e) For a lead-free inspection or a lead-safe investigation, what action will be taken if the property is found ineligible for the certificate being sought.

(6) RESPONSIBILITY FOR TRAINING AND CERTIFICATION DOCUMENTS. (a) *Individual.* The individual to whom a training certificate is issued by a training manager and a certification card is issued by the department is the owner of that training certificate and certification card, and is responsible for the following:

1. 'Responsibility for training certificate.' a. The individual shall retain an original training certificate for the duration of the individual's certification for each required training course completed and shall provide the original training certificate for each completed course upon request by the department.

b. The individual shall not allow another person to photocopy the training certificate unless the photocopy is clearly labeled "copy" across the face of it in order to discourage fraudulent or misleading use of the photocopy and shall not allow another person to use the training certificate.

2. 'Responsibility for certification card.' a. The individual shall retain the certification card until the card expires, shall have it physically present when performing or supervising a regulated activity and shall make the certification card available for inspection upon request by the department or the public.

b. The individual shall not allow another person to photocopy the certification card unless the photocopy is clearly labeled "copy" across the face of it in order to discourage fraudulent or misleading use of the photocopy and shall not allow another person to use the certification card.

c. When requested by the department, the individual shall return a suspended, revoked or otherwise invalid certification card to the department within 10 working days of the department's request.

(b) *Lead company.* 1. 'Prohibited actions.' The employer or lead company may not confiscate an individual's original training certificate or certification card. The employer or lead company may not photocopy an individual's training certificate or certification card unless the photocopy is clearly labeled "copy" across the face of it in order to discourage fraudulent or misleading use of the photocopy.

2. 'Responsibility for certificate of approval.' a. Each certified lead company performing, supervising or offering to perform or supervise a regulated activity shall retain the certificate of approval for the duration of certification and shall make it available for inspection upon request by the department or the public.

b. A lead company shall not allow another person to photocopy the certificate of approval unless the photocopy is clearly labeled "copy" across the face of it in order to discourage fraudulent or misleading use of the photocopy and shall not allow another person to use the certificate of approval.

c. When requested by the department, the lead company shall return a suspended, revoked or otherwise invalid certificate of approval to the department within 10 working days of the department's request.

(7) RESPONSIBILITY FOR VERIFICATION OF CERTIFICATION. The lead company employing or contracting with persons conducting a regulated activity shall verify the certification status of individuals performing or supervising those activities before the start of the activity and may not use individuals who lack the required certification.

(8) SUMMARY OF LEAD INVESTIGATION ACTIVITIES. (a) *Requirement for summary.* Except when an elevated blood lead investigation is conducted or a certificate of lead-free status or lead-safe status is issued as the result of the lead investigation activity, a certified lead company with staff certified as a lead hazard investigator, inspector, risk assessor or sampling technician, shall submit to the department a summary of regulated lead investigation activities conducted on a form obtained from or approved by the department. If no regulated activities are conducted in a quarter, the report must be filed to show no activity.

Note: Information about elevated blood lead investigations will be collected from reports submitted to the Wisconsin Childhood Lead Poisoning Prevention Program and information about lead-free inspections and lead-safe investigations will be collected through the registration of lead-free and lead-safe certificates.

(b) *Summary period and submittal date.* Each summary shall cover a three-month period and shall be submitted to the department as follows:

1. Submit January through March by April 30.
2. Submit April through June by July 31.
3. Submit July through September by October 31.
4. Submit October through December by January 31.

(c) *Content of summary.* A completed summary form shall include the name, address, telephone number and certification identification number of the lead company reporting and all of the following information for each lead investigation activity conducted:

1. Date the lead investigation activity was conducted.
2. Street address and city or fire address of the dwelling or child-occupied facility where the lead investigation was conducted.
3. Name and lead certification identification number of the individual or individuals conducting the lead investigation activity.
4. Type of lead investigation activity conducted.
5. The result of the lead investigation activity.

Note: To request a summary form, to request approval of an alternative form or to submit a summary, fax to 608-266-9711, e-mail to "plicasbestoslead@dhfs.state.wi.us"; or mail to the Asbestos and Lead Section, Bureau of Occupational Health, P.O. Box 2659, Madison, WI 53701-2659.

(9) **WORK CONDUCT.** Upon receiving certification, individuals and lead companies shall conduct activities in a manner that does not increase the hazards from lead-based paint to building occupants and shall comply with the work practice standards under s. HFS 163.14.

HFS 163.14 Work practice standards. (1) CLEARANCE. (a) Who may conduct. Subject to the restriction under subd. 3., clearance of a regulated activity shall only be conducted by an individual who did not participate in performing the activity being cleared and who is certified as follows:

1. When an abatement activity was conducted, only a certified lead hazard investigator, inspector or risk assessor associated with a certified lead company may perform clearance.
2. When no lead abatement activity was conducted, clearance may be performed only by one of the following:
 - a. A certified lead hazard investigator, inspector or risk assessor associated with a certified lead company.

b. A sampling technician associated with a certified lead company when clearance involves only a dwelling with fewer than five units, or an individual dwelling unit in a multi-family dwelling with more than four units.

3. For clearance of any abatement or high-risk lead-based paint activity involving registered lead-safe property, a certified individual involved in conducting clearance may not be an immediate family member, agent or employee of a property owner or associated with a certified lead company that is directly or beneficially owned, controlled or managed by a property owner, or by an immediate family member, employee or agent of a property owner.

(b) *Clearance protocol.* In performing clearance, the certified lead hazard investigator, inspector, risk assessor or sampling technician shall comply with all of the following in an unbiased, objective and impartial manner:

1. 'Visual inspection of work.' Perform a visual inspection to determine if work specified in any contract, work plans, orders or other specifications has been completed and if any visible amounts of dust, debris or residue are present. If work has not been completed or if visible amounts of dust, debris or residue are present, the person who performed the activity being cleared shall eliminate these conditions prior to the continuation of the clearance procedures.

2. 'Timing of sampling.' Following a successful visual inspection and a minimum of one hour after completion of final cleanup activities, conduct clearance sampling for dust-lead by collecting single-surface dust samples using documented methodologies that incorporate adequate quality control procedures.

3. 'Location of sampling for work conducted in containment.' a. In at least 4 rooms, hallways, stairwells or other living areas within the containment area, collect one dust sample from one interior windowsill or one window trough, if available, and one dust sample from the floors. If there are fewer than 4 rooms, hallways, stairwells or other living areas within the containment area, collect samples from one interior windowsill or one window trough, if available, and one dust sample from the floors of all rooms, hallways, stairwells or other living areas within containment.

b. Collect one dust sample from the floor of a common area within containment for every 2,000 square feet of floor, and one dust sample from the floor of a common area outside containment. The dust sample taken outside containment shall be collected within 10 feet of the containment airlock.

4. 'Location of sampling for work conducted without containment.' a. In at least 4 rooms, hallways, stairwells or other living areas in or near the work area, collect one dust sample from one interior windowsill or one window trough, if available, and one dust sample from the floors. If there are fewer than 4 rooms, hallways, stairwells or other living areas within the residential dwelling or child-occupied facility, collect samples from one interior windowsill or one window trough, if available, and one dust sample from the floors of all rooms, hallways, stairwells or other living areas.

b. Collect one dust sample from the floor of a common area for every 2,000 square feet of floor.

5. 'Random sampling in multi-family dwellings.' Following an interior activity in a multi-family dwelling with similarly constructed and maintained dwelling units, conduct random sampling for purposes of clearance provided that:

a. The persons who perform the high-risk or low-risk lead-based paint activities, including cleanup, do not know which dwelling units will be selected for the random sample.

b. A sufficient number of dwelling units are selected for dust sampling to provide a 95% level of confidence that at least 95% of all dwelling units would pass clearance if all dwelling units were sampled. In a housing complex with more than 1,000 dwelling units, no sampled dwelling unit may fail clearance and a sufficient number of dwelling units shall be selected for dust sampling to provide a 95% level of confidence that no more than 5% of all dwelling units or 50 dwelling units, whichever is smaller, would fail clearance if all dwelling units were sampled.

Note: For assistance in selecting the correct sample size, refer to Appendix C of this chapter.

c. The randomly selected dwelling units are sampled and evaluated for clearance according to the procedures found in par. (b).

6. 'Visual inspection of exterior work area.' Following an exterior activity, conduct a visual inspection. If visible dust or debris is present on horizontal surfaces in the outdoor common area closest to the work surface, such as a porch, patio, deck, sidewalk or stoop, the lead company shall eliminate these conditions before clearance may continue. In addition, conduct a visual inspection to determine the presence of paint chips on the dripline, next to the foundation, or any other surface below any exterior surface involved in the activity. If paint chips are present, the lead company shall remove the paint chips from the site and properly dispose of them according to applicable federal, state and local government requirements.

7. 'Laboratory analysis.' Have collected samples analyzed by a recognized laboratory to determine if they contain detectable levels of lead that can be quantified numerically.

8. 'Interpretation of laboratory results.' Compare the residual lead level from each dust sample, as determined by laboratory analysis, with the applicable clearance level for lead in dust on floors, interior windowsills and window troughs. If the residual lead level in a dust sample equals or exceeds the applicable clearance level, all of the components represented by the failed sample shall be recleaned by the lead company and retested by the person conducting clearance until clearance levels are met. For dust wipe samples taken during clearance, clearance is achieved when the laboratory result for a sample is less than the following:

- a. Forty micrograms per square foot ($40 \mu\text{g}/\text{ft}^2$) on a floor.
- b. Two hundred fifty micrograms per square foot ($250 \mu\text{g}/\text{ft}^2$) on an interior windowsill.
- c. Eight hundred micrograms per square foot ($800 \mu\text{g}/\text{ft}^2$) on window wells or troughs.

Note: Under U.S. EPA regulations that provide a federal definition of lead-based paint hazards under 40 CFR Part 745, Subpart D, effective March 6, 2001, the clearance level for a dust wipe sample taken of a window trough is reduced from 800 to 400 micrograms per square foot for properties subject to federal regulations, including HUD lead hazard reduction regulations.

9. 'Preparation of report following clearance of abatement.' Within 10 working days after clearance of a lead-based paint activity that involves abatement or within 10 working days after receipt of any required laboratory results, whichever is later, prepare a written clearance report for submission to the lead company and the property owner or the person who contracted for the clearance. The report shall include all of the following information:

- a. Date and time of the clearance.
- b. Address of the job site, including street address and unit number when applicable.
- c. Name, address, telephone number and certification number of each individual and lead company conducting the clearance and signature of each certified lead hazard investigator, inspector, risk assessor or sampling technician.
- d. The results of clearance testing, the specific locations on the property where clearance samples were taken and, if applicable, all soil analyses and the name, address and telephone number of each recognized laboratory that conducted the analyses.
- e. The results of the visual inspection for the presence of visible dust, debris, residue or paint chips and, when applicable, the presence of deteriorated paint that is not proven to be lead-free.

10. 'Preparation of report following clearance of a lead-based paint activity not involving abatement.' Within 10 working days after clearance of a lead-based paint activity that does not involve abatement or within 10 working days after receipt of any required laboratory results, whichever is later, prepare a written clearance report for submission to the property owner or the person who contracted for the clearance. The report shall include all of the following information:

- a. All information under subd. 9.
- b. The start and completion dates of the lead-based paint activity.
- c. The name and address of each lead company, firm or organization conducting the lead-based paint activity.
- d. The name and certification number of the person in charge of the work.
- e. A description of the lead-based paint activity.

(2) ELEVATED BLOOD LEAD INVESTIGATION. (a) *Who may conduct.* Only a certified lead hazard investigator or risk assessor may perform an elevated blood lead investigation.

(b) *Elevated blood lead investigation protocol.* An elevated blood lead investigation in response to a child with lead poisoning shall be conducted according to documented methodologies consistent with funding criteria and guidance issued to public health agencies by the department.

(3) HIGH-RISK ABATEMENT ACTIVITIES. (a) *Who may conduct.* When certification is required, only an individual certified as a lead contractor supervisor and associated with a certified lead company may supervise and perform high-risk abatement activities involving target housing or child-occupied facilities. A certified lead high-risk worker who is associated with a certified lead company may perform high-risk abatement activities under the direct supervision of a certified lead contractor supervisor.

(b) *High-risk abatement protocol.* In supervising or performing high-risk abatement, certified persons shall comply with all requirements under pars. (c) to (L).

(c) *Requirement for supervision.* When a lead high-risk worker performs a high-risk abatement activity, a lead contractor supervisor shall provide direct onsite supervision.

(d) *Requirement for ensuring compliance.* A certified lead contractor supervisor and the certified lead company associated with that individual shall ensure that all high-risk abatement activities are conducted in a manner that does not increase lead-based paint hazards to the occupant of the dwelling or child-occupied facility and are conducted according to the requirements of this section and all other federal, state and local government requirements.

(e) *Occupant protection.* 1. 'Containment.' a. When an interior high-risk abatement activity is performed, containment shall be used to isolate the area where lead-based paint is being disturbed from the rest of the property to prevent the accidental discharge of significant lead-based paint dust, vapor or debris that might cause a person to have an elevated blood lead level.

b. When an exterior high-risk abatement activity is performed, containment is not required, but the work area shall be demarcated with signs, tape or plastic sheeting. For exterior work, landscape fabric capable of collecting dust-lead and debris may be used for a ground cover in lieu of plastic.

2. 'Restricted access.' a. Containment. Uncertified persons may not enter a contained area. Before uncertified individuals are allowed in an area where abatement was conducted, appropriately certified persons shall use documented methodologies to clean the area and remove any containment materials, after which a visual inspection shall be conducted and successfully completed. An individual involved with conducting the abatement shall provide information about the potential presence of lead-based paint hazards to individuals who enter the work area after the area has been cleaned and visually inspected but before clearance has been successfully completed.

b. Work area without containment. Uncertified persons shall be kept out of the work area where lead-based paint is disturbed. Before uncertified individuals are allowed in an area where lead-based paint was disturbed, the work area shall be cleaned according to documented methodologies and a visual inspection successfully completed. An individual involved with conducting the abatement shall provide information about the potential presence of lead-based paint hazards to individuals who enter the work area after the area has been cleaned and visually inspected but before clearance has been successfully completed.

3. 'Written occupant protection plan.' Before starting a high-risk abatement project, a certified lead contractor supervisor or project designer shall prepare a written occupant protection plan and either discuss the plan with or provide a copy of the plan to an adult occupant of each unit affected by a planned high-risk abatement activity. The occupant protection plan shall be on a form obtained from or approved by the department and shall be unique to each dwelling or child-occupied facility. The plan shall describe the measures and management procedures that will be taken during the abatement project to protect the building occupants from exposure to lead-based paint hazards. The occupant protection plan shall be followed by all lead company staff and kept at the job site for viewing by interested persons.

(f) *Restricted work practices.* All of the work practice restrictions under sub. (8) apply to all lead-based paint activities conducted during projects involving high-risk abatement.

(g) *Removal of soil.* If soil is removed, the lead-contaminated soil shall be replaced with soil that has a level of lead of less than 400 parts per million. The soil that is removed shall not be used as topsoil at another dwelling or child-occupied facility.

(h) *Requirement for notification to department.* Before performing a high-risk abatement activity, a lead company's certified lead contractor supervisor shall provide notice to the department of the activity under sub. (7).

(i) *Requirement for clearance.* The contractor supervisor shall arrange for final clearance under sub. (1) to be conducted as soon as possible following abatement. The abatement is not complete until a certified lead hazard investigator, inspector or risk assessor declares in writing that all clearance levels are met.

(j) *Written report.* Within 10 working days after receiving the clearance report, but no later than 20 working days following completion of abatement, a certified lead contractor supervisor or project designer shall submit a written report to the person who contracted for the abatement. The report shall include all of the following:

1. Start and end dates of the project if different from the dates on the notice to the department.

2. A copy of the written notice to the department under sub. (7).

3. Name, address, telephone number and certification number of each certified lead company involved in the project and the name and certification number of each contractor supervisor assigned to the project to the extent that information is not included on the written notification under subd. 2.

4. The occupant protection plan that was prepared prior to the project.

5. A copy of the clearance report under sub. (1) (b) 9.

6. A detailed written description of the lead abatement project, including the abatement activities conducted, locations of rooms or living areas and components where abatement occurred, reason for selecting the particular method used for each component and any suggested monitoring of encapsulants or enclosures.

Note: Rather than repeat information already located elsewhere, the abatement report may include other documents that contain required information, such as an order, contract or abatement notice. For example, to provide a detailed description of the abatement, orders issued by a public health agency may be attached and variances from the order described in the report.

(4) **LEAD HAZARD SCREEN.** (a) *Who may perform.* Only a certified lead hazard investigator or risk assessor associated with a certified lead company may perform a lead hazard screen involving target housing or a child-occupied facility. Under direct on-site supervision of a certified lead hazard investigator or risk assessor, a certified lead inspector or sampling technician may assist with a lead hazard screen.

(b) *Lead hazard screen protocol.* In performing a lead hazard screen, the certified lead hazard investigator or risk assessor shall comply with all requirements under pars. (c) to (g).

(c) *Background information.* Collect background information on the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to a child under 6 years of age.

(d) *Deteriorated paint.* Conduct a visual inspection of the real property to determine if any deteriorated paint is present. Treat deteriorated paint as lead-based paint unless the paint is proven to be lead-free. If a contract under s. HFS 163.13 (5) (d) specifies that sampling for the presence of lead-based paint should be conducted, do all of the following:

1. Use documented methodologies that incorporate adequate quality control procedures to test each surface with deteriorated paint that the hazard investigator or risk assessor determines is in poor condition and has a distinct paint history.

2. Have all collected paint chip samples analyzed by a recognized laboratory to determine if they contain detectable levels of lead that can be quantified numerically.

3. Determine that lead-based paint is present if the laboratory results are equal to or greater than 0.06% lead by weight or that lead-based paint is not present if the laboratory results are less than 0.06% lead by weight.

Note: Refer to s. HFS 163.03 (29) for documented methodologies.

(e) *Dust-lead.* 1. Collect four dust samples from the floors and four dust samples from the windows, in rooms, hallways, stairwells or other living areas where a child under 6 years of age is most likely to come into contact with dust.

2. In multi-family dwellings and child-occupied facilities, collect dust samples from common areas where a child under 6 years of age is most likely to come into contact with dust in addition to samples collected under subd. 1.

3. Collect all dust samples by using documented methodologies that incorporate adequate quality control procedures.

4. Have all collected dust samples analyzed by a recognized laboratory to determine if they contain detectable levels of lead that can be quantified numerically.

(f) *Lead-based paint hazards.* Evaluate the results of the lead hazard screen against the lead-based paint hazard levels under s. HFS 163.15 to determine whether a lead-based paint hazard is present.

(g) *Written report.* Within 10 working days after a lead hazard screen or receipt of any required laboratory results, whichever is later, prepare a written lead hazard screen report for submission to the person who contracted for the lead hazard screen. The report shall include all of the following information:

1. Date of the lead hazard screen.
2. Address of each building screened.
3. Date of construction of buildings.
4. Apartment number of units screened, if applicable.
5. Name, address and telephone number of each current owner of each building.

6. Name, address, telephone number, certification number and signature of each certified individual participating in the lead hazard screen.

7. Name, address, telephone number and certification number of the certified lead company conducting the lead hazard screen.

8. Name, address and telephone number of each recognized laboratory conducting analysis of collected samples.

9. Background information collected under par. (c).

10. Results of the visual inspection.

11. Description of testing method and sampling procedure used for paint analysis.

12. Specific locations of each painted component tested for the presence of lead.

13. All data collected from on-site testing, including quality control data and, if used, the serial number of any XRF.

14. All results of laboratory analysis on collected paint, soil and dust samples.

15. Any other sampling results.

16. Recommendations, if warranted, for a follow-up risk assessment and, as appropriate, any further actions.

(5) **LEAD INSPECTION.** (a) *Who may conduct.* Only a certified lead inspector or risk assessor associated with a certified lead company may perform an inspection involving target housing or a child-occupied facility. Under direct on-site supervision of a certified lead inspector or risk assessor, a certified lead hazard investigator or sampling technician may assist with an inspection, but may not use an XRF.

(b) *Inspection protocol.* In performing an inspection, the certified lead inspector or risk assessor shall comply with all requirements under pars. (c) to (f).

(c) *Locations to test for lead-based paint.* Select the following locations by using documented methodologies and test for the presence of lead-based paint:

1. In a dwelling or child-occupied facility, test each interior component with a distinct paint history and each exterior component with a distinct paint history.

2. In a multi-family dwelling or child-occupied facility, also test each component with a distinct paint history in every common area.

3. When a person requests a partial inspection for purposes of identifying lead-based paint in an area to be renovated or remodeled, select locations that fall within that area in accordance with subd. 1 or 2. The inspection shall be based on a written contract under s. HFS 163.13 (5) that specifies the limits of the partial inspection. A partial inspection may not be conducted when a certificate of lead-free status is being sought.

Note: Refer to s. HFS 163.03 (29) for documented methodologies.

(d) *Paint analysis.* Conduct paint analysis by using one or both of the following methods:

1. Analyze paint to determine the presence of lead by using documented methodologies that incorporate adequate quality control procedures.
2. Have all collected paint chip samples analyzed by a recognized laboratory to determine if they contain detectable levels of lead that can be quantified numerically.

(e) *XRF requirements.* When using an XRF, a certified lead inspector or risk assessor shall be trained to operate the specific model of XRF being used and shall do all of the following:

1. Comply with radiation protection requirements under ch. HFS 157.
2. Replace the radiation source of the XRF according to recommendations from the manufacturer.
3. Warm up the XRF according to recommendations from the manufacturer or documented methodologies.
4. Conduct calibration checks according to recommendations from the manufacturer or documented methodologies.
5. Conduct substrate corrections when required.
6. If the XRF provides an inconclusive reading according to the performance characteristics sheet for the make and model of XRF used, assume the painted surface with the inconclusive reading contains lead-based paint unless sampling is required by contract. If a contract under s. HFS 163.13 (5) (d) specifies that sampling for the presence of lead-based paint should be conducted, conduct further testing or sampling and determine that lead-based paint is present if the laboratory results are equal to or greater than 0.06% lead by weight or that lead-based paint is not present if the laboratory results are less than 0.06% lead by weight.

7. Except as specified under subd. 6., evaluate the results of each XRF reading as follows:

- a. If the XRF reading is positive or equal to or in excess of 0.7 milligram per square centimeter, determine that lead-based paint is present.
- b. If the XRF reading is negative, determine that lead-based paint is not present.

(f) *Written report.* Within 10 working days after an inspection or receipt of any required laboratory results, whichever is later, prepare a written inspection report for submission to the person who contracted for the inspection. The report shall include all of the following information:

1. Date of the inspection.
2. Address of building inspected.
3. Date of construction of the building.
4. Apartment numbers of units inspected, if applicable.

5. Name, address and telephone number of the current owner of each residential dwelling or child-occupied facility.

6. Name, address, telephone number, certification number and signature of each certified individual participating in the inspection.

7. Name, address, telephone number and certification number of the certified lead company conducting the inspection.

8. Each testing method and device and each sampling procedure used for paint analysis, including quality control data and, if used, the serial number of any XRF.

9. Specific locations of each painted component tested for the presence of lead-based paint.

10. The results of the inspection expressed in terms appropriate to the sampling method used.

(6) **LOW-RISK ABATEMENT ACTIVITIES.** (a) *Who may conduct.* When certification is required, only an individual certified as a lead low-risk supervisor or lead contractor supervisor and associated with a certified lead company may supervise or perform low-risk abatement activities involving target housing or child-occupied facilities. A lead low-risk worker or lead high-risk worker associated with a certified lead company may perform low-risk abatement activities with appropriate supervision under par. (c).

(b) *Low-risk abatement protocol.* In supervising or performing low-risk abatement, certified persons shall comply with all requirements under pars. (c) to (L).

(c) *Requirement for supervision.* When a lead low-risk worker or high-risk worker performs only low-risk abatement activities, a lead low-risk supervisor or contractor supervisor shall provide direct onsite supervision until the supervisor is able to document that the worker understands and demonstrates compliance with pertinent regulations and protocols when performing lead abatement activities, at which time general supervision of the worker is required. General supervision includes verification before work begins of occupant protection under par. (e), a site visit each day the worker performs the activities, and verification of daily cleanup and disposal of waste and debris when the working day ends.

(d) *Requirement for ensuring compliance.* A certified lead contractor supervisor or low-risk supervisor and the certified lead company associated with that individual shall ensure that all abatement activities are conducted in a manner that does not increase lead-based paint hazards to the occupant of the dwelling or child-occupied facility and are conducted according to the requirements of this section and all other federal, state and local government requirements.

(e) *Occupant protection.* 1. 'Containment.' When a low-risk abatement activity is performed, containment is not required, but the work area shall be demarcated with signs, tape or plastic sheeting and all contents removed or wrapped in plastic to prevent contamination. For exterior work, landscape fabric capable of collecting dust-lead and debris may be used for a ground cover in lieu of plastic.

2. 'Restricted access.' a. Containment. Uncertified persons may not enter a contained area. Before uncertified individuals are allowed in an area where lead-based paint was disturbed, appropriately certified persons shall use documented methodologies to clean the area and remove

any containment materials, after which a visual inspection shall be conducted and successfully completed. An individual involved with conducting the abatement shall provide information about the potential presence of lead-based paint hazards to individuals who enter the work area after the area has been cleaned and visually inspected, but before clearance has been successfully completed.

b. Work area without containment. Uncertified persons shall be kept out of the work area where lead-based paint is disturbed. Before uncertified individuals are allowed in an area where lead-based paint was disturbed, the work area shall be cleaned according to documented methodologies and a visual inspection successfully completed. An individual involved with conducting the abatement shall provide information about the potential presence of lead-based paint hazards to individuals who enter the work area after the area has been cleaned and visually inspected but before clearance has been successfully completed.

3. 'Written occupant protection plan.' Before starting a low-risk abatement project, a certified lead contractor supervisor, low-risk supervisor or project designer shall prepare a written occupant protection plan and offer the plan to an adult occupant of each unit affected by a planned lead abatement activity. The occupant protection plan shall be on a form obtained from or approved by the department and shall be unique to each dwelling or child-occupied facility. The plan shall describe the measures and management procedures that will be taken during the lead hazard reduction to protect the building occupants from exposure to lead-based paint hazards. The occupant protection plan shall be followed by all lead company staff and kept at the job site for viewing by interested persons.

(f) *Restricted work practices.* All of the work practice restrictions under sub. (8) apply to all lead-based paint activities conducted during projects involving low-risk abatement.

(g) *Conduct of soil-lead reduction.* 1. If soil is not removed, the lead-contaminated soil shall be permanently covered with a barrier consisting of solid, relatively impermeable materials, such as asphalt or concrete.

2. Any person may cover bare soil with grass, mulch and other landscaping materials as a temporary lead hazard reduction method.

(h) *Requirement for notification to department.* Before performing a low-risk abatement activity a certified lead contractor supervisor or low-risk supervisor associated with the lead company shall provide notice to the department of the activity under sub. (7).

(i) *Requirement for clearance.* The contractor supervisor shall arrange for final clearance under sub. (1) to be conducted as soon as possible following lead abatement. The lead abatement is not complete until a certified lead hazard investigator, inspector or risk assessor declares in writing that all clearance levels are met.

(j) *Written report.* Within 10 working days after receiving the clearance report, but no later than 20 working days following completion of lead abatement, a certified lead contractor supervisor, low-risk supervisor or project designer shall submit a written report to the person who contracted for the lead abatement. The report shall include all of the following:

1. Start and end dates of the project if different from the dates on the notice to the department.

2. A copy of the written notice to the department under sub. (7).

3. Name, address, telephone number and certification number of each certified lead company involved in the project and the name and certification number of each contractor supervisor or low-risk supervisor assigned to the project to the extent that information is not included on the written notification under subd. 2.

4. The occupant protection plan that was prepared prior to the project.

5. A copy of the clearance report under sub. (1) (b) 9.

6. A detailed written description of the lead abatement project, including the abatement activities conducted, locations of rooms or living areas and components where abatement occurred, reason for selecting the particular method used for each component and any suggested monitoring of encapsulants or enclosures.

Note: Rather than repeat information already located elsewhere, the abatement report may include other documents that contain required information, such as an order, contract or abatement notice. For example, to provide a detailed description of the abatement, orders issued by a public health agency may be attached and variances from the order described in the report.

(7) NOTIFICATION TO THE DEPARTMENT. (a) *Timing of notice.* The contractor supervisor or low-risk supervisor shall submit written or verbal notification for receipt by the department as follows:

1. For original notice of a high-risk abatement, written notification not less than 2 working days before the start of the activity.

2. For original notice of a low-risk abatement, written notification not less than 1 working day before the start of the activity.

3. In an emergency where a health risk warrants immediate action, written or verbal notification before the start of the activity.

4. To change the project start date on an existing notice, written or verbal revised notification not less than 2 working days before the activity begins if the new start date is earlier than the original start date or a minimum of one working day before the original start date if the new start date is later than the original start date.

5. To change the project end date on an existing notice, written or verbal revised notification as soon as the change is determined, but no later than the original end date.

(b) *Written notification.* 1. 'Form for written notification.' Written notification shall be on the department's notification form or on a form approved by the department and shall include all of the following information:

a. Project details, including the start and end dates, work shifts or hours, project activities, quantity of lead-based paint materials in the project, and whether the project was ordered, affected by HUD requirements, or involved registered lead-safe property or property applying for a certificate of lead-free status or lead-safe status.

b. Lead investigation details, including how and when it was identified and the name and certification number of the lead hazard investigator, inspector or risk assessor.

c. Lead company details, including name, certification number, address, contact person and telephone number.

d. Facility or dwelling details, including type, occupancy, location, contact person and telephone number and current owner and telephone number.

2. 'Acceptable methods for submitting written notification.' Written notification may be sent by U.S. mail, commercial carrier, fax, e-mail, internet, or another method approved by the department.

3. 'Official date of written notification.' The official date of a written notification shall be the date on the department's date of receipt stamp. A notification received after 4:00 p.m. shall be dated as received the next working day.

4. 'Rejection of notification.' The department may reject a notification that is illegible or incomplete.

Note: To request a copy of the Department's notification form, to request approval of a form or method of submission or to submit written notification, contact the Asbestos and Lead Section, Bureau of Occupational Health, Room 137, 1 W. Wilson St., P.O. Box 2659, Madison, WI 53701-2659; email "plicasbestoslead@dhs.state.wi.us"; ph. 608-261-6876; or fax 608-266-9711.

(c) *Verbal notification.* 1. 'Acceptable methods for submitting verbal notification.' For emergency or revised notification, verbal notification may be made by telephone or in person and shall include all of the following information:

a. Start and end dates.

b. Name and certification number of the lead company conducting the activity.

c. Location of the dwelling or facility where the activity will be conducted.

2. 'Official date of verbal notification.' The official date of a verbal notification shall be the date a department representative accepts the verbal notification.

3. 'Written follow-up to verbal notification.' When verbal notification is given, the contractor supervisor, low-risk supervisor or the person contracting for the activity shall also submit a written notification within 2 working days after the date of the verbal notification.

Note: To submit verbal notification, phone 608-261-6876 or deliver in person to Room 137, 1 W. Wilson Street in Madison, and send the follow-up written notice to the Asbestos and Lead Section, Bureau of Occupational Health, P.O. Box 2659, Madison, WI 53701-2659.

(8) RESTRICTED PRACTICES. All of the following work practice restrictions apply to work conducted by certified persons:

(a) *Dry scraping or dry sanding.* Dry scraping or dry sanding of lead-based paint is prohibited unless one of the following conditions exists:

1. Dry scraping is conducted in conjunction with a heat gun that produces heat at a temperature below 1100 degrees fahrenheit.

2. Dry scraping or dry sanding is conducted within 1 foot of electrical outlets because wet scraping or wet sanding may pose an electrical hazard.

3. Dry scraping or dry sanding is used to treat defective paint spots totaling 2 square feet or less in any one room, hallway, stairwell or living area, or totaling no more than 20 square feet on exterior surfaces.

(b) *Abrasive blasting or sandblasting.* Abrasive blasting or sandblasting of lead-based paint is prohibited unless used with engineering controls that contain the dust and debris.

(c) *Demolition.* Demolition of all or part of a dwelling or child-occupied facility containing lead-based paint shall be conducted using containment or other methods that prevent lead-based paint vapors, dust or debris from becoming airborne and dispersing.

(d) *Heat gun.* Heat guns operating at or above 1100 degrees fahrenheit or charring the paint is prohibited on lead-based paint unless the work is done in a fully contained area with HEPA air filtration and the individual operating the heat gun uses personal protection equipment as required by the U.S. occupational safety and health administration lead in construction regulations under 29 CFR 1926.62 and worker respiratory protection regulations under 29 CFR 1910.134.

(e) *High-pressure water blasting.* High pressure water blasting to remove paint may only be used with a containment system to prevent the wastes generated from contaminating soils or surfaces waters or from becoming airborne and dispersing. The paint chips and other solid residues shall be separated from the water, collected and properly managed.

(f) *Machine sanding, grinding or planing.* Machine sanding, grinding or planing of lead-based paint is prohibited unless used with a HEPA-filtered exhaust control.

(g) *Open-flame burning or torching.* Open-flame burning or torching of lead-based paint is prohibited.

(h) *Paint stripping.* Paint stripping is prohibited in a poorly ventilated space using a volatile stripper that is a hazardous substance in accordance with regulations of the consumer product safety commission at 16 CFR 150.3. Ventilation shall meet the standards for a hazardous chemical in accordance with the U.S. occupational safety and health administration regulations at 29 CFR 1910.1200 or 1926.59, as applicable to the work.

(i) *Restrictions under local ordinances.* When work is covered by a local ordinance, all restrictions of that ordinance apply.

(j) *Waste, water and air management.* 1. Discharge of wastewater shall be managed in accordance with department of natural resources regulations under chs. NR 105, 106 and 200 to 299.

2. Air emissions shall be managed in accordance with department of natural resources regulations under chs. NR 404, 415, 429 and 445.

3. Waste shall be managed in accordance with department of natural resources regulations under chs. NR 500 to 538 and 600 to 685.

(9) RISK ASSESSMENT. (a) *Who may conduct.* Only a certified lead hazard investigator or risk assessor associated with a certified lead company may perform a risk assessment involving target housing or a child-occupied facility. Under direct on-site supervision of a certified lead hazard investigator or risk assessor, a certified lead inspector or sampling technician may assist with a risk assessment.

(b) *Risk assessment protocol.* A certified lead hazard investigator or risk assessor shall perform a risk assessment according to all the requirements under pars. (c) to (k).

(c) *Presence of lead-based paint.* Treat all painted surfaces as lead-based paint unless the paint is proven to be lead-free. If a contract under s. HFS 163.13 (5) (d) specifies that sampling for the presence of lead-based paint should be conducted, select and test all of the following locations for the presence of lead-based paint by using documented methodologies:

1. Each surface with deteriorated paint that is determined to have a distinct paint history.
2. Each interior windowsill determined to have a distinct painting history.
3. Any other surface that is determined to be a potential lead-based paint hazard and to have a distinct paint history.

Note: Refer to s. HFS 163.03 (29) for documented methodologies.

(d) *Background information.* Collect background information on the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to a child under 6 years of age.

(e) *Visual inspection.* Conduct a visual inspection for risk assessment of the residential dwelling or child-occupied facility to locate the existence of deteriorated paint that is not proven to be lead-free, assess the extent and causes of the deterioration and identify other potential lead-based paint hazards.

(f) *Dust sampling.* 1. 'Dwellings.' In dwellings, collect single-surface dust samples from the interior windowsill and floor in each of the following locations:

- a. The floor where a child under 6 years of age is likely to come into contact with dust, including play areas within rooms, high-traffic walkways, room midpoints and areas underneath windows, in each room or area where a child under 6 years of age is likely to come into contact with dust.
- b. The interior windowsill of the window that is most frequently operated or most frequently contacted by children under 6 years of age in each room or area where a child under 6 years of age is likely to come into contact with dust.
- c. Common areas adjacent to the sampled residential dwelling.
- d. Other common areas in the building where the hazard investigator or risk assessor determines that a child under 6 years of age is likely to come into contact with dust.

2. 'Child-occupied facilities.' For child-occupied facilities, collect single-surface dust samples from the interior windowsill and floor in each of the following locations:

- a. Each room, hallway or stairwell used by a child under 6 years of age.
- b. Common areas adjacent to the sampled child-occupied facility.
- c. Other common areas in the child-occupied facility where the hazard investigator or risk assessor determines that a child under 6 years of age is likely to come into contact with dust.

(g) *Soil sampling.* Unless assessment of the lead concentration in soil is specifically excluded by a written contract, collect soil samples for analysis of lead concentrations in both of the following locations:

1. Mid-yard areas where bare soil is present.
2. Dripline and foundation areas where bare soil is present.

(h) *Documented methodologies.* Conduct any paint, dust or soil sampling or testing using documented methodologies that incorporate adequate quality control procedures.

(i) *Analysis by recognized laboratory.* Have any collected paint chip, dust or soil samples analyzed by a recognized laboratory to determine if they contain detectable levels of lead that can be quantified numerically.

(j) *Presence of a lead-based paint hazard.* Determine whether a lead-based paint hazard is present under s. HFS 163.15.

(k) *Written report.* Within 10 working days after a risk assessment or receipt of any required laboratory results, whichever is later, prepare a written risk assessment report for submission to the person who contracted for the risk assessment. The report shall include all of the following information:

1. Date of the risk assessment.
2. Address of each building assessed.
3. Date of construction of buildings.
4. Apartment number of units assessed, if applicable.
5. Name, address and telephone number of each current owner of each building.
6. Name, address, telephone number, certification number and signature of each certified individual participating in the risk assessment.
7. Name, address, telephone number and certification number of the certified lead company conducting the risk assessment.
8. Name, address and telephone number of each recognized laboratory conducting analysis of collected samples.
9. Results of the visual inspection.
10. Description of testing method and sampling procedure used for paint analysis.

11. Specific locations of each painted component tested for the presence of lead.

12. All data collected from on-site testing, including quality control data and, if used, the serial number of any XRF.

13. All results of laboratory analysis on collected paint, soil and dust samples.

14. Any other sampling results.

15. Any background information collected under par. (d).

16. To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint or other assessments of lead-based paint-related hazards.

17. A description of the location, type and severity of identified lead-based paint hazards and any other potential lead hazards.

18. A description of lead hazard reduction options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

HFS 163.15 Lead-based paint hazard standards for dust and soil samples. (1) DUST-LEAD HAZARD. A dust-lead hazard is present when one of the following applies:

(a) *Lead hazard screen.* For dust wipe samples taken during a lead hazard screen, the arithmetic mean of laboratory results is equal to or greater than the following:

1. Twenty-five micrograms per square foot ($25 \mu\text{g}/\text{ft}^2$) on a floor.

2. One hundred twenty-five micrograms per square foot ($125 \mu\text{g}/\text{ft}^2$) on an interior windowsill.

(b) *Risk assessment.* For dust wipe samples taken during a risk assessment, the arithmetic mean of laboratory results is equal to or greater than the following:

1. Forty micrograms per square foot ($40 \mu\text{g}/\text{ft}^2$) on a floor.

2. Two hundred fifty micrograms per square foot ($250 \mu\text{g}/\text{ft}^2$) on an interior windowsill.

(2) SOIL-LEAD HAZARD. A soil-lead hazard is present when the arithmetic mean for laboratory results for samples of bare soil is equal to or greater than 2,000 parts per million.

Note: Under U.S. EPA regulations that provide a federal definition of lead-based paint hazards under 40 CFR Part 745, Subpart D, effective March 6, 2001, the following soil-lead hazard levels apply to properties subject to HUD lead hazard reduction regulations: (a) 400 micrograms per gram for bare soil in play areas. (b) an average of 1,200 micrograms per gram for all bare soil in the rest of the yard.

Subchapter III - Accreditation of Lead Training Courses and Approval of Training Managers and Instructors

HFS 163.20 Accreditation requirements. (1) REQUIREMENT FOR ACCREDITATION.

No person may offer, advertise, claim to provide or conduct a lead training course that is represented as qualifying any person for certification to perform a regulated abatement or lead investigation activity in this state unless that training course has received accreditation from the department, has an approved principal instructor, uses only approved instructors and the training provider is owned by or employs an approved training manager.

(2) **ONLY TRAINING COURSES.** Department accreditation is provided only for a specific training course designed for individuals seeking certification or recertification in a discipline under s. HFS 163.10 (2) or s. HFS 163.43, not for a training institution or a training program.

(3) **ONLY IN-STATE COURSES.** The department may grant full training course accreditation only to training courses conducted in Wisconsin. When review of a course is needed to ensure the quality of training received by individuals seeking certification in Wisconsin, the department may accept and review applications for contingent accreditation from training courses conducted in another state.

(4) **TYPES OF COURSES.** (a) *Separate accreditation.* Separate accreditation is required for each training course, whether an initial course or a refresher course. A separate application under s. HFS 163.21 is also required for each course, but 2 or more applications may be submitted at the same time.

(b) *Initial training course.* Accreditation of an initial training course shall be granted for a specific course under sub. (8) (a) or (b) that meets all requirements of this chapter.

(c) *Refresher training course.* A refresher training course shall be separate and distinct from the initial training course, be for a specific course under sub. (8) (c) and meet all requirements of this chapter. The department may not accredit a refresher course unless the training provider obtains accreditation from the department for all corresponding initial courses.

(d) *Lead-safe maintenance course.* Accreditation of a lead-safe maintenance course under sub. (10) shall be granted for a course that meets all requirements of this chapter, except for subs. (6) to (9) and ss. HFS 163.21 and 163.24. If approved by HUD under 24 CFR 35.1330 (1) (4) (v), a lead-safe maintenance course that is not accredited under this chapter may be used for certification as a lead-safe maintenance worker or lead-safe property manager under s. HFS 163.43 but not for certification in a lead hazard reduction discipline.

(5) **TRAINING RESOURCES.** An accredited training course shall be conducted using facilities, equipment and instructional materials that promote the learning objectives for which the course is offered. Facilities shall have space for classroom, hands-on and field training. Instructional material shall be based upon EPA and department-approved curricula, shall include all materials approved for accreditation, and shall be kept up-to-date with new information provided by the department. Equipment shall reflect department-approved work practices, shall be maintained in proper working condition and shall be licensed and stored in compliance with applicable requirements and regulations. Students shall be given course material based on EPA and department-approved curriculums that supports the learning goals and objectives of the course and that the student may use as reference material to enhance compliance with lead-based paint regulations and standards. Students shall also be given a paper copy of this chapter.