

(6) APPROVED TRAINING MANAGER. The training provider or an owner of a training provider business shall be an approved training manager under s. HFS 163.24 (2). If the training provider or owner is not eligible for approval as a training manager, the training provider shall employ a training manager who is approved under s. HFS 163.24 (2). The training manager shall be responsible for all administrative duties under s. HFS 163.25. The actions of the training manager shall be deemed actions of the owner.

(7) APPROVED INSTRUCTORS. (a) *Principal instructor.* Each training course offered shall have a principal instructor who is approved under s. HFS 163.24 (3) and designated by the training manager under s. HFS 163.25 (5). The principal instructor has the primary responsibility for the organization and teaching of the course and for direct supervision of all guest instructors for the course. An individual may not act as a principal instructor for 2 or more concurrently conducted training courses.

(b) *Guest instructor.* Under s. HFS 163.25 (4), a training manager may designate a guest instructor to teach under the direct supervision of a principal instructor or to assist a principal instructor with hands-on instructional activities, hands-on skills assessment or work practice components of a course. A guest instructor shall meet the qualifications under s. HFS 163.24 (4).

(c) *Instructors for hands-on instructional activities and skills assessment.* An accredited training course shall meet or exceed all of the following instructor requirements for hands-on activities:

1. 'Principal instructor.' At least one principal instructor shall provide direct supervision of each hands-on instructional activity and skills assessment.
2. 'Student-to-instructor ratio.' A student-to-instructor ratio of not greater than 8:1 shall be maintained during hands-on instructional activities and hands-on skills assessment but may need to be less when necessary to ensure adequate instruction and observation of student performance.
3. 'Guest instructors.' Guest instructors may assist the principal instructor with hands-on instructional activities and skills assessment.

(8) TRAINING COURSE CURRICULA. (a) *Required learning objectives for lead hazard reduction disciplines.* An accredited training course shall teach work practice standards that are consistent with s. HFS 163.14 in order to provide students with the knowledge needed to perform the lead investigation activities or lead-based paint activities they are responsible for conducting. A training course shall be based on EPA and department-approved curricula and shall meet or exceed the applicable minimum curriculum requirements, including both the minimum number of course training hours and the minimum number of hands-on training hours, as follows:

1. 'Lead low-risk work.' A lead low-risk work course shall provide a minimum of 8 training hours. The course shall include lectures, demonstrations, a minimum of 4 hours of hands-on practice and hands-on skills assessment. The course shall provide instruction and materials that address all of the following student learning goals and objectives:
 - a. Discuss why lead is a concern in housing.
 - b. Describe the effects of lead exposure in children and adults.
 - c. Define a lead-based paint hazard.

- d. Name two approaches for controlling lead-based paint hazards.
- e. List at least 7 lead-safe work practices.
- f. Discuss occupant protection requirements.
- g. Select appropriate personal protection equipment and clothing under 29 CFR 1926.62 for lead-based paint work.
- h. List at least 4 restricted or prohibited work practices under s. HFS 163.14 (8).
- i. Determine the level of certification required to conduct a given lead-based paint activity.
- j. Choose appropriate materials and equipment to conduct a given lead-based paint activity.
- k. Plan a lead-based paint activity.
- L. Prepare a work area for a lead-based paint activity.
- m. Clean up a work area after a lead-based paint activity.
- n. Remove a window sash.
- o. Install a window well cover.
- p. Describe lead-safe work practices required when installing exterior siding.
- q. Describe lead-safe work practices required when installing floor coverings.
- r. Describe how to remove a lead-contaminated carpet.
- s. List the major federal and state statutes, regulations and rules that regulate lead-based paint activities.

2. 'Lead high-risk work.' A lead high-risk work course shall provide a minimum of 8 training hours only to persons who successfully completed lead low-risk worker training. The course shall include lectures, demonstrations, a minimum of 4 hours of hands-on practice and hands-on skills assessment, a course review and a written course test. The course shall provide instruction and materials that address all of the following student learning goals and objectives:

- a. Discuss the role and responsibilities of a lead high-risk worker performing abatement or other lead hazard reduction.
- b. Describe the requirements for training, certification and work practices under ch. HFS 163.
- c. Discuss employer responsibilities for worker training and protection under 29 CFR 1926.62, lead in construction regulations issued by the U.S. occupational safety and health administration.
- d. Describe general lead-based paint waste disposal requirements.

- e. Recognize the federal, state and local governmental agencies that have lead-based paint regulations and their lead-based paint regulations.
- f. Conduct a visual observation of paint condition and hazard recognition.
- g. Determine characteristics of a job site that can affect a lead-based paint project.
- h. Interpret exposure measurements from personal air monitoring samples.
- i. Describe in general terms how lead is identified in materials.
- j. Discuss general job site safety issues.
- k. Discuss general engineering controls used for reducing and containing dust-lead.
- L. List and describe at least 5 lead-based paint abatement or hazard reduction work methods.
- m. List at least 4 restricted or prohibited work practices under s. HFS 163.14 (8).
- n. Remove paint from components using documented work methods.
- o. Discuss the structural conditions required for using encapsulants successfully.
- p. Conduct a patch test for determining if an encapsulant will adhere properly.
- q. Build a mini-containment for high-risk engineering control.
- r. Use appropriate work methods to perform window treatments that involve planing window sashes with a power planer attached to a HEPA filter.
- s. Remove components and prepare for proper disposal.
- t. Describe the cleanup and waste disposal required after high-risk abatement.
- u. Discuss the advantages and disadvantages of different lead hazard reduction activities.
- v. Describe 3 soil-lead and exterior dust-lead abatement methods and lead-based paint hazard reduction.
- w. Discuss engineering controls and work practice issues specific to exterior lead-based paint projects.
- x. Perform a job site preparation and set-up for an exterior abatement project.
- y. Discuss cleanup after soil and exterior abatement or lead hazard reduction.

3. 'Lead low-risk supervision course.' A lead low-risk supervision course shall provide a minimum of 8 training hours only to persons who successfully completed lead low-risk worker training. The course shall include lectures, demonstrations, a minimum of 3 hours of hands-on practice and hands-on skills assessment, a course review and a written course test. The course

shall provide instruction and materials that address all of the following student learning goals and objectives:

- a. Describe the role and responsibilities of a lead low-risk supervisor and compare to a lead contractor supervisor.
- b. Discuss the major responsibility areas necessary to successfully manage lead-based paint projects.
- c. Describe basic supervisory techniques.
- d. Discuss the role the site supervisor plays in community relations.
- e. Discuss the relation of contract specifications to the actual project.
- f. Describe the requirements for training, certification and work practices under ch. HFS 163.
- g. Determine when notification to the department is required.
- h. Complete a work notification form.
- i. Describe lead-based paint waste disposal requirements.
- j. Discuss employer responsibilities for worker training and protection under 29 CFR 1926.62, lead in construction regulations issued by the U.S. occupational safety and health administration.
- k. Discuss requirements for lead hazard reduction measures under 24 CFR Part 35, HUD requirements for notification, evaluation and reduction of lead-based paint hazards in federally owned residential property and housing receiving federal assistance.
- L. Discuss notification requirements under 40 CFR Part 745 Subpart E, the EPA lead-based paint pre-renovation education rule.
- m. Discuss liability and insurance issues as they relate to lead hazard reduction work.
- n. Interpret risk assessment and inspection reports.
- o. Describe the standards for registered lead-free property and registered lead-safe property.
- p. Recognize common substrate problems that cause paint failure.
- q. Describe surface preparation techniques for repainting.
- r. Select appropriate paint types for various conditions and locations in a housing unit.
- s. List requirements for lead safety when performing building maintenance and repair work.
- t. Plan a low-risk lead-based paint activity.

- u. Complete an occupant protection plan.
- v. List the information required in an abatement report.
- w. Describe the basic requirements for performing post-project pre-clearance.
- x. Perform a post-project visual inspection.
- y. Perform a dust wipe sample using proper protocols.
- z. Complete a laboratory sample analysis request form.
- za. Interpret laboratory analysis dust wipe results.
- zb. List the records that must be kept by the employer for lead hazard reduction activities.
- zc. Describe the requirements for determining if an encapsulant will adhere properly.

4. 'Lead contractor supervision courses.' A lead contractor supervision training course shall provide a minimum of 16 training hours only to persons who have successfully completed lead high-risk worker training or a minimum of 8 training hours to persons who have successfully completed lead high-risk worker training, and the lead low-risk supervision course. The lead contractor supervision training course shall include lectures, demonstrations, hands-on skills assessment, a course review and a written course test. The 16-hour lead contractor supervision training course, or the 8-hour lead contractor supervision training course when combined with the 8-hour lead low-risk supervision course, shall provide a minimum of 6 hours of hands-on practice and hands-on skills assessment, and instruction and materials that address all of the following student learning goals and objectives:

- a. Describe the role and responsibilities of a lead contractor supervisor.
- b. Discuss each of the major responsibility areas necessary to successfully manage lead abatement projects.
- c. Describe basic supervisory techniques and responsibilities for lead hazard reduction projects.
- d. Discuss the role the site supervisor plays in community relations and occupant protection.
- e. Discuss the relation of contract specifications to the actual project.
- f. Describe the various options for controlling interior, exterior and soil lead hazards.
- g. Determine appropriate lead hazard reduction methods for interior, exterior and soil hazards.
- h. Describe the requirements for using restricted lead abatement methods.
- i. Identify prohibited work practices.

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- j. Describe the requirements for training, certification and work practices under ch. HFS
 - k. Determine when notification to the department is required.
 - L. Complete a work notification form for a lead abatement project.
 - m. Describe lead waste disposal requirements.
 - n. Discuss employer responsibilities for worker training and protection under 29 CFR 1926.62, lead in construction regulations issued by the U.S. occupational safety and health administration.
 - o. Discuss employer responsibilities for worker respiratory protection under 29 CFR 1910.134.
 - p. Discuss requirements for lead hazard reduction measures under 24 CFR Part 35, HUD requirements for notification, evaluation and reduction of lead-based paint hazards in federally owned residential property and housing receiving federal assistance.
 - q. Discuss notification requirements under 40 CFR Part 745 Subpart E, the EPA lead-based paint pre-renovation education rule.
 - r. Discuss liability and insurance issues as they relate to lead hazard reduction work.
 - s. Interpret risk assessment and inspection reports as they apply to planned lead hazard reduction activities.
 - t. Describe the standards for registered lead-free property and registered lead-safe property registration.
 - u. Recognize common substrate problems that cause paint failure.
 - v. Describe surface preparation techniques for repainting.
 - w. Select appropriate paint types for various conditions and locations in a housing unit.
 - x. List requirements for lead safety when performing lead hazard reduction.
 - y. Determine the appropriate type and amount or number of tools, equipment, supplies, materials and replacement components necessary to perform given lead hazard reduction activities.
 - z. Determine the set-up work required for various lead hazard reduction projects.
 - za. Determine the lead hazard reduction methods most appropriate for various lead hazards.
 - zb. Determine the cleanup requirements for various lead hazard reduction projects.
 - zc. Complete a work plan for a given lead-based paint hazard reduction activity.

- zd. Write contract specifications for the planned lead-based paint hazard reduction activity.
- ze. Explain the purpose of the occupant protection plan.
- zf. Complete an occupant protection plan for the planned lead-based paint hazard reduction activity.
- zg. List and describe the information required in the abatement report.
- zh. Describe the basic requirements for performing post-project pre-clearance.
- zi. Perform a post-project visual inspection.
- zj. Perform a dust wipe sample using proper protocol.
- zk. Complete a laboratory sample analysis request form.
- zL. Interpret laboratory analysis dust wipe results.
- zm. List the records that must be kept by the employer for lead hazard reduction activities.
- zn. Describe the requirements for determining if an encapsulant will adhere properly.

5. 'Lead project design course.' A lead project design course shall provide a minimum of 8 training hours only to persons who have successfully completed lead contractor supervisor training. The course shall include lectures, demonstrations, student participation, a course review and a written course test. The course shall provide instruction and materials that address all of the following student learning goals and objectives:

- a. Describe the major responsibilities of the project designer.
- b. Explain the uses and values of inspection and risk assessment report to the project designer.
- c. Identify indications of incomplete or inaccurate inspection and risk assessment reports.
- d. Identify the elements of a lead-based paint abatement design or project plan and describe a typical way of creating it.
- e. Explain the importance of writing specifications for a lead hazard reduction project.
- f. Describe the bidding process and its relationship to a project plan.
- g. Describe 4 different lead-based paint abatement strategies.
- h. Describe and discuss the advantages and disadvantages of different lead-based paint abatement strategies.
- i. Explain when it is appropriate to use temporary lead hazard reduction methods and when it is appropriate to use abatement.

j. Describe the procedures used for final cleanup after lead-based paint abatement activities.

k. Describe the procedures for interior dust-lead reduction and explain how those procedures differ from final cleanup procedures.

L. Describe the relationship between modernization and lead hazard reduction programs in federal housing.

m. Describe how lead hazard reduction programs are integrated into other remodeling activities in the federal housing program.

n. Explain how an occupant protection plan is implemented.

o. Identify problems associated with occupant relocation programs.

p. Outline the requirements of an effective containment system for interior lead-based paint abatement projects.

q. Outline the requirements of an effective containment system for exterior lead-based paint abatement projects.

r. Outline the requirements of an effective containment system for soil abatement projects.

s. Describe clearance testing procedures for lead-based paint abatement projects in multi-family housing.

t. Describe the appropriate response to clearance failures on large lead-based paint projects.

u. Explain the role of specifications in a contract.

v. Describe the content of specifications.

w. Write clear and concise specifications.

(b) *Required learning objectives for lead investigation disciplines.* An accredited training course shall teach work practice standards that are consistent with s. HFS 163.14 in order to provide students with the knowledge needed to perform the lead investigation activities or lead-based paint activities they are responsible for conducting. A training course shall be based on EPA and department-approved curricula and shall meet or exceed the applicable minimum curriculum requirements, including both the minimum number of course training hours and the minimum number of hands-on training hours, as follows:

1. 'Lead sampling course.' A lead sampling course shall provide a minimum of 8 training hours. The course shall include lectures, demonstrations, a minimum of 3 hours of hands-on practice and hands-on skills assessment, a course review and a written course test. The course shall provide instruction and materials that address all of the following student learning goals and objectives:

a. Describe the health effects of lead exposure and the particular danger lead poses to children under age 6.

- b. Discuss why lead is a concern in housing.
- c. Discuss housing component conditions that can cause lead poisoning.
- d. Describe the differences in roles and responsibilities of a lead sampling technician, risk assessor, hazard investigator and inspector.
- e. Explain the purposes of lead sampling and appropriate situations for performing lead sampling.
- f. Identify the following lead-based paint hazards: visible dust, paint chips, painted debris and deteriorated paint that is not proven to be lead-free.
- g. Describe the basic elements required for post-project clearance.
- h. Conduct a visual inspection.
- i. Record the results of a visual inspection on a visual inspection form.
- j. List 3 surfaces appropriate for dust wipe sampling.
- k. Collect a dust wipe sample using correct methods.
- L. Identify the appropriate locations for taking dust wipe samples to clear a given project.
- m. Describe the methods used to ensure that sampling media are not contaminated.
- n. Use the HUD field guide to plan for and perform clearance for a given situation.
- o. Collect a paint chip sample.
- p. Collect a soil sample.
- q. Select an accredited laboratory and complete a laboratory sample analysis request form.
- r. Describe methods for maintaining proper chain-of-custody for samples.
- s. Interpret laboratory analysis results using clearance standards under s. HFS 163.15.
- t. List the required contents of a clearance report.
- u. Write a clearance report.
- v. Explain the clearance results using clearance standards under s. HFS 163.15.

2. 'Lead hazard investigation course.' A lead hazard investigation course shall provide a minimum of 16 training hours only to persons who have successfully completed a lead sampling course. The course shall include lectures, demonstrations, a minimum of 4 hours of hands-on practice and hands-on skills assessment, a course review and a written course test. The course shall provide instruction and materials that address all of the following student learning goals and objectives:

- a. Describe the roles and responsibilities of a lead hazard investigator or risk assessor for clearance, lead hazard screen, lead-safe investigation and risk assessment activities.
- b. Discuss the role of the lead hazard investigator in comparison to the roles of other related lead professionals.
- c. Describe the responsibilities of a lead hazard investigator or risk assessor under the lead-safe registry program.
- d. Describe the liability and insurance issues a lead professional must manage.
- e. List the types of background information needed to perform a lead hazard investigation or risk assessment.
- f. Describe the information needed during the initial client contact.
- g. Describe how to collect appropriate information on building occupants and any resident children with elevated blood lead levels.
- h. List at least seven possible sources of environmental lead contamination.
- i. Describe 5 typical locations for lead and lead-based paint in buildings.
- j. Describe conditions when lead-based paint is considered a hazard in a risk assessment or lead hazard screen versus a lead-safe investigation.
- k. Discuss the purpose of the visual inspection for hazard detection.
- L. Describe protocols and documented methodologies for performing a visual inspection.
- m. Perform a visual inspection to identify potential sources of lead-based hazards.
- n. Determine when a lead hazard screen is an appropriate option.
- o. Discuss and compare protocols and documented methodologies for lead hazard screens, risk assessments, elevated blood lead investigations and lead-safe investigations.
- p. Conduct a lead hazard screen following protocols and documented methodologies.
- q. Sample for sources of lead exposure other than lead-based paint using protocols and documented methodologies.
- r. Apply current local, state and federal regulations and guidance to interpret lead-based paint and other lead sampling results.
- s. Develop lead hazard control options, including temporary measures, operations and maintenance and abatement activities.
- t. Determine schedules for re-evaluation of temporary lead hazard reduction measures.

u. Discuss the use of cost/benefit analysis in determining the appropriate role of temporary measures and operations and maintenance activities in lead hazard reduction.

v. Prepare a final risk assessment report.

w. Prepare a lead-safe investigation report.

x. Describe the procedures for issuing lead-safe certificates.

y. Discuss recordkeeping responsibilities for types of records kept and length of retention.

z. Recognize common substrate problems that cause paint failure.

za. Discuss federal, state and local statutes, ordinances, rules and regulations that pertain to lead-based paint hazard investigations.

3. 'Lead inspection course.' A lead inspection course shall provide a minimum of 16 training hours only to persons who have successfully completed the lead sampling course. The course shall include lectures, demonstrations, a minimum of 6 hours of hands-on practice and hands-on skills assessment, a course review and a written course test. The course shall provide instruction and materials that address all of the following student learning goals and objectives:

a. Describe the role and responsibilities of a lead inspector or risk assessor for clearance, lead inspection and lead-free inspection activities.

b. Discuss the role of the lead inspector in relation to the roles of other lead professionals.

c. Describe the liability and insurance issues a lead professional must manage.

d. List the types of background information needed to perform a lead inspection or lead-free inspection.

e. Describe the responsibilities of a lead inspector or risk assessor under the lead-free registry program.

f. Discuss federal, state and local statutes, ordinances, rules and regulations that pertain to lead-based paint inspections.

g. Describe the requirements for training, certification and work practices under ch. HFS 163.

h. Discuss requirements for lead identification and clearance under 24 CFR Part 35, requirements of HUD for notification, evaluation and reduction of lead-based paint hazards in federally owned residential property and housing receiving federal assistance.

i. Describe major lead-based paint regulations and guidelines of the department and other state, federal and local agencies, including all of the following: department of natural resources; department of agriculture, trade and consumer protection; U.S. occupational safety and health administration; U.S. consumer product safety commission; EPA, HUD and City of Milwaukee.

j. Compare the methods for conducting lead inspections, partial inspections and lead-free inspections.

- k. Select rooms and components for sampling or testing using protocols and documented methodologies.
- L. Describe how to obtain appropriate background information on property being inspected.
- m. Select sample locations using protocols and documented methodologies.
- n. Use an XRF following using protocols and documented methodologies.
- o. Discuss legal and liability issues of using an XRF.
- p. Discuss issues of using chemical tests.
- q. Conduct an inspection using protocols and documented methodologies.
- r. Conduct a lead-free inspection using protocols and documented methodologies.
- s. Prepare an inspection report and a lead-free inspection report.
- t. Describe the recordkeeping responsibilities for the types of records kept and length of retention.
- u. Describe the procedures for issuing lead-free certificates.

(c) *Required topics for lead refresher courses.* Each lead refresher training course shall meet the required minimum training hours, shall include lectures, participatory activities and a written course test and shall include hands-on instructional activities and hands-on skills assessment as appropriate. Each lead refresher training course shall be based on EPA and department-approved curricula and shall provide instruction and materials that address student learning goals and objectives submitted by the training manager and cover all required topics as follows:

1. 'Lead contractor supervisor refresher course.' A total of 8 training hours to include a review of the curriculum covered in courses required for contractor supervisor certification, as appropriate, an overview of current safety practices relating to regulated activities, current federal, state and local statutes, ordinances, rules and regulations relating to regulated activities in general as well as specific information pertaining to lead hazard reduction, and current technologies relating to lead-based paint activities in general and lead-based paint hazard reduction in particular.
2. 'Lead hazard investigator refresher course.' A total of 8 training hours to include a review of the curriculum covered in courses required for lead hazard investigator certification, as appropriate, an overview of current safety practices relating to regulated activities, current federal, state and local statutes, ordinances, rules and regulations relating to lead-based paint and hazard identification and current technologies relating to regulated activities in general and lead-based paint hazard assessment in particular.
3. 'Lead high-risk worker refresher course.' A total of 8 training hours to include a review of the curriculum covered in courses required for lead high-risk worker certification, as appropriate, an overview of current safety practices relating to regulated activities, current federal, state and local statutes, ordinances, rules and regulations relating to lead-based paint hazard reduction and

current technologies relating to regulated activities in general and lead-based paint hazard reduction in particular.

4. 'Lead inspector refresher course.' A total of 8 training hours to include a review of the curriculum covered in courses required for lead inspector certification, as appropriate, an overview of current safety practices relating to regulated activities, current federal, state and local statutes, ordinances, rules and regulations relating to lead-based paint identification and current technologies relating to regulated activities in general and lead-based paint identification in particular.

5. 'Lead low-risk supervisor refresher course.' A total of 4 training hours to include a review of the curriculum covered in courses required for lead low-risk supervisor certification, as appropriate, an overview of current safety practices relating to regulated activities, current federal, state and local statutes, ordinances, rules and regulations relating to lead-based paint hazard reduction and current technologies relating to regulated activities in general and lead-based paint hazard reduction in particular.

6. 'Lead low-risk worker refresher course.' A total of 2 training hours to include a review of the curriculum covered in the course required for lead low-risk worker certification, as appropriate, an overview of current safety practices relating to regulated activities, current federal, state and local statutes, ordinances, rules and regulations relating to lead-based paint hazard reduction and current technologies relating to lead-based paint hazard reduction.

7. 'Lead project designer refresher course.' A total of 4 training hours to include a review of the curriculum covered in courses required for lead project designer certification, as appropriate, an overview of current safety practices relating to regulated activities, current federal, state and local statutes, ordinances, rules and regulations relating to lead-based paint and current technologies relating to regulated activities in general and lead hazard reduction in particular.

8. 'Lead risk assessor refresher course.' A total of 8 training hours to include review of the curriculum covered in courses required for lead risk assessor certification, as appropriate, an overview of current safety practices relating to regulated activities, current federal, state and local statutes, ordinances, rules and regulations relating to regulated activities in general as well as specific information pertaining to risk assessments, and current technologies relating to regulated activities generally and specifically.

9. 'Lead sampling technician refresher course.' A total of 2 training hours to include a review of the curriculum covered in the course required for lead sampling technician certification, as appropriate, an overview of current safety practices relating to regulated activities, current federal, state and local statutes, ordinances, rules and regulations relating to lead-based paint and current technologies relating to lead-based paint hazard identification in general and clearance in particular.

(d) *Length of training.* All required training for any conducted course shall be completed within a continuous 30-day period. In no case may actual training exceed 8 training hours during any single calendar day.

(e) *Learning goals and objectives.* An accredited training course shall have written learning goals and objectives.

Note: To obtain model learning goals and objectives for preparing students to take a lead certification examination, 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.

(f) *Teaching methods.* Instructors shall teach an accredited training course using a variety of teaching methods designed to meet the course learning goals and objectives, including methods that require active participation by the students.

Note: Examples of participatory teaching methods include: hands-on exercise, questionnaires, problem solving, quizzes, worksheet exercises, focus questions, case studies, brainstorming, on-site visits, learning games, group discussions, role play, writing assignments and personal action plans.

(g) *Quality control plan.* The training manager shall develop and implement a quality control plan under s. HFS 163.25 (9) for an accredited training course.

(h) *Course test.* 1. A written, closed-book course test, monitored by the principal instructor or training manager, shall be administered for each initial training course and refresher training course, except that the lead low-risk work course does not require a written course test.

2. Course tests shall be submitted to the department for review as part of the application for accreditation and shall be resubmitted whenever their content changes. Only course tests that have been approved by the department may be administered.

3. A course test shall be developed in accordance with the course test blueprint, shall reflect the learning goals and objectives of the training course and shall consist of a minimum of 25 multiple choice questions for every 8 training hours, except that a course test shall include questions for learning goals of any prerequisite course that does not require a course test.

4. The minimum passing score on a course test shall be correct answers to 70% of the total number of questions, rounded up to the nearest whole number.

5. A student who fails the course test must retake the entire course test, but may not take the course test more than once in a given day or more than twice in a 2-week period. If a student fails to pass the course test within 30 days, the student shall retake the course or complete a corresponding refresher course before retaking the course test for the failed course.

6. The training manager shall maintain the validity, security and integrity of the course test to ensure that it accurately evaluates each student's knowledge and skills. The training manager shall ensure that only the full course test is administered and not a portion of the course test.

(i) *Hands-on skills assessment.* The principal instructor shall conduct and document a hands-on skills assessment of each student for each student learning objective or goal where hands-on instructional activities are performed. A guest instructor who is designated by the training manager for hands-on instruction, may assist the principal instructor in performing the corresponding hands-on skills assessment. A student-to-instructor ratio of not greater than 8:1 shall be maintained during hands-on skills assessment but may need to be less when necessary to ensure adequate observation of student performance.

(9) TRAINING CERTIFICATE. (a) *Requirement to verify identification.* The training manager is responsible for verifying the identity of a student by viewing 2 forms of identification, of which one shall include a clearly identifiable picture of the student. The training manager may delegate verification of identity to an employee of the training program.

(b) *Requirement to issue training certificate.* After verification of a student's identity under par. (a), the training manager shall issue a training certificate to a student when the student completes all course requirements.

(c) *Content of training certificate.* A training certificate shall include all of the following information:

1. A unique certificate number.
2. The date the certificate is issued.
3. The name of the course, as specified under sub. (8) (a) to (c), and which shall clearly indicate if the course is an initial course or a refresher course.
4. The student's full name and address.
5. A clearly identifiable picture of the student's face.
6. The date or dates of the course, including starting and ending dates for consecutive day courses and each date of training for courses conducted on days that are not consecutive, and the total number of training hours provided.
7. A statement that the student passed the course test, when a course test is required.
8. The date of the course test, when a course test is required.
9. The name, address and telephone number of the provider of the training course, as the information appears on the application for accreditation or is later changed by notice to the department under s. HFS 163.25 (7) (a) or (b).
10. The name and original signature of the course training manager written in blue ink.
11. The following statement: "This training course complies with the requirements of and is accredited by the State of Wisconsin, Department of Health and Family Services under ch. HFS 163, Wis. Adm. Code."

Note: For liability and security reasons, the Department does not require an individual's social security number to be included on the training certificate.

(10) ACCREDITATION OF A LEAD-SAFE MAINTENANCE COURSE. (a) *Accreditation criteria.* For accreditation, a lead-safe maintenance course shall meet the following criteria:

1. Be approved by HUD for lead-safe maintenance or renovation training.
2. Provide a minimum of 8 hours of instruction.
3. Include a module and handout material provided by the department that describes activities requiring certification under this chapter.
4. Include a live demonstration of how to set up and clean up when performing a low-risk lead-based paint activity.

5. Provide for a certificate of completion to be issued to each person who successfully completes the entire course. The certificate shall include all of the following information:

a. A unique certificate number.

b. The name of the course, as declared on the application for accreditation.

c. The student's full name.

d. The date of the course.

e. The name, address and telephone number of the provider of the course, as the information appears on the application for accreditation or is later changed by notice to the department.

f. The following statement: "This training course complies with the requirements of and is accredited by the State of Wisconsin, Department of Health and Family Services under ch. HFS 163, Wis. Adm. Code."

6. Have a training manager under s. HFS 163.24 (1) and (2) or a person who is designated as being responsible for complying with the administrative responsibilities of training managers under s. HFS 163.25.

7. Have at least one primary instructor who holds valid certification under s. HFS 163.10 as a lead contractor supervisor when the course is given. The primary instructor has the primary responsibility for the organization and teaching of the course and for direct supervision of all guest instructors for the course and shall have all responsibilities of a principal instructor. An individual may not act as a primary or principal instructor for 2 or more concurrently conducted training courses.

(b) *Application for accreditation.* 1. To request accreditation of a lead-safe maintenance course, the training provider shall submit to the department a completed application for lead-safe maintenance course accreditation and a 2-year accreditation fee of \$200.

2. The department shall process the application in accordance with accreditation procedures under s. HFS 163.22.

(c) *Renewal of course accreditation.* Provisions under s. HFS 163.23 apply to renewal of a lead-safe maintenance course accreditation.

(11) **COMPLIANCE.** The training provider, the training manager and all instructors shall remain in compliance with applicable federal, state and local regulations related to regulated activities and the conduct of training.

HFS 163.21 Application for accreditation. To request accreditation of a lead training course, the training manager, on behalf of the training provider, shall submit all of the following to the department:

(1) **COMPLETED APPLICATION FORM.** A fully and accurately completed application on a form obtained from the department. The application shall include the federal employer identification number or social security number for the training provider, social security numbers for

all owners of the course and a statement signed by the training manager which certifies that the training course meets the requirements of this subchapter.

Note: To request a copy of the application form and instructions for submitting an application, write or phone the 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 fee to the same office.

(2) TRAINING COURSE DESCRIPTION. A written description of the training course, including all of the following:

(a) *Topics.* Major topics covered.

(b) *Course length.* Length of training in days and training hours per day, excluding lunches and breaks.

(c) *Hands-on training.* Hands-on training segments, when hands-on training is used, including the number of training hours for each segment, a description of the hands-on skills assessment conducted by the principal instructor and a copy of the skills assessment check-off form.

(d) *Student-to-instructor ratio.* Student-to-instructor ratio that will be maintained during any hands-on training and hands-on skills assessment.

(3) TRAINING RESOURCES DESCRIPTION. A written description of training resources, including all of the following:

(a) *Facilities.* Location of facilities used for training, including classroom and any field sites.

(b) *Training and equipment for hands-on activities.* Training equipment and equipment for hands-on activities, including type of equipment, its location and method of storage.

(c) *Audiovisual and materials for hands-on activities.* Training audiovisual materials such as videos, slides, overheads, photographs and displays, and materials for hands-on activities, such as personal protective clothing, respirators and cartridges, duct tape, polyethylene sheeting, high efficiency particulate air vacuums, glove bags and hand tools, including the location where they are stored.

(4) RECORDKEEPING DESCRIPTION. A written description of how the recordkeeping requirements under s. HFS 163.25 (10) will be met, including all of the following:

(a) *Records retained.* Types of records kept and for what length of time.

(b) *Records location.* The complete street address of the location where the records will be kept.

(c) *Business hours.* Normal business days and hours at the location under par. (b).

(5) COURSE REGISTRATION PLAN. A written course registration plan consisting of a plan for advising potential students of education and experience qualifications under s. HFS 163.10 (3) (b) and a written plan for admitting only students who have completed any prerequisite lead training courses under s. HFS 163.11 (2).

(6) COURSE MATERIALS. All course materials, including copies of all of the following:

(a) *Agenda*. An agenda with scheduled times for each day of training, major topics with times allocated, hands-on training segments with times allocated and all break and lunch periods.

(b) *Student materials*. The student course manual, course materials and handouts used in the course.

(c) *Instructor materials*. The instructor course manual, which shall include all of the following:

1. Student learning goals and objectives.
2. Training outlines for each topic.
3. Time frames for each topic.
4. Teaching methods for each topic.
5. Audio-visual materials used for each topic, including copies of handouts and overheads, and titles and descriptions of video, film or slide programs.
6. Interactive training exercises, including instructions and descriptions or samples of materials.
7. Hands-on training exercises, if used, including instructions and descriptions or samples of materials.

(d) *Analysis worksheet*. The department's analysis worksheet, on which the applicant enters the location of specific information in the student course manual and materials.

(e) *Course test and key*. The course test and answer key for each course test.

(f) *Course test blueprint*. The course test blueprint that shows how the course test was developed to reflect the course content and student learning goals and objectives.

(g) *Score report and test policy*. A form for notifying a student of the student's course test score and any policy for retaking the course test.

(h) *Evaluation form*. A course and instructor evaluation form.

(i) *Training certificate*. A sample training certificate under s. HFS 163.20 (9) that is issued by the training manager to students who successfully complete all course requirements. To assist the department in identifying original training certificates, the sample training certificate shall be printed on the same paper and in the same color as the actual certificate.

(j) *Advertising*. Samples of any proposed advertising materials for promoting the course.

(k) *Other approval letter*. A copy of the EPA, tribal or other state approval letter if EPA, an EPA-authorized tribal program or another state previously approved the course.

(7) NAMES OF COURSE PERSONNEL. (a) Except as provided in par. (b), the names of the approved training manager and the designated principal instructor in charge of the course as well as the names of any additional principal instructors and guest instructors.

(b) The names of the instructors do not need to be submitted with the application, but the names of approved principal instructors and guest instructors shall be submitted before the course is held. If an application for approval of an instructor is made at the time of application for training course accreditation, the materials submitted to the department for training course accreditation shall include completed instructor approval application forms and all other materials required under s. HFS 163.24 for approval of instructors.

Note: For a copy of the instructor approval application form, write or phone the 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. Return the completed form to the same office.

(8) INDEX OF SUBMITTED MATERIALS. A written index of all information and materials submitted with the application for accreditation to facilitate review for compliance.

(9) ACCREDITATION FEES. The appropriate application fee under par. (a) and accreditation fee under par. (b) as follows:

(a) *Application fee.* A nonrefundable application fee of \$200 for an initial course and \$125 for a refresher course shall accompany each application for contingent course accreditation.

(b) *Accreditation fee.* A 2-year accreditation fee of \$25 per course hour or a 4-year accreditation fee of \$50 per course hour shall accompany each application for course accreditation. The department shall refund the accreditation fee if accreditation is denied, the training provider does not owe the department other fees and the denial is not appealed or the denial is appealed and upheld.

(c) *Other fees.* The department may impose other fees as necessary to cover costs of administering this chapter.

(10) QUALITY CONTROL PLAN. A copy of the written quality control plan developed under s. HFS 163.25 (9).

HFS 163.22 Accreditation procedures. (1) DETERMINATION OF ELIGIBILITY FOR CONTINGENT ACCREDITATION. The department shall review all information and materials submitted under s. HFS 163.21 for compliance with this subchapter. Within 60 days after the department receives all required application information and materials, the department shall either grant contingent accreditation or deny the application. If contingent accreditation is granted, the department shall send the training manager a contingent accreditation certificate under sub. (5). If the application for accreditation is denied, the department shall notify the training manager in writing. The notification shall include the reason for the denial and shall inform the training manager of the right to appeal that determination under s. HFS 163.33.

(2) CONDUCTING A COURSE WITH CONTINGENT ACCREDITATION. The training course may be conducted once the training manager has received the contingent accreditation certificate for the course and confirmation that the principal instructor is approved under s. HFS 163.24 (3), and has notified the department under s. HFS 163.25 (3) that the course is to begin.

(3) LENGTH OF CONTINGENT ACCREDITATION. Contingent accreditation is a temporary approval to conduct training. When the department grants contingent accreditation, the expiration date on the contingent accreditation certificate under sub. (5) shall be 2 years after the date the certificate is issued. Contingent accreditation may be renewed for a maximum of an additional 2 years at the discretion of the department.

(4) DETERMINATION OF ELIGIBILITY FOR FULL ACCREDITATION. The department shall conduct an accreditation audit under sub. (6) of a training course with contingent accreditation to determine eligibility for full accreditation. After notifying the training manager of the audit results, and based on those results, the department shall take one of the following actions:

(a) *Grant full accreditation.* The department may grant full accreditation. If full accreditation is granted, the department shall send the training manager an accreditation certificate under sub. (5). Full accreditation may be granted for up to 2 years or 4 years from the date of issuance, depending on the amount of time left on the course's contingent accreditation and the amount of the fee paid under s. HFS 163.21 (9) (b). A training course may renew accreditation under the provisions of s. HFS 163.23.

(b) *Renew contingent accreditation.* The department may renew contingent accreditation for an additional 2 years, may require changes to the course in order to obtain full accreditation and may conduct additional on-site audits. If the department continues contingent accreditation, the department shall notify the training manager in writing. The notice shall include the reason for continuing contingent accreditation, recommendations for achieving full accreditation and the right to appeal the action under s. HFS 163.33.

(c) *Suspend or revoke contingent accreditation.* The department may suspend or revoke contingent accreditation at any time or take another enforcement action under s. HFS 163.32. If the department suspends or revokes contingent accreditation, the department shall notify the training manager in writing. The notice shall include the reason for the suspension or revocation and shall inform the training manager of the right to appeal that action under s. HFS 163.33.

(5) CERTIFICATE OF ACCREDITATION. The department shall send a certificate of accreditation to the training manager when a training course has been granted contingent or full accreditation. The training manager shall maintain the certificate of accreditation at the address listed on the application or later changed with notice to the department under s. HFS 163.25 (7) (a) and shall make the certificate available for review upon request by the department or the public. Only the most recent certificate of accreditation for a training course is valid. The training manager shall not allow another person to copy the certificate of accreditation for fraudulent or misleading purposes or to use the certificate.

(6) ACCREDITATION AUDITS. (a) *On-site audits.* Department staff may conduct on-site accreditation audits of a training course to review for compliance with this chapter. A training manager, instructor or other staff for an accredited training course may not deny department staff entry to conduct an audit. An audit may include a review of all the following:

1. Records.
2. Facilities.
3. Instructional curriculum.
4. Course test administration and security procedures.

5. Classroom instruction.

6. Audio-visual materials.

7. Course content and learning objectives, including whether classroom instruction is based on the learning goals and objectives submitted to the department under s. HFS 163.21 (6) (c), as demonstrated by using learning objectives to introduce topics, focusing topics on the learning objectives, reviewing learning objectives in topic reviews and testing for student comprehension of the learning objectives through class discussions, class activities, hands-on training and the course test.

(b) *Records audits.* The department may conduct audits of training course records, including records required under s. HFS 163.25 (10), and may require a training provider to submit records to the department for purposes of determining compliance.

(c) *Notification of audit results.* Within 60 days after completing an accreditation audit, the department shall notify the training manager in writing of the audit results.

HFS 163.23 Renewal of course accreditation. (1) **REQUIREMENT FOR RENEWAL OF ACCREDITATION.** A training course may not be conducted after its accreditation expires until the training manager applies for and receives renewal of accreditation for the training course. When accreditation of a training course has been expired for less than one year, the department may reinstate accreditation if the training manager applies to the department for renewal of accreditation under this section. When accreditation of a training course has been expired for one year or longer, the training manager shall submit a new application under s. HFS 163.21 for contingent accreditation.

(2) **CONDITIONS FOR RENEWAL OF ACCREDITATION.** The department may renew accreditation of a training course that complies with the provisions of this chapter.

(3) **APPLICATION FOR RENEWAL OF ACCREDITATION.** To apply for renewal of accreditation, the training manager for a training course shall submit an application that includes all of the following:

(a) *Application form.* A fully and accurately completed application form. The application shall include a statement signed by the training manager certifying that the training course complies at all times with the requirements of this chapter.

(b) *Description of changes.* A description of any changes to the training course since the last application was approved that were not previously reported to the department, including changes to resources or course materials.

(c) *Other documents.* When directed by the department, other documents that verify compliance of the training course with this chapter.

(d) *Accreditation fee.* Each application for renewal of course accreditation shall be accompanied by a 2-year accreditation fee of \$25 per course hour or a 4-year accreditation fee of \$50 per course hour. The department shall refund the accreditation fee if renewal of accreditation is denied, the training provider does not owe the department other fees and the denial is not appealed or the denial is appealed and upheld.

Note: To obtain a copy of the application for renewal of accreditation, 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 "dlicasbestoslead@dhfs.state.wi.us"; ph. 608-261-6876; or fax 608-266-9711. Return the completed application to the same office.

(4) **AUDIT.** To determine compliance with the requirements of this chapter and eligibility for renewal of accreditation, the department may conduct audits under s. HFS 163.22 (6) of the training course.

(5) **RENEWAL OF ACCREDITATION.** After reviewing a training course for compliance with the conditions for renewal of accreditation, the department shall take one of the following actions:

(a) *Grant renewal of accreditation.* If accreditation is renewed, the department shall send the training manager a certificate of accreditation under s. HFS 163.22 (5) to extend accreditation for 2 years or 4 years, depending on the fee amount under subd. (3) (d) paid.

(b) *Deny renewal of accreditation.* If the department denies renewal of accreditation, the department shall notify the training manager in writing. The notice shall include the reason for the denial and shall inform the training manager of the right to appeal that action under s. HFS 163.33.

HFS 163.24 Training manager and instructor approval. (1) **REQUIREMENT FOR APPROVAL.** No individual may function as a training manager or principal instructor of an accredited training course without being approved by the department under this section.

(2) **TRAINING MANAGER.** (a) *Qualifications.* A training manager shall have demonstrated experience, education or training in the construction industry, which may include lead or asbestos abatement, painting, carpentry, property maintenance, renovation, remodeling, occupational safety and health or industrial hygiene and shall have one of the following:

1. At least 2 years of experience, education or training in teaching workers or other adults.
2. A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration, program management or a related field.
3. Two years of experience in managing a training program specializing in environmental hazards.

(b) *Application requirements.* An applicant for approval as a training manager shall submit to the department all of the following:

1. A fully and accurately completed application on a form obtained from the department. The application shall include the applicant's social security number.
2. Documentation to establish that the applicant meets the qualifications in par. (a). Documentation may include official academic transcripts or a diploma as evidence of meeting education requirements, and letters of reference or documentation of previous work as evidence of meeting experience requirements.

Note: For a copy of the Department's application form for approval of a training manager, write or phone the 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. Return the completed application to the same office.

(c) *Approval procedures.* 1. Within 10 working days after the submission of all required application information, including documentation of training, education and experience, the department shall either grant or deny approval for an applicant to be a training manager.

2. If approval is granted, the department shall send the applicant written notification of approval.

3. If approval is denied, the department shall give the applicant reasons in writing why the application was denied and shall notify the applicant of the right to appeal the determination under s. HFS 163.33.

(d) *Length of approval.* Training manager approval is valid until the training manager surrenders the certificate of approval to the department or until the department suspends or revokes approval.

(3) **PRINCIPAL INSTRUCTOR.** (a) *Qualifications.* 1. 'Training.' A principal instructor shall have successfully completed all of the following training:

a. A teaching methods course which covers, at a minimum, principles of adult learning, training course design, non-lecture instructional methods, use of audio-visual and other instructional resources, teaching methods, learning objectives, guided discovery and learning styles and maintaining classroom control for a learning environment. The course shall consist of at least 16 training hours of instruction and shall include a practice teaching component involving critique and evaluation of the applicant's teaching skills. Any degree with an education emphasis that includes educational coursework covering the topics required in this subdivision paragraph satisfies this requirement.

Note: To obtain assistance in developing learning goals and objectives for a teaching methods course, write or phone the 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.

b. For teaching lead investigation courses, training in radiation safety and use of each XRF the instructor will use in the course, as documented by a certificate of training from the manufacturer of the XRF.

2. 'Certification.' A principal instructor shall be currently certified based on payment of a 2-year certification fee. Certification shall be held as follows:

a. As a lead risk assessor, for lead investigation instructor approval to teach initial sampling, inspection and hazard investigation courses and refresher lead hazard investigator, inspector, risk assessor and sampling technician courses.

b. As a lead contractor supervisor, for lead hazard reduction instructor approval to teach initial lead low-risk work, high-risk work, low-risk supervision and contractor supervision courses and refresher lead high-risk worker, low-risk worker, contractor supervisor and low-risk supervisor courses.

c. As a lead project designer, for project design instructor approval to teach lead project designer and project design courses.

3. 'Experience.' During the 5 years preceding application to the department for principal instructor approval, an applicant shall have one year of direct responsibility for one of the following areas:

a. For approval to teach courses for lead hazard reduction disciplines or project designers, direct responsibility for activities involving lead hazard reduction, lead health effects, lead regulations, industrial hygiene activities involving lead, construction of homes or other buildings, painting, weatherization, rehabilitation or home improvement, lead worker protection or abatement relating to other hazardous materials.

b. For approval to teach courses for lead identification discipline, direct responsibility for activities involving lead health effects, public or occupational health care, lead regulations, enforcement of environmental regulations, environmental investigations, building inspections, industrial hygiene activities involving lead, weatherization, rehabilitation or home improvement and lead management activities relating to other hazardous materials.

c. For approval to teach any type of course, direct responsibility for instructing adults in lead-related topics as part of a course or curriculum recognized by a federal or state governmental agency in the 5 years preceding the date the initial application for approval is received by the department. The department shall evaluate qualifications in relation to the topic or topics that the applicant will teach.

(b) *Application requirements.* An applicant for approval as a principal instructor shall submit to the department all of the following:

1. 'Completed application form.' A fully and accurately completed application on a form obtained from the department. The application shall include the applicant's social security number.

2. 'Resume.' A current resume, including dates and description of related experience and education.

3. 'References.' A minimum of 3 professional references or letters of recommendation, but no more than one from the applicant's current employer.

4. 'XRF training certificate.' A copy of the XRF manufacturer training certificate for a person applying for lead investigation instructor approval.

5. 'Teaching methods certificate.' A teaching methods course certificate or transcript and a course description or agenda which documents that the course meets the requirements under par. (a) 1. a. or documentation of equivalent education.

6. 'Copy of certification card.' A copy of the appropriate state lead certification card, labeled "copy," or an application for certification in the appropriate discipline under par. (a) 2.

7. 'Fee.' A nonrefundable principal instructor application and approval fee as follows:

a. \$100 for a lead investigation instructor application.

b. \$100 a lead hazard reduction instructor application.

c. \$50 for a lead project design instructor application.

d. The department may impose other fees as necessary to cover costs of administering this chapter.

Note: For a copy of the Department's application form for approval of a principal instructor, write or phone the 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 to the same office.

(c) *Approval procedures.* 1. Within 10 working days after the submission of all required application information, including acceptable documentation of training, education and experience, the department shall either grant or deny approval for an applicant to be a principal instructor.

2. If approval is granted, the department shall send the applicant written notification of approval.

3. If approval is denied, the department shall give the applicant reasons in writing why the application was denied and shall notify the applicant of the right to appeal the determination under s. HFS 163.33.

(d) *Length of approval.* The department may grant principal instructor approval which shall be valid until the expiration of the instructor's qualifying lead certification.

(e) *Renewal of approval.* 1. 'Application.' Before approval and the qualifying certification expire, the principal instructor shall apply for renewal of approval by submitting to the department both of the following:

a. A completed application for renewal of approval. The application shall include the applicant's social security number.

b. An approval renewal fee of \$50 for lead investigation instructor or lead hazard reduction instructor approval or \$25 for lead project design instructor approval. The department shall refund the approval renewal fee if approval is denied and is not appealed or is appealed and the denial is upheld.

2. 'Qualifications.' For renewal of approval as a principal instructor, the individual shall apply for a 2-year recertification in the required discipline under par. (a) 2., shall receive a 2-year recertification, and shall be in compliance with this chapter.

3. 'Decision.' a. Within 10 working days after the submission of all required application information, the department shall either grant or deny approval.

b. If renewal of approval is granted, the department shall send the applicant written notification of approval.

c. If renewal of approval is denied, the department shall give the applicant reasons in writing why the application was denied and shall notify the applicant of the right to appeal the determination under s. HFS 163.33.

4. 'Duration.' Renewal of principal instructor approval shall be valid until the expiration of the instructor's qualifying lead certification.

(4) GUEST INSTRUCTOR. (a) *Qualifications.* A guest instructor shall have experience in each topic the guest instructor proposes to teach and in each hands-on activity for which the guest instructor will assist the principal instructor. Guest instructor qualifications shall be documented on a form obtained from the department and kept on file by the training manager. The form shall document appropriate training and experience in each topic area the instructor intends to teach and in each hands-on activity for which the guest instructor will provide assistance. The training manager is responsible for verifying qualifications and credentials and for designating guest instructors as needed.

(b) *Submission of qualifications.* A training manager shall submit to the department a copy of the qualifications of each guest instructor the training manager designates before the guest instructor participates in a course.

Note: To obtain a copy of the 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.

(c) *Department action.* If the department notifies a training manager that a guest instructor does not meet the qualifications under par. (a), the training manager shall withdraw designation of the guest instructor until the qualifications are met.

(5) EQUIVALENT TRAINING AND EXPERIENCE. The department may approve training, education and experience qualifications other than those in this section if the department, following consideration and evaluation of the qualifications on a case-by-case basis, finds that the qualifications are substantially equivalent to and as protective of human health and the environment as the requirements of this section.

HFS 163.25 Administrative responsibilities of training managers. (1) ADVERTISING. The training manager for an accredited training course shall ensure that any advertisement for the course includes the same name and address of the course provider as it appears on the application for accreditation or as later changed by notice to the department under sub. (7).

(2) CESSATION OF TRAINING. The training manager shall notify the department when the training provider for an accredited training course closes or when the course will no longer be offered and shall provide the department an opportunity to take possession of any relevant training records. Notification shall be made a minimum of 10 working days before the cessation of training.

(3) COURSE SCHEDULE NOTIFICATION. (a) *Requirement for notification.* A training manager shall notify the department in writing on the department's internet form or on a form obtained from the department whenever an accredited training course has been scheduled.

Note: To complete the course schedule notification form on the internet, go to "www.dhfs.state.wi.us". To obtain a course schedule notification form, write or phone the 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.

(b) *Notification content.* The notice shall include all of the following:

1. The name of the training provider.

2. The discipline and whether it is an initial or refresher course.

3. The date and location of the course.

4. The name of the designated principal instructor for a lead hazard reduction or lead investigation course or the primary instructor for a lead-safe maintenance course.

(c) *Timing of notification.* 1. The notice shall be submitted to the department a minimum of 10 working days prior to the course starting date.

2. In an emergency, the training manager shall notify the department of a scheduled training course by telephone or fax a minimum of one working day prior to the start of the course.

(d) *Revised notification.* The training manager shall complete a revised internet form a minimum of 10 working days prior to the course start date or shall notify the department by telephone or fax a minimum of one working day prior to the scheduled start date of a course when the course is canceled or when the date or location of the course has changed. The department may restrict the use of advance notification submitted in the form of lists of intended courses and may require individual course-by-course notification when a training manager fails to notify the department of revisions in a timely manner.

Note: Go to "www.dhfs.state.wi.us" to complete a revised internet form. To notify the Department about a course scheduled on an emergency basis or to revise a notification, phone 608-261-6876 or fax 608-266-9711.

(4) **DESIGNATION OF GUEST INSTRUCTORS.** When a guest instructor assists with a training course, the training manager shall designate the guest instructor under s. HFS 163.24 (4).

(5) **DESIGNATION OF PRINCIPAL INSTRUCTORS.** The training manager shall designate a principal instructor for each accredited course. The principal instructor shall be approved under s. HFS 163.24 (3).

(6) **NONDISCRIMINATION IN TRAINING.** Access to an accredited training course may not be denied solely due to age, sex, race, color, creed, national origin, ancestry, sexual orientation or disability.

(7) **NOTIFICATION OF CHANGES.** The training manager shall notify the department in writing a minimum of 5 working days before making the following changes:

(a) *Change of address.* A change of address of the training provider or the location of records required under sub. (10).

(b) *Change of name.* A change in the name of the training provider.

(c) *Change of ownership.* The accreditation of a training course under this subchapter may be transferred to a new owner provided the course remains the same course accredited under this chapter and the transfer is requested by both the training provider transferring the course and the new owner of the course. Upon receipt of a request to transfer the accreditation of a course, the department will change the course's accreditation to contingent accreditation under s. HFS 163.22 with no change in expiration date or with an expiration date 2 years after the date ownership of the course changed, whichever is earlier.

(d) *Change in a course.* A change in the training course description under s. HFS 163.21 (2), the training resources under s. HFS 163.21 (3), the course registration plan under s. HFS 163.21 (5) or course materials under s. HFS 163.21 (6), a minimum of 10 working days prior to the start of the course. In addition to the notification of a change in course materials under s. HFS 163.21 (6), the training manager shall submit a draft of the revised document. After reviewing the draft revision, the department may allow a trial period of 3 class sessions of a training course before requiring submittal of a final revision.

(e) *Change of training manager.* A change in training manager, a minimum of 5 working days before the change takes effect for an approved training manager and a minimum of 15 working days for a new training manager for whom approval is being sought under s. HFS 163.24 (2). When a training course does not have an approved training manager, the course may not be offered.

Note: To notify the Department of changes, contact the Bureau of Occupational Health, Room 137, 1 W. Wilson St., P.O. Box 2659, Madison, WI 53701-2659; e-mail "plicasbestoslead@dhrs.state.wi.us"; ph. 608-261-6876; or fax changes to 608-266-9711.

(f) *Change of instructor.* A change in instructor, a minimum of 5 working days before the start of the course for an approved principal and a minimum of 20 working days before the start of the course for a new principal instructor for whom approval is being sought under s. HFS 163.24 (3) and a minimum of 10 working days before the start of the course for a new guest instructor designated under s. HFS 163.25 (4). When a designated instructor becomes unavailable due to an emergency, such as illness, death or other family crisis, the training manager shall notify the department of a change in instructor by telephone or fax before the start of the course.

(8) **PERMISSION TO AUDIT.** The training manager shall permit department representatives to attend, evaluate and monitor any accredited training course and have access to records associated with any accredited training course at any reasonable time without charge or hindrance to the department for the purpose of an accreditation audit or any other evaluation of compliance with this chapter and any other applicable statute or regulation.

(9) **QUALITY CONTROL.** Subject to the exception under par. (g), the training manager shall be responsible for developing and implementing a quality control plan with measures that include all of the following:

(a) *Compliance.* Ensuring that the training course and course personnel comply with all provisions of this chapter.

(b) *Instructor review.* Annually reviewing instructor competency and taking measures to improve competency when necessary.

(c) *Material review.* Annually reviewing and revising training materials and course tests to reflect innovations and changes in the field.

(d) *Training and meetings.* Attending training and meetings to which the training manager has been invited by the department as a means of improving the quality of training offered.

(e) *Validity of course test.* Maintaining the validity and integrity of the course test under sub. s. HFS 163.20 (8) (h).

(f) *Validity of skills assessment.* Maintaining the validity and integrity of the hands-on skills assessment under s. HFS 163.20 (8) (i) to ensure that it accurately evaluates the trainees' performance of skills taught during hands-on training.

(g) A quality control plan is recommended but not required for a lead-safe maintenance course.

(10) RECORDS. (a) *Requirement to retain records.* The training manager shall ensure that the provider offering an accredited training course retains the records in par. (b) at its principal place of business in Wisconsin. If no office is maintained in Wisconsin, records shall be retained at the office location closest to Wisconsin. Records shall be retained for a minimum of 3 years 6 months and shall be given to the department upon request.

(b) *Records to be retained.* The following records shall be retained:

1. A copy of each instructor and student manual, course test, course test blueprint, all printed materials used in the course, other training material and any document reflecting changes made to any material.
2. The scored course test for all students who passed or failed.
3. A copy of each student's training certificate.
4. Documentation of training manager, principal instructor and guest instructor qualifications, including copies of any principal instructor approvals under s. HFS 163.24 (3) and guest instructor designations under sub. (4).
5. Class rosters and student attendance records.
6. The quality control plan when required under s. HFS 163.25 (9), including documentation of activities performed in compliance with the quality control plan.
7. Information regarding how any hands-on assessment is conducted, including, but not limited to, all of the following:
 - a. Who conducts the assessment.
 - b. How the skills are graded.
 - c. What facilities are used.
 - d. The pass and fail rate.
8. Results of the students' hands-on skills assessments.
9. Any other material submitted to the department as part of the application for accreditation or later at the request of the department to provide a basis for granting accreditation.

(11) SUBMISSION OF STUDENT DATA. (a) Within 2 working days after an accredited lead training course is completed, the training manager shall submit student data to the department in an electronic format provided by or approved by the department or in another format approved by the department.

(b) The student data submitted shall include all of the following information for each student:

1. Name of the course and if it was an initial or refresher course.
2. The course dates.
3. For each training certificate issued, the date the training certificate was issued.
4. The student's full legal name and address. If a training certificate was issued, the name and address submitted shall be the same as it appears on the training certificate.
5. For each training certificate issued, the unique training certificate number as it appears on the training certificate.
6. The student's course test score, when a test is required.
7. A clearly identifiable picture of the student's face clearly labeled with the student's full legal name.
8. The student's social security number, if known.
9. The student's date of birth.

Subchapter IV - Enforcement

HFS 163.30 General provisions. (1) DEPARTMENTAL ACTION. The department may initiate an action in the name of this state against any person to require compliance with this chapter or for failure to comply.

(2) OTHER AGENCY ACTION. Any other state agency in the course of the performance of its duties may determine that an individual, lead company or training provider has violated or is violating one or more requirements of this chapter. If that agency determines that there is a potential violation of this chapter, the agency may notify the department of that potential violation. The department may delegate all or part of its enforcement authority to any other state or federal agency through a memorandum of understanding.

(3) AUTHORITY TO INVESTIGATE. (a) Whenever the department is advised or has reason to believe that any person is violating or has violated any provision of this chapter, the department may make an investigation to determine the facts. For purposes of this investigation, the department shall have authority to inspect the site where the violation is alleged to be occurring or to have occurred.

(b) An authorized representative of the department may enter a site where a regulated activity is being or has been conducted or a site that the authorized representative of the department has reason to believe may be involved with a regulated activity. An authorized representative of the department may also enter the site where a person regulated under this chapter conducts business. The representative may conduct tests, take samples, review work practices, review and copy records and perform other activities necessary to determine compliance with this chapter. No person who is required to establish or maintain records under this chapter may refuse to provide or copy records, or refuse to permit entry or access to an authorized

representative of the department if that representative presents a valid identification issued to the representative by the department and if that representative is complying with par. (a). No person may obstruct, hamper or interfere with the actions of that representative under this paragraph.

(c) An authorized representative of the department may conduct an audit under s. HFS 163.22 (6) to ascertain whether an accredited training course continues to meet requirements for accreditation.

(d) An authorized representative of the department entering the site of an investigation under this subsection shall present identification and any authorization issued by the department and shall comply with applicable health and safety procedures established by law.

(4) REFERRAL TO DISTRICT ATTORNEY. The department may report any violation of this chapter or orders issued under this chapter to the district attorney of the county in which the dwelling is located. Pursuant to s. 254.30, Stats., the district attorney shall enforce this chapter or orders issued under this chapter upon receiving a report from the department or from the department's designee under s. 254.152, Stats.

HFS 163.31 Reasons for enforcement actions. (1) EXECUTION OF A CONSENT AGREEMENT. In addition to an administrative or judicial finding of violation, execution of a consent agreement in settlement of an enforcement action constitutes, for purposes of this section, conclusive evidence of a failure to comply with relevant statutes or rules.

(2) REASONS FOR ACCREDITATION ENFORCEMENT ACTIONS. The department may take an action under s. HFS 163.32 against a person offering or conducting a training course that is required to be accredited under this chapter if the person has violated any provision of this chapter. Reasons for accreditation enforcement actions may include any of the following violations:

(a) The person submitted a check to the state that was not paid by the bank on which it was drawn.

(b) The person deceptively issued or used training certificates.

(c) The person misrepresented a training course or the contents of a training course to the department, EPA, another EPA-authorized state, an EPA-authorized tribe or the student population.

(d) The person made false or misleading statements to the department in its application for accreditation or reaccreditation, and the department relied upon those statements in approving the application.

(e) The person falsified accreditation records, instructor qualifications or other accreditation-related information or documentation.

(f) The person offered or conducted a course that failed to meet a requirement of this chapter.

(g) The person failed to comply with the accreditation standards and requirements under this chapter.

(h) The person failed or refused to establish, maintain, provide, copy or permit access by an authorized representative of the department to records or reports.

(i) The person failed to submit required information or notifications to the department in a timely manner.

(j) The person failed to comply with any other federal, state or local lead-based paint statute, ordinance, rule or regulation.

(k) The person failed or refused to permit a department representative entry to a training course without charge or hindrance to attend, evaluate or monitor the course.

(3) REASONS FOR APPROVAL ENFORCEMENT ACTIONS. The department may take an action under s. HFS 163.32 against a person required to be approved as a training manager, principal instructor or guest instructor under this chapter if the person has violated any provision of this chapter. The reason for an approval enforcement action may include any of the following violations:

(a) The training manager, principal instructor or guest instructor has violated a provision of this chapter or any related state, federal or local statute, ordinance, rule or regulation.

(b) The training manager, principal instructor or guest instructor has misrepresented his or her credentials or documentation of qualifications submitted to the department as the basis for approval.

(4) REASONS FOR CERTIFICATION ENFORCEMENT ACTIONS. The department may take an action under s. HFS 163.32 against a person required to be certified under this chapter, whether an individual or a lead company, if the person has violated any provision of this chapter. Reasons for certification enforcement actions may include any of the following violations:

(a) The person submitted a check to the state that was not paid by the bank on which it was drawn.

(b) The person used a training certificate that was issued by a training manager without attending an appropriate course or an entire course or without passing an approved course test.

(c) The person obtained training documentation through fraudulent means.

(d) The person gained admission to and completed an accredited training program through misrepresentation of admission requirements.

(e) The person misrepresented facts or made false or misleading statements in applying for certification.

(f) The person obtained certification through misrepresentation of certification requirements or related documents dealing with education, training, professional registration or experience.

(g) The person permitted the duplication, without labeling the duplicate a "copy," when labeling is required or permitted the use of one person's training certificate, certification card or other certification document by another.

(h) The person withheld or confiscated an employee's valid training certificate or valid certification card.

(i) The person performed work requiring certification at a job site without having proof onsite of certification.

(j) The person performed, advertised, claimed to provide or offered to perform or supervise work for which certification is required but for which appropriate certification had not been received.

(k) The person performed work using individuals who were not certified when certification was required.

(L) The person failed or refused to establish, maintain, provide, copy or permit access to records or reports by an authorized representative of the department.

(m) The person failed or refused to permit entry or inspection by an authorized representative of the department.

(n) The person failed or refused to comply with or to ensure that employed or contracted staff comply with the work practice standards established in s. HFS 163.14.

(o) The person displayed conduct relating to a regulated activity that in the department's judgment constitutes unreasonable risk to the health of any person.

(p) The person displayed a pattern of conduct that in the department's judgment constitutes unreasonable risk to the health and safety of persons or the environment.

(q) The person failed the mandatory certification examination 3 times in any 6-month period.

(r) The person failed to comply with any federal, state or local government lead-based paint statute, ordinance, rule or regulation.

(5) REASONS FOR DENIAL. In addition to reasons for enforcement actions under subs. (1) to (4), the department may deny an application for certification, recertification, accreditation, renewal of accreditation or approval under this chapter to any of the following persons:

(a) A person who has had a certification, recertification, accreditation, renewal of accreditation or approval under this chapter revoked within the previous 5 years.

(b) A person whom the department determines is not fit and qualified. In determining whether a person is fit and qualified, the department shall consider the person's qualifications and any history of civil or criminal violation of statutes, regulations or ordinances of the United States, this state, any other state or any local government substantially related to regulated activities or other environmental remediation.

(6) REASONS FOR SUMMARY SUSPENSION. A finding of a requirement for summary suspension under s. HFS 163.32 (5) may be based on, but is not limited to, any the following:

(a) A person has committed a substantial violation of this chapter or an order under this section, as determined by the department. A substantial violation may include one of the following:

1. Performance of work for which certification is required but for which appropriate certification was not received.

2. Performance of work using individuals who were not certified when certification was required.

3. Failure or refusal to comply with the work practice standards under s. HFS 163.14, or to ensure that employed or contracted staff comply with those work practice standards.

(b) A person has committed an action or has created a condition relating to a regulated activity that directly threatens the health, safety or welfare of any person.

HFS 163.32 Enforcement actions. In addition to issuing letters of inquiry and noncompliance statements, which are not appealable, the department may take one or more of the following appealable actions for any reason stated under s. HFS 163.31 against a certified individual or lead company, an approved training manager or instructor, a person offering an accredited training course or a person required to comply with a provision of this chapter:

(1) **ORDER.** If the department provides written notice of the grounds for an order and an explanation of the process for appealing an order imposed under this subsection, the department may order any of the following when a person violates a provision under this chapter or continues to violate or resumes violation of a provision for which notice was previously issued:

(a) That the person stop performing, supervising, advertising, claiming to provide or offering activities for which certification is required under this chapter when the person is not certified under this chapter.

(b) That the person advertising or conducting a training course that is represented as qualifying persons for certification under this chapter stop advertising or conducting the course when the course or training provider is not accredited or approved under this chapter.

(c) That the person not function as a principal instructor or training manager of a lead training course when the person is not approved under this chapter.

(d) That the person stop violating any other provision of this chapter.

(e) That the person submit a plan of correction for violation of any provision under this chapter.

(f) That the person implement and comply with a plan of correction provided by the department or previously submitted by the person and approved by the department.

(g) That the person stop performing or supervising activities for which certification is required under this chapter until all violations are corrected. The order may require all activities that are regulated under this chapter to cease until the violation is corrected.

(h) That the person stop advertising or conducting a training course accredited or approved under this chapter until all violations are corrected.

(2) **DENIAL.** The department may deny an application for certification, recertification, accreditation, renewal of accreditation or approval for a reason under s. HFS 163.31 (5) if the department provides an applicant with a written notice of its decision to deny the application,

including the reason for the denial and an explanation of the process under s. HFS 163.33 for appealing the denial.

(3) CIVIL FORFEITURE. The department may impose a daily forfeiture of not less than \$100 nor more than \$1,000 for each violation against any person who violates a provision under this chapter, fails to respond to a letter of inquiry by the time specified in the order, continues to violate or resumes violation of a provision for which notice was previously issued or fails to comply with an order issued under sub. (1) by the time specified in the order if the department provides written notice of the grounds for a forfeiture and an explanation of the process under s. HFS 163.33 for appealing a forfeiture. All of the following apply to a civil forfeiture:

(a) The department may directly assess a forfeiture by specifying the amount of the forfeiture in the notice provided under this subsection.

(b) A person against whom the department has assessed a forfeiture shall pay that forfeiture to the department within 10 working days after receipt of notice of the assessment or, if that person contests that assessment under s. HFS 163.33, within 10 working days after receipt of the final decision after exhaustion of administrative review or, if that person petitions for judicial review under ch. 227, Stats., within 10 working days after receipt of the final decision after exhaustion of judicial review. The department shall remit all forfeitures paid under this subsection to the state treasurer for deposit in the school fund.

Note: The attorney general may bring an action in the name of the state to collect any forfeiture imposed under this subsection that has not been paid as provided in par. (b).

(4) SUSPENSION. The department may suspend a certification, an accreditation or an approval issued under this chapter if the department provides written notice of suspension, the grounds for suspension and an explanation of the process under s. HFS 163.33 for appealing a suspension not less than 30 days before the date of the suspension, and the violation on which the suspension is based remains substantially uncorrected at the end of the 30-day notice period. Any suspension of a certification, accreditation or approval shall remain in effect until the department determines the interests of the residents of the state are served.

(5) SUMMARY SUSPENSION. (a) Under the authority of s. 227.51 (3), Stats., the department may summarily suspend a certification when the department finds that this action is required to protect the health, safety or welfare of any person. A finding of a requirement for summary suspension may be based on but is not limited to one or more reasons under s. HFS 163.31 (6).

(b) An order by a representative of the department to summarily suspend certification of a person and therefore stop a regulated activity may be a verbal or written order. Within 7 working days after the order takes effect, the department shall either permit the continuation of the regulated activity or initiate proceedings to revoke the certification. Unless waived by the certified person, an informal hearing on the sole issue of whether certification shall remain suspended during revocation proceedings shall be conducted by a department designee within 15 working days after the date of suspension if the department has initiated revocation proceedings.

(6) REVOCATION. The department may revoke a certification, an accreditation or an approval issued under this chapter if the department provides written notice of revocation, the grounds for revocation and an explanation of the process under s. HFS 163.33 for appealing a revocation not less than 30 days before the date of the revocation, and the violation on which the revocation is based remains substantially uncorrected at the end of the 30-day notice period.

Note: Pursuant to s. 254.30 (2) (b), Stats., any person who knowingly violates any provision of this chapter or an order issued under sub. (3) shall be fined not less than \$100 or more than \$5,000 per day for each violation. The court may also place the person on probation under s. 973.09, Stats., for a period not to exceed 2 years.

HFS 163.33 Appeal. (1) **RIGHT TO APPEAL.** An action taken by the department under s. HFS 163.32 (1) to (6) is subject to administrative review under ch. 227, Stats.

(2) **APPEALS PROCESS.** To request a hearing under ch. 227, the aggrieved person shall file, within 10 working days after the date of the department's action, a written request for a hearing under s. 227.44, Stats. A hearing request is considered filed when the division of hearings and appeals receives the request. A request by facsimile is complete upon transmission. If the request is filed by facsimile transmission and such transmission is completed between 5 PM and midnight, one day shall be added to the prescribed period.

Note: A hearing request should be addressed to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707. Hearing requests may be delivered in person to that office at 5005 University Avenue, Room 201, Madison, WI. Hearing requests may be faxed to 608-264-9885.

(3) **ADMINISTRATIVE HEARING.** The division of hearings and appeals shall hold an administrative hearing under s. 227.42, Stats., within 30 calendar days after receipt of the request for the administrative hearing, unless the aggrieved person consents to an extension of that time period. The division of hearings and appeals shall issue a decision no later than 45 calendar days after holding the hearing, unless both parties agree to a later date.

Subchapter V - Registry of Property with Certificates of Lead-Free Status or Lead-Safe Status

HFS 163.40 General provisions. (1) **APPLICABILITY.** This subchapter applies to property for which a certificate of lead-free or lead-safe status is required based on notice that a child under 6 years of age has an elevated blood lead level. This subchapter also applies to registered lead-free property and registered lead-safe property, the property owners and the employees and agents of property owners of registered lead-free property or registered lead-safe property, and persons performing lead-based paint activities on registered lead-safe property.

(2) **REQUIREMENTS AND RESTRICTIONS.** (a) *Child with elevated blood lead level.* Under s. 254.171, Stats., a property owner shall do all of the following if the property owner receives a written notice from the department or a local health department that a child under 6 years of age who resides in the property owner's owner-occupied dwelling or dwelling unit, or who resides in the property owner's dwelling or dwelling unit under the terms of a rental agreement, has an elevated blood lead level:

1. Under s. 254.166, Stats., allow the department or the department's agent, including a local health department, to conduct a lead investigation and then comply with any order issued.

2. Under s. 254.171, Stats., obtain a certificate of lead-free status or a certificate of lead-safe status of not less than 12 months in duration. The certificate shall be obtained within 12 months after the date the property owner receives written notice from the department or a local health department.

3. If the property owner makes a good faith effort to obtain the certificate within 12 months but is unable to do so due to circumstances beyond the property owner's control, the property owner may ask the department for an extension as follows:

a. The property owner or the property owner's agent or employee shall submit a written request for an extension for receipt by the department before the end of the 11th month.

b. The request shall include the physical address of the dwelling and shall clearly explain why an extension is necessary.

c. A processing fee of \$25 shall be submitted to the department with each request for an extension.

d. Within 10 working days after receiving a request for an extension and the processing fee, the department shall grant or deny the request based on all facts available to the department.

e. If the extension will not prolong the exposure of a child under 6 years to a lead-based hazard, the department may grant an extension for circumstances such as poor weather conditions for conducting exterior lead hazard reduction, the unavailability of certified persons to conduct the lead hazard reduction, and the unavailability of certified persons to conduct the lead investigation and issue a certificate.

f. Any extension denied by the department may be appealed under s. HFS 163.33.

Note: Provisions under s. 254.171, Stats., took effect on May 23, 2000.

(b) *Registered lead-free property or registered lead-safe property.* For a dwelling, dwelling unit or premises built before 1978, only a dwelling, dwelling unit or premises with a valid certificate of lead-free status in effect may be claimed to be registered lead-free property. For a dwelling, dwelling unit or premises built before 1978, only a dwelling, dwelling unit or premises with a valid certificate of lead-safe status in effect may be claimed to be registered lead-safe property.

(c) *Sampling or testing.* 1. 'Sampling or testing not required.' Under s. 254.18, Stats., sampling or testing of a dwelling, dwelling unit or premise for the presence of lead-based paint or a hazard is not required before lead hazard reduction activities are conducted if the presence of lead-based paint or a lead hazard is assumed and the lead hazard reduction activities are performed in a lead-safe manner.

2. 'Treating paint as lead-based paint.' For purposes of obtaining a certificate of lead-free status or a certificate of lead-safe status and for performing lead-based paint activities on registered lead-safe property, paint shall be treated as lead-based paint unless proven to be lead-free. Provisions under this subchapter that apply to paint or lead-based paint apply to all paint unless the paint is proven to be lead-free.

3. 'Conducting sampling or testing.' Except as provided under s. HFS 163.42 (3) (d) 3., any sampling or testing conducted to prove that paint is not lead-based paint shall be conducted by a certified individual who is not an immediate family member, agent or employee of a property owner and who is associated with a certified lead company that is not directly or beneficially owned, controlled or managed by a property owner, or by an immediate family member, agent or employee of a property owner. If sampling or testing is conducted, the certified individual shall use

documented methodologies that incorporate adequate quality control procedures to do one of the following:

a. Using the procedures under s. HFS 163.14 (5), test the paint with an XRF.

b. Collect paint chip samples; 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; 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.

(3) TRANSFER OF CERTIFICATE OWNERSHIP. (a) *Requirement to transfer.* As a condition for a certificate of lead-free status or lead-safe status to remain valid when there is a change in the ownership of a property, a new property owner shall submit written notice of the change in ownership of the property to the department within 60 days after the date on which the new property owner obtains both equitable title and legal possession of a registered lead-free property or registered lead-safe property. In the written notice, the new property owner who provides the notice shall provide the names of all property owners. If the property has a valid certificate of lead-safe status, the written notice shall also include a statement that all owners of the real property agree to comply with all conditions for maintaining the certificate. If a property owner does not want the certificate, the property owner shall follow the procedures described under sub. (5) to voluntarily terminate the certificate.

(b) *Amended certificate.* A new property owner may submit a request to the department for an amended certificate that reflects the change in the ownership of the property. A request for an amended certificate shall include the appropriate fee under s. HFS 163.41 (2) (f) or 163.42 (2) (f).

(4) TEMPORARY IMMUNITY. As one of the conditions for receiving temporary immunity under s. 254.173 (3), Stats., the property owner shall ensure that the following low-risk lead-based paint activities intended to temporarily reduce a lead-based paint hazard are conducted in any dwelling or unit that is vacant during the first 60 days after the property owner acquires the dwelling or dwelling unit:

(a) Potential dust-lead shall be removed using documented methodologies that include the use of a HEPA vacuum and wet cleaning.

(b) If deteriorated paint is present, the deteriorated paint shall be stabilized using documented methodologies unless the paint is sampled or tested under sub. (2) (c) and determined to be lead-free.

(c) Certification is not required to repair deteriorated paint or remove dust-lead when the dwelling is not registered lead-safe property unless additional lead hazard reduction activities are performed that involve abatement.

Note: 1999 Wisconsin Act 113 was published on May 22, 2000. Under SECTION 35 of 1999 Wisconsin Act 113, immunity from civil and criminal liability for lead poisoning is granted under s. 254.173 (3), Stats., to the property owner of a dwelling or dwelling unit and to the property owner's employees and agents during the first 60 days after the property owner acquires the dwelling or dwelling unit, provided a number of conditions are met. Performing lead hazard reduction in a vacant dwelling unit is only one of the conditions for temporary immunity. Refer to s. 254.173 (3), Stats., for all of the conditions that must be met in order for temporary immunity to apply. This statutory provision takes effect on the first day of the 16th month beginning after publication of 1999

Wisconsin Act 113, which is September 1, 2001, and ends on the first day of the 64th month beginning after publication, which is September 1, 2005.

(5) **VOLUNTARY TERMINATION OF A CERTIFICATE.** If a property owner no longer wants a certificate or no longer wants to comply with the conditions for maintaining a certificate, the property owner shall return the original certificate and any existing copies to the department with a signed and dated notice to terminate the certificate. The certificate is no longer in effect on the date the department receives the notice.

Note: When the certificate is no longer in effect, any immunity granted under s. 254.173, Stats., would no longer be in effect.

HFS 163.41 Certificate of lead-free status. (1) **REGISTERED LEAD-FREE PROPERTY STANDARDS.** All registered lead-free property shall meet all of the following standards:

(a) *Painted components.* Painted components shall be free of lead-based paint, as determined by a lead-free inspection under sub. (2).

(b) *Dust from removal of paint or components.* Property shall be free of a dust-lead hazard created by removal of lead-based paint or lead-based paint components, as determined by a lead-free inspection under sub. (2).

(2) **ISSUANCE OF LEAD-FREE CERTIFICATE.** All of the following apply to issuing a certificate of lead-free status:

(a) *Lead-free inspection protocol.* 1. 'Who may conduct.' A lead-free inspection shall be conducted by a certified lead inspector or lead risk assessor associated with a certified lead company. Under direct on-site supervision of a certified lead inspector or risk assessor, a certified lead hazard investigator or sampling technician may assist with a lead-free inspection but may not use an XRF. Certified individuals involved with conducting a lead-free inspection shall conduct it in an unbiased, objective and impartial manner and 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, agent or employee of a property owner.

2. 'Locations to be inspected.' a. When a certificate of lead-free status is being sought for a single dwelling unit, the locations included in the lead-free inspection shall be limited to the dwelling unit for which the certificate is being sought and to all interior and exterior common areas for the real property associated with the dwelling.

b. When a certificate of lead-free status is being sought for an entire multi-family dwelling, the locations included in the lead-free inspection shall include all dwelling units, all interior common areas and all exterior common areas for the real property associated with the dwelling unless subd. par. c. applies.

c. When a certificate of lead-free status is being sought for a multi-family dwelling with more than 20 dwelling units that are similar in construction, age and have a common painting history, the locations included in the lead-free inspection shall include all dwelling units or dwelling units selected using the random selection process, all interior common areas and all exterior common areas for the real property associated with the dwelling. For dwellings built before 1960, a sufficient number of dwelling units shall be selected to provide a 95% level of confidence that at least 95% of all dwelling units would meet the standard for registered lead-free property if all

dwelling units were investigated. For dwellings built in 1960 or later, a sufficient number of dwelling units shall be selected to provide a 95% level of confidence that at least 90% of all dwelling units would meet the standard for registered lead-free property if all dwelling units were investigated. If any dwelling unit included in the lead-free inspection does not meet the standard, a certificate of lead-free status may not be issued. If conditions in the failed dwelling unit are corrected, conduct a new lead-free inspection that includes a new selection of dwelling units chosen using the random selection process.

Note: For assistance in selecting the correct number of dwelling units to include in the lead-free inspection, refer to Appendix B of this chapter. At the first instance that a property fails a lead-free inspection, follow the actions agreed upon in the written contract under s. HFS 163.13 (5) (e). Actions that might be required in the contract include the following: stop the lead-free inspection, continue with the lead-free inspection or a lead inspection to discover other sources of lead-based paint, or convert the lead-free inspection to a lead-safe risk assessment.

d. When a certificate of lead-free status is being sought for a premises that is not a dwelling, such as a child-occupied facility, the locations included in the lead-free inspection shall include all interior common areas and all exterior common areas for the real property associated with the premises where an occupant might be exposed to a lead-based paint hazard.

Note: Subdivision paragraphs a. to c. apply only to dwellings and subd. par. d. applies only to other premises that are not dwellings, such as child-occupied facilities.

3. 'Lead inspection.' A lead-free inspection shall include a lead inspection under s. HFS 163.14 (5).

4. 'Clearance.' A lead-free inspection shall include clearance under s. HFS 163.14 (1) of the work area where more than 2 square feet of paint was removed or a painted component was removed, if known, or of the dwelling units and common areas inspected under subd. 2., unless one of the following is obtained:

a. A clearance report issued by an appropriately certified person after the most recent removal of more than 2 square feet of paint or removal of a painted component unless the paint is proven to be lead-free. A certified individual involved with 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, agent or employee of a property owner.

b. The following statement signed by the property owner or the property owner's agent or employee and dated at the time of signature: "During the previous 12 months, no person removed a total more than 2 square feet of paint or a painted component from the real property included in this lead-free inspection. This statement is made based on my own personal knowledge and statements made to me by the property owner and any agent of the property owner."

(b) *Submission of registration form.* Following instructions provided by the department, a lead company shall complete and submit the lead-free inspection registration form to the department within 10 working days after completing the lead-free inspection, including receipt of any laboratory results, whichever is later. The registration form shall be submitted using an electronic format provided by the department or an alternative method approved by the department.

(c) *Verification of qualification and registration.* The lead company shall follow the instructions provided by the department to issue the certificate of lead-free status to the property owner within 10 working days after receiving verification of qualification and registration from the department.

(d) *Effective date.* 1. If a certified lead company conducts a lead-free inspection and submits the registration form to the department under par. (b) within 10 working days after completion of the lead-free inspection, including receipt of any laboratory results, and if the department determines the dwelling unit, dwelling or premises meets the standards for registered lead-free property, the certificate shall be valid on the date the on-site sampling was completed.

2. If a lead company fails to submit the registration form within 10 working days under par. (b), the certificate shall be valid on the date the dwelling unit, dwelling or premises met the standards, as determined by the department based on evidence submitted by the property owner or lead company.

3. If a certified lead company conducted a lead inspection prior to the availability of certificates of lead-free status, the certificate shall be valid on the date the lead-free inspection form under par. (b) is received by the department when one of the following meets the requirements of the lead-free inspection protocol under par. (a):

a. The prior lead inspection.

b. The prior lead inspection combined with a subsequent update to the lead inspection.

(e) *Expiration date.* A certificate of lead-free status is valid until revoked, which shall be stated on each certificate of lead-free status issued.

Note: 1999 Wisconsin Act 113 was published on May 22, 2000. Under SECTION 35 of 1999 Wisconsin Act 113, limited immunity from civil and criminal liability for lead poisoning is granted under s. 254.173, Stats., to the property owner of a registered lead-free property and to the property owner's employees and agents. This statutory provision takes effect on September 1, 2001, and ends on the first day of the 100th month beginning after publication, which is September 1, 2008. Refer to s. 254.173, Stats., for circumstances under which the immunity does not apply.

(f) *Fees.* 1. In addition to fees charged by the lead company for the lead-free investigation and any laboratory analysis, the property owner shall pay a lead-free certificate fee of \$50 to the lead company issuing a lead-free certificate and the lead company shall forward payment to the department before the 10th day of the month following issuance.

2. In addition to the fee under subd. 1, a lead company that submits a lead-free report using an approved alternative under sub. (2) (b) shall pay an additional handling fee of \$25.

3. If a property owner requests the department to issue a duplicate or an amended certificate of lead-free status, the property owner shall submit a fee of \$50, payable to the department of health and family services.

Note: The department will provide training to lead company staff on the process for registering and issuing a lead-free or lead-safe certificate. For information about this training, contact 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@dhfs.state.wi.us"; ph. 608-261-6876; fax 608-266-9711.

(3) REVOCATION. If the department provides written notice of revocation, the grounds for revocation and an explanation of the process under s. HFS 163.33 for appealing a revocation not less than 30 days before the date of the revocation, and the violation on which the revocation is based remains substantially uncorrected at the end of the 30-day notice period, the department may revoke a certificate of lead-free status for any of the following reasons:

(a) The dwelling, dwelling unit, child-occupied facility or other premises is not free of lead-based paint, as determined by sampling conducted using documented methodologies.

(b) The certificate was issued in error.

(c) The lead-free inspection protocol under sub. (2) was not followed in determining that the dwelling, dwelling unit, child-occupied facility or other premises met the standards for registered lead-free property and a subsequent lead-free inspection does not verify that the dwelling, dwelling unit, child-occupied facility or other premises met the lead-free standards.

Note: When a property owner is notified of a problem with a lead-free inspection, the property owner may hire a certified lead company to conduct a new lead-free inspection to verify that the property was, in fact, eligible for the lead-free certificate. If the property owner submits the inspection report for the new lead-free inspection to the department, the department will review the report and stop the revocation action if the new lead-free inspection verifies the property meets the standards.

(d) The property owner or his or her employee or agent obtained the certificate by fraud.

HFS 163.42 Certificate of lead-safe status. (1) REGISTERED LEAD-SAFE PROPERTY STANDARDS. Under the standards in this subsection, paint is not lead-free unless the paint is sampled or tested under s. HFS 163.40 (2) (c) and determined not to contain lead-based paint. For registered lead-safe property, all locations under sub. (2) (a) 2. that are subject to a lead-safe investigation shall meet all of the following standards, as determined by a lead-safe investigation under sub. (2):

(a) *Interior painted components.* Interior painted components shall be free of deteriorated paint unless the paint is proven to be lead-free.

(b) *Exterior painted components below 5 feet.* Exterior painted components at a height from ground or floor level to 5 feet above ground or floor level shall be free of deteriorated paint unless the paint is proven to be lead-free.

(c) *Exterior painted components above 5 feet.* If deteriorated paint is present on exterior painted components, it may only be present at a height more than 5 feet above ground or floor level and shall total no more than 5 square feet of deteriorated paint for all surfaces combined unless the paint is proven to be lead-free.

(d) *Paint chips.* Floors, windowsills, window wells or troughs and soil shall be free of visible paint chips unless the paint is proven to be lead-free.

(e) *Substrate.* For the substrate of a painted surface, there shall be no visible defect, damage, decay or deterioration in the substrate that might cause deteriorated paint unless the paint is proven to be lead-free. Painted, unkeyed plaster may not be present unless the paint is proven to be lead-free.

(f) *Dust-lead hazards.* There shall be no dust-lead hazards on registered lead-safe property. A dust-lead hazard is present when at least one of the following applies:

1. Using composite dust sampling, the following results are obtained:

a. The laboratory results for composite dust samples collected from floors are equal to or greater than 25 micrograms per square foot (25 $\mu\text{g}/\text{ft}^2$).

b. The laboratory results for composite dust samples collected from interior windowsills are equal to or greater than 125 micrograms per square foot (125 $\mu\text{g}/\text{ft}^2$).

c. The laboratory results for composite dust samples collected from window troughs or wells are equal to or greater than 400 micrograms per square foot (400 $\mu\text{g}/\text{ft}^2$).

Note: Composite dust sampling under this protocol is comparable to dust sampling conducted under a lead hazard screen.

2. Using single-surface dust sampling, the following results are obtained:

a. The arithmetic mean for dust samples collected from all floors is equal to or greater than 40 micrograms per square foot (40 $\mu\text{g}/\text{ft}^2$).

b. The arithmetic mean for dust samples collected from all interior windowsills is equal to or greater than 250 micrograms per square foot (250 $\mu\text{g}/\text{ft}^2$).

c. The laboratory result for a dust sample collected from a window trough or well is equal to or greater than 800 micrograms per square foot (800 $\mu\text{g}/\text{ft}^2$).

Note: Single-surface dust sampling under this protocol is comparable to dust sampling conducted under a lead risk assessment.

(g) *Moisture or water damage.* 1. Unless the paint is proven to be lead-free, there shall be no evidence of ongoing water damage to painted surfaces, including damage caused by any of the following:

a. Unrepaired water leaks in gutters, downspouts, roofs, foundations or other components.

b. Unrepaired leaks in plumbing, air conditioning or heating systems.

c. Absent or malfunctioning gutters or downspouts.

2. For property with visible signs of mold, mildew, moisture or water damage on painted components and no evidence of an active water leak, a certificate of lead-safe status may not be issued for more than one year unless the paint is proven to be lead-free. Before a certificate of lead-safe status may be issued for a term of 3 years or more, evidence of moisture or water damage on painted components shall be eliminated unless the paint is proven to be lead-free.

Note: For information about cleaning a painted surface to remove mold, refer to Chapter 11, Interim Controls, of HUD's Guidelines for the Evaluation and Control for Lead-Based Paint Hazards in Housing. Numerous websites also provide information about treating mold and mildew.

Coatings that cover stains and inhibit growth of mold and mildew are available for painting over surfaces that have been cleaned.

(h) *Painted floors and stairs.* Painted interior and exterior floors and stair treads shall have an intact protective covering or topcoat that does not contain lead-based paint unless all existing paint on the floor is proven to be lead-free.

(i) *Window systems, including storm and screen windows.* For painted window systems, all of the following apply unless the paint is proven to be lead-free:

1. Weep holes shall be present and open in double-hung and single-hung windows and any other window system designed to have weep holes.
2. Window wells or troughs shall be smooth and cleanable.
3. Glazing shall not have gaps.
4. Operable storm windows shall be present and installed seasonally unless windows are double-paned or were not designed to use storm windows.

(j) *Soil option.* Soil testing to determine if soil-lead hazards are present is not required for registered lead-safe property. If, however, a property owner chooses to include soil-lead hazards under the certificate of lead-safe status, then an assessment of soil-lead hazards shall be conducted under sub. (2) with one of the following findings:

1. No bare soil was present.
2. Bare soil was sampled, analyzed by a recognized laboratory and determined not to be a soil-lead hazard under s. HFS 163.15 (2).

(2) **ISSUANCE OF CERTIFICATE OF LEAD-SAFE STATUS.** (a) *Lead-safe investigation protocol.* 1. 'Who may conduct.' A lead-safe investigation shall be conducted by a certified lead hazard investigator or lead risk assessor associated with a certified lead company. 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-safe investigation. Certified individuals involved with conducting a lead-safe investigation shall conduct it in an unbiased, objective and impartial manner and 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, agent or employee of a property owner.

2. 'Locations to be investigated.' The locations included in the lead-safe investigation shall be selected according to the following provisions:

a. When a certificate of lead-safe status is being sought for a single dwelling unit, the locations included in the lead-safe investigation shall be limited to the dwelling unit for which the certificate is being sought and to all interior common areas and all exterior common areas for the real property associated with the dwelling where an occupant of the dwelling unit might be exposed to a lead-based paint hazard.

b. When a certificate of lead-safe status is being sought for an entire multi-family dwelling, the locations included in the lead-safe investigation shall include all dwelling units, all interior

common areas and all exterior common areas for the real property associated with the dwelling where an occupant might be exposed to a lead-based paint hazard unless subd. par. c. applies.

c. When a certificate of lead-safe status is being sought for a multi-family dwelling with more than 20 dwelling units that are similar in construction, age and have a common paint, maintenance and management history, the locations included in the lead-safe investigation shall include all dwelling units or dwelling units that are selected using the random selection process, all interior common areas and all exterior common areas for the real property associated with the dwelling. A sufficient number of dwelling units shall be selected to provide a 95% level of confidence that at least 95% of all dwelling units would meet the standard for registered lead-safe property if all dwelling units were investigated. If any dwelling unit included in the lead-safe investigation does not meet the standard, a certificate of lead-safe status may not be issued. If conditions in the failed dwelling unit are corrected, conduct a new lead-safe investigation that includes a new selection of dwelling units using the random selection process.

Note: For assistance in selecting the correct number of dwelling units to include in the lead-safe investigation, refer to Appendix C of this chapter. At the first instance that a property fails a lead-safe investigation, follow the actions agreed upon in the written contract under s. HFS 163.13 (5) (e). Actions that might be required in the contract include stopping the lead-safe investigation or converting to a risk assessment.

d. When a certificate of lead-safe status is being sought for a premises, such as a child-occupied facility, the locations included in the lead-safe investigation shall also include all interior and exterior common areas for the real property associated with the premises where an occupant might be exposed to a lead-based paint hazard.

3. 'Sampling or testing for lead-based paint.' Certified persons conducting a lead-safe investigation shall treat paint as lead-based paint unless the paint is sampled or tested under s. HFS 163.40 (2) (c) and determined not to contain lead-based paint.

4. 'Visual inspection.' Conduct a visual inspection of the real property to determine if any deteriorated paint is present that is not proven to be lead-free.

5. 'Collection of dust samples.' For a lead-safe investigation of a dwelling, use documented methodologies to collect composite dust samples under subd. 6. or single-surface dust samples under subd. 7., and to collect single surface dust samples of common areas under subd. 8. For a lead-safe investigation of any other premises, use documented methodologies to collect single-surface dust samples under subd. 9.

Note: Composite dust sampling under this protocol is comparable to dust sampling conducted under a lead hazard screen and single-surface dust sampling is comparable to dust sampling conducted under a lead risk assessment. Documented methodologies for dust wipe samples under this protocol include the EPA protocols under 40 CFR 745.227, EPA guidance documents relating to the EPA protocols and Chapter 5 of HUD's "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing."

6. 'Collect composite dust samples of a dwelling unit.' Collect composite dust samples from a dwelling unit as follows:

a. Collect one or more composite dust sample consisting of 4 separate dust samples from the floors of the main entryway and rooms or areas where a child under age 6 years would most likely come into contact with dust.

b. Collect one or more composite dust sample consisting of 4 separate dust samples from the window troughs or 4 separate dust samples from interior sills of windows that are most frequently operated or where a child under age 6 years would most likely come into contact with dust.

c. For a dwelling unit in a multi-family dwelling, collect dust samples under subd. 8. from common areas where a child under age 6 years would most likely come into contact with dust in addition to the samples collected under subd. pars. a. and b.

7. 'Single surface dust samples of a dwelling unit.' Collect single-surface dust samples from a dwelling unit as follows:

a. Collect a minimum of 4 dust samples from floors in rooms and areas where a child under age 6 would most likely come into contact with dust. Select areas of the floor where a child under age 6 would most likely come into contact with dust, such as a play area within a room, a high-traffic walkway and underneath windows.

b. Collect one dust sample from a window trough of the window that is most frequently operated or where a child under age 6 years would most likely come into contact with dust.

c. Excluding the window from which the sample under subd. par. b. was taken, collect a minimum of 3 dust samples from interior windowsills in rooms or areas where a child under age 6 years would likely come into contact with dust. Select windows that are frequently operated or where a child under age 6 years would most likely come into contact with dust.

d. For a dwelling unit in a multi-family dwelling, collect dust samples under subd. 8, from common areas where a child under 6 years would most likely come into contact with dust in addition to the samples collected under subd. pars. a. to c.

8. 'Single surface dust samples of dwelling common areas.' Collect single surface dust samples of dwelling common areas as follows:

a. Collect window and floor dust samples from common areas adjacent to the dwelling.

b. Collect window and floor samples from other common areas where a child under age 6 would likely come into contact with dust.

9. 'Single-surface dust samples of other premises.' For a child-occupied facility or premises other than a dwelling, collect single-surface dust samples as follows:

a. Window and floor samples in each room, hallway or stairwell used by a child under age 6 years.

b. Collect window and floor dust samples from common areas adjacent to the child-occupied facility or other premises.

c. Collect window and floor samples from other common areas where a child under 6 years of age would likely come into contact with dust.

10. 'Collection of soil samples.' If the property owner requests assessment of the lead concentration in soil, collect soil samples for analysis of lead concentrations in both of the following locations:

- a. Mid-yard areas where bare soil is present.
- b. Dripline and foundation areas where bare soil is present.

11. 'Analysis by a 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.

(b) *Submission of registration form.* Following instructions provided by the department, a lead company shall complete and submit the lead-safe investigation registration form to the department within 10 working days of completing the lead-safe investigation or receiving any laboratory results, whichever is later. The registration form shall be submitted using an electronic format provided by the department or an alternative method approved by the department.

(c) *Verification of qualification and registration.* The lead company shall follow the instructions provided by the department to issue the certificate of lead-safe status to the property owner within 10 days after receiving verification of qualification and registration from the department.

(d) *Effective date.* 1. If a certified lead company conducts a lead-safe investigation and submits the registration form to the department under par. (b) within 10 working days after completion of the lead-safe investigation, including receipt of any laboratory results, and if the department determines the dwelling unit, dwelling or premises meets the standards for registered lead-safe property, the certificate shall be valid on the date the on-site sampling was completed.

2. If a lead company fails to submit the registration form within 10 working days under (b), the certificate shall be valid on the date the dwelling unit, dwelling or premises met the standards, as determined by the department based on evidence submitted by the property owner or lead company.

Note: 1999 Wisconsin Act 113 was published on May 22, 2000. Under SECTION 35 of 1999 Wisconsin Act 113, limited immunity from civil and criminal liability for lead poisoning is granted under s. 254.173, Stats., to the property owner of a registered lead-safe property and to the property owner's employees and agents. This statutory provision takes effect on September 1, 2001, and ends on the first day of the 100th month beginning after publication, which is September 1, 2008. Refer to s. 254.173, Stats., for circumstances under which the immunity does not apply.

(e) *Expiration date.* 1. For property meeting the registered lead-safe property standards under sub. (1), a certificate of lead-safe status shall be given an expiration date based on the component that is most likely to cause or become a lead-based paint hazard before any other component. A component that is proven to be lead-free shall be excluded from consideration. A component that has been enclosed or encapsulated according to documented methodologies shall be excluded from consideration under subds. 1 to 5. To determine the expiration date, select the shortest duration under subds. 2. to 7. based on the components present.

2. 'Nine months.' The presence of paint on an impact or friction surface of a window well or trough, window channel, or window sash shall result in a certificate of lead-safe status being issued

for no more than 9 months when paint is not proven to be lead-free and the painted surface is not covered by a durable material that protects the paint from impact and abrasion.

Note: The 9-month certificate is intended to allow recognition of temporary measures, such as removing dust-lead and debris created by impact and friction, while more permanent lead hazard reduction continues. Under sub. (4), no more than 2 applications for a 9-month certificate may be submitted unless the property owner provides the department with a reason why an additional 9-month certificate is necessary.

3. 'One year.' The presence of any of the following conditions shall result in a certificate of lead-safe status being issued for no more than one year unless the paint is proven to be lead-free.

a. Paint is present on an interior floor, interior stair tread, drawer of a built-in cabinet, malfunctioning door, or on any other interior friction surface not otherwise described and the painted friction surface is not covered by a durable material or by carpeting that protects the paint from abrasion.

b. Deteriorated paint is present on the exterior, but only at a height above 5 feet from ground or floor level, and the total amount of deteriorated paint is less than 5 square feet.

c. A component shows evidence of mold, mildew, moisture or water damage where paint is present, but no evidence of an active leak.

4. 'Three years.' The presence of any of the following conditions shall result in a certificate of lead-safe status being issued for no more than 3 years unless the paint is proven to be lead-free.

a. Paint is present on an exterior sill, interior sill or stool, casing, head, jamb, glazing, caulk, putty or any other component of a window that is not an impact or friction surface under subd. 1.

b. Paint is present and exposed on any exterior horizontal surface or any of the following exterior components: floor, porch, stair system.

c. Other than paint on a window well or trough under subd. 1., paint is present and exposed to damage by the impact of another component striking the painted component, such as a door striking a baseboard or chair rail.

d. Paint is present on an interior or exterior door.

5. 'Five years.' Unless the paint is proven to be lead-free, the presence of paint on an exterior component not described under subds. 1. to 3., 5. or 6., such as siding, porch ceiling, gutter, downspout, soffit or fascia, shall result in a certificate of lead-safe status being issued for no more than 5 years.

6. 'Ten years.' Unless the paint is proven to be lead-free, the presence of paint on an interior component that is not described under subds. 1. to 3., 5. or 6., such as a wall, ceiling or painted floor covered by wall-to-wall carpeting, shall result in a certificate of lead-state status being issued for no more than 10 years.

7. 'Twenty years.' A certificate of lead-safe status shall be issued for no more than 20 years when all paint that has not been proven to be lead-free has been fully enclosed with durable material that does not allow dust or debris from the paint to escape into the environment.

(f) *Fees.* 1. In addition to fees charged by the lead company for the lead-safe investigation and laboratory analysis, the property owner shall pay a lead-safe certificate fee of \$25 to the lead company issuing a lead-safe certificate and the lead company shall forward payment to the department before the 10th day of the month following issuance.

2. In addition to the fee under subd. 1, a lead company that submits a lead-safe report using an approved alternative under par. (b) shall pay a \$25 handling fee.

3. If a property owner requests the department to issue a duplicate or an amended certificate of lead-safe status, the property owner shall submit a fee of \$25, payable to the department of health and family services.

(3) **CONDITIONS FOR MAINTAINING A CERTIFICATE OF LEAD-SAFE STATUS.** (a) *General.* When a property is not lead-free, dust-lead will reaccumulate and the property will not remain lead-safe without proper care. In order to provide assurance that a registered lead-safe property remains lead-safe during the term of the certificate, all of the conditions under pars. (b) to (h) apply for maintaining a certificate of lead-safe status.

Note: A quantity of dust-lead small enough to cover a finger tip is sufficient to cause a child to have an elevated blood lead level. Even with only a blood level of 10 micrograms per deciliter of blood, a child might already have a decrease in reading ability of 10%. Dust-lead is created when lead-based paint deteriorates due to the effects of water or moisture or due to age, which might be evidenced by flaking, chipping, peeling, chalking, alligating or other cracking. Dust-lead is also created when lead-based paint is subject to friction, impact, or other disturbance, such as by activities involving sanding, scraping, sawing, planing, cutting, burning, and heating to high temperatures.

(b) *Distribute materials to occupants.* 1. 'Applicability.' This paragraph applies when a registered lead-safe property includes a dwelling unit or premises that is occupied by someone other than the property owner or the property owner's immediate family.

2. 'Requirement for distribution of materials.' a. For a dwelling unit, the property owner or the property owner's employee or agent shall deliver a lead-safe information pamphlet under subd. 3. and a form under subd. 4. in person or by postal or delivery service to an adult occupant.

b. For a child-occupied facility, the property owner or the property owner's employee or agent shall deliver a lead-safe information pamphlet under subd. 3. and a form under subd. 4. in person or by postal or delivery service to an adult occupant and post a registered lead-safe property poster obtained from the department where it is visible to any adult responsible for a child occupying the child-occupied facility.

c. For a premises that is not a dwelling unit or a child-occupied facility, the property owner or the property owner's employee or agent shall deliver a lead-safe information pamphlet under subd. 3. and a form under subd. 4. in person or by postal or delivery service to an adult occupant.

3. 'Lead-safe information pamphlet.' The lead-safe information pamphlet shall be obtained from or approved by the department.

4. 'Form for reporting deteriorated paint and other potential lead-based paint hazards.' The form for reporting deteriorated paint, failure of an enclosure, encapsulation or covering, and any

other potential lead-based paint hazards shall be obtained from the department or may be another form that shall ask for all of the following information:

- a. The name and contact information for the person submitting the form.
- b. The location and a brief description of the deteriorated paint, failure of an enclosure, encapsulation or covering, or other potential lead-based paint hazard.
- c. The date the form is delivered to the property owner or the property owner's agent or employee.

5. 'Timing for initial distribution of required materials.' After a certificate of lead-safe status is issued for a registered lead-safe property, the property owner or the property owner's agent or employee shall distribute the required materials within 60 days.

Note: The lead-safe information pamphlet, registered lead-safe property poster and the form for reporting deteriorated paint and potential lead-based paint hazards may be obtained from 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@dhfs.state.wi.us"; ph. 608-261-6876; fax 608-266-9711; or may be available on the department's website at www.dhfs.state.wi.us.

6. 'Timing for distribution to new occupants after initial distribution.' After initial distribution has been completed, required materials shall be distributed to new occupants on or before the signing of a lease or when the lease agreement is entered into in absence of a written lease.

Note: For rental housing, the required materials may be distributed together with disclosure materials required under HUD regulations under 24 CFR Part 35, Subpart H and EPA regulations under 40 CFR Part 745 Subpart F.

7. 'Procedure for distribution on an ongoing basis.' When a certificate of lead-safe status is issued for 3 years or more, required materials shall be distributed on an ongoing basis as follows:

- a. For a dwelling, required materials shall be left in a dwelling unit each time the dwelling unit has a visual inspection under par. (c) unless the property owner chooses to post a lead-safe information pamphlet or lead-safe property poster on a bulletin board, wall or the interior of a door in a common area or in each dwelling unit. If used, the lead-safe property poster shall be obtained from or approved by the department and shall contain information from the lead-safe information pamphlet.

- b. For a child-occupied facility, required materials shall be redistributed within 10 working days following completion of the visual inspection under par. (c).

(c) *Conduct visual inspection.* When a certificate of lead-safe status is issued for 3 years or more, the property owner or the property owner's agent or employee shall ensure that the registered lead-safe property has a visual inspection conducted as follows:

1. The visual inspection shall be conducted by a certified lead-safe property manager or an individual certified in a lead investigation discipline.

2. The visual inspection shall be completed each year within the 30 calendar days prior to the anniversary of the day the certificate of lead-safe status was effective.