

Chapter HFS 163

CERTIFICATION FOR LEAD ABATEMENT, OTHER LEAD HAZARD REDUCTION AND LEAD
MANAGEMENT ACTIVITIES, AND ACCREDITATION OF TRAINING COURSES**Subchapter I — General Provisions**

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Note: Chapter HFS 163 was created as an emergency rule effective February 18, 1997.

Subchapter I — General Provisions

HFS 163.01 Authority and purpose. This chapter is promulgated under the authority of ss. 254.176 (1) and (3) and 254.178 (2) Stats., to ensure that persons who perform lead abatement, HUD Lead-Based Paint (LBP) grant-funded lead hazard reduction, or any lead management activities do so safely to prevent exposure of building occupants to hazardous levels of lead. This is accomplished by requiring that before a person engages in a lead abatement, a HUD LBP grant-funded lead hazard reduction or a lead management activity involving target housing or a child-occupied facility or the real property on which the target housing or child-occupied facility stands, he or she shall successfully meet the requirements of this chapter and have a certification card issued by the department. This chapter also requires that training courses for certification of lead (Pb) inspectors, project designers, risk assessors, supervisors and workers be accredited by the department and that training managers and instructors be separately approved by the department.

Note: Accepted methods for conducting lead activities are described in the following documents: EPA, 40 CFR 745 Subpart Q, "Lead: Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule" (FR45777, Vol. 61, No. 169); U.S. Department of Housing and Urban Development (HUD), Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing; EPA, "Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-Contaminated Soil" (FR 47248, Vol. 60, No. 175); EPA, "Residential Sampling for Lead: Protocols for Dust and Soil Sampling" (EPA report number 7474-R-95-001). To request these documents, contact HUD USER by telephone at 800-245-2691 or the National Lead Information Clearinghouse by telephone at 800-424-5323, by fax at (202) 659-1192 or on the internet at <http://www.nsc.org/nsc/ehc/ehc.html>.

History: Cr. Register, October, 1997, No. 502, eff. 11-1-97.

HFS 163.02 Scope. (1) **APPLICABILITY.** (a) 1. This subchapter and subch. II apply to any person performing or supervising a lead abatement or HUD LBP grant-funded lead hazard reduction or a lead management activity involving target housing or a child-occupied facility or the real property on which the target housing or child-occupied facility stands, except as provided in s. HFS 163.10 (3). This subchapter and subch. II also apply to any person conducting abatement, interim control activities or lead management activities when being done to comply with an order of a court, the department, another state agency or a local agency, which order requires the use of persons certified under this subchapter and subch. II.

2. The applicability date of this subchapter and subch. II for any person performing lead abatement or HUD LBP grant-

funded lead hazard reduction activity and for any person performing a lead management activity shall November 1, 1997.

(b) 1. This subchapter, subch. III, and Appendix A apply to any person or organization that offers, conducts or teaches a lead (Pb) inspector, lead (Pb) project designer, lead (Pb) risk assessor, lead (Pb) supervisor or lead (Pb) worker training course leading to certification by the department.

2. The applicability date of this subchapter, subch. III and Appendix A for any person or organization that offers, conducts or teaches lead (Pb) inspector, lead (Pb) project designer, lead (Pb) risk assessor, lead (Pb) supervisor or lead (Pb) worker training courses shall be the effective November 1, 1997.

(2) **APPROVED COMPARABLE COMPLIANCE.** The department may approve an alternative to any requirement in this chapter that is not a statutory requirement when the department is provided with satisfactory written proof that the alternative will achieve results which are closely equivalent to the expected results of the requirement.

History: Cr. Register, October, 1997, No. 502, eff. 11-1-97.

HFS 163.03 Definitions. In this chapter:

(1) "Abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards, such as the on-site removal of lead-based paint, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, the removal or covering of lead-contaminated soil, and all preparation, cleanup, and preparation of any lead-based paint waste for disposal associated with those measures. "Permanently" or "permanent" means the measure may be expected to eliminate or reduce exposure to lead-based paint hazards for at least 20 years under normal conditions.

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

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

(4) "Certification" means an approval status granted by the department to an individual meeting the conditions for certification under subchs. I and II.

(5) "Certification examination" means a written, closed-book examination administered to an applicant for certification by the department or under the authority of the department, but not administered by a training provider, which evaluates the appli-

cant's knowledge of information necessary to properly perform work in a specific discipline.

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

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

(8) "Clearance" means the visual examination or sampling conducted after a lead abatement or other lead hazard reduction activity to determine whether or not the activity and cleanup have been successfully completed.

(9) "Contingent accreditation" means a temporary approval status granted by the department to a training course for a specific discipline on the basis of a desk audit of accreditation application materials for compliance with subchs. I and III and Appendix A.

(10) "Course test" means a written closed-book test administered by a training provider at the end of a course which is intended to evaluate trainees' knowledge and retention of the topics covered during the training course.

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

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

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

(14) "Dwelling" means any structure, all or part of which is designed or used for human habitation.

(15) "Encapsulation" means the process of making lead-based paint inaccessible by the application of a special substance that forms a barrier between lead-based paint and the environment. This is done by using an adhesively bonded covering material or a liquid-applied coating, with or without reinforcement materials.

(16) "Enclosure" means the use of rigid, durable construction materials that are mechanically fastened to the substrate, with all edges and seams sealed with caulk or other sealant in order to act as a barrier between lead-based paint and the environment.

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

(18) "Full accreditation" means an approval status granted by the department to a training course for a specific discipline subsequent to contingent accreditation, which is granted on the basis of an on-site accreditation audit finding of compliance with subchs. I and III and Appendix A.

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

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

(21) "HUD LBP grant-funded" means funded by a lead-based paint hazard control grant from the HUD office of lead-based paint abatement and poisoning prevention, which was awarded to fund lead-based paint hazard reduction or lead management activities.

(22) "Initial certification" means the first certification that an individual is granted by the department for a specific discipline.

(23) "Interim control activity" means any measure or set of measures designed to temporarily reduce human exposure or likely exposure to a lead-based paint hazard.

(24) "Lead-based paint" or "LBP" means paint or any other surface coating material containing more than 0.06% lead by weight or more than 0.7 milligrams lead per square centimeter.

(25) "Lead-based paint activity" means an abatement, HUD LBP grant-funded lead hazard reduction activity, clearance, inspection, lead hazard screen, risk assessment or project design activity, including development of an occupant protection plan.

(26) "Lead-contaminated dust" means surface dust that contains lead.

(27) "Lead-contaminated soil" means bare soil that contains lead at or in excess of levels established by the Wisconsin department of natural resources under s. NR 720.11.

Note: The Department recommends soil with lead levels above 5,000 g/g be removed or paved over. The Wisconsin Department of Natural Resources (DNR) standard for nonindustrial lead in soil under NR 720.11, Table 2, is 50 parts per million. For additional information, contact the DNR at (608) 266-5425.

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

(29) "Lead hazard reduction activity" means any action designed to permanently or temporarily reduce human exposure to lead hazards through methods that include abatement or interim control activities. *emery.com*
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(30) "Lead hazard screen" means a risk assessment activity to determine whether a dwelling or child-occupied facility in good condition should have a full risk assessment. A lead hazard screen involves less paint or dust sampling or testing than in a risk assessment.

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

(32) "Lead (Pb) inspector" means an individual who conducts lead inspections or clearances or writes inspection reports.

(33) "Lead management" means all or part of a lead inspection, lead hazard screen, risk assessment, clearance or project design, including development of an occupant protection plan.

(34) "Lead (Pb) project designer" means an individual who designs abatement or HUD LBP grant-funded hazard reduction projects and who may also write occupant protection plans or abatement reports.

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

(36) "Lead (Pb) risk assessor" means an individual who conducts lead hazard screens or lead risk assessments, provides options to reduce specific lead hazards, writes lead risk assessment reports or who is an employer of individuals performing lead management activities and who may perform the duties of a lead (Pb) inspector.

(37) "Lead (Pb) supervisor" means an individual who supervises lead (Pb) workers, writes occupant protection plans or abatement reports, has the authority to require changes in performance practices or to halt the project, or is an employer of individuals performing lead hazard reduction activities and who may perform on-site lead hazard reduction activities.

(38) "Lead (Pb) worker" means an individual who performs on-site lead abatement or HUD LBP grant-funded lead hazard reduction activities, including but not limited to preparation, cleanup, or any waste generation and preparation for transporting to disposal.

(39) "Occupant protection plan" means a written plan developed prior to an abatement or HUD LBP grant-funded lead hazard reduction project which describes the measures that will be taken during the abatement or lead hazard reduction to protect the building occupants from exposure to any lead-based paint hazards.

(40) "Pb", means lead, the metallic element known by the symbol "Pb" in the periodic table of chemical elements.

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

(42) "Real property" means the property on which a building stands and all contiguous property under the same ownership.

(43) "Regional lead (Pb) training center" means an institution sponsored by the EPA to develop or conduct lead (Pb) training courses.

(44) "Target housing" means any dwelling constructed prior to 1978, except a dwelling for the elderly or persons with disabilities or any zero-bedroom dwelling unless a child under 6 years of age occupies or is expected to occupy the dwelling.

Note: Zero-bedroom dwellings include efficiencies, studio apartments, dormitory housing, military barracks and rentals of individual rooms in residential dwellings.

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

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

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

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

(49) "Visual inspection" means:

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

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

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

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

History: Cr. Register, October, 1997, No. 502, eff. 11-1-97.

HFS 163.04 Penalty. (1) CIVIL PENALTY. As provided by s. 254.30 (2), Stats., any person who violates this chapter may be required to forfeit not less than \$100 nor more than \$1,000. Each day of continued violation constitutes a separate offense. A forfeiture under this section may be in addition to the denial, suspension or revocation of certification, training course accreditation, training manager approval, principal instructor approval or guest instructor approval.

(2) CRIMINAL PENALTY. As provided by s. 254.30 (2), Stats., any person who knowingly violates this chapter may be required to forfeit not less than \$100 nor more than \$5,000. A forfeiture under this section may be in addition to the denial, suspension or revocation of certification, training course accreditation, training manager approval, principal instructor approval or guest instructor approval. The court may place the person on probation under s. 973.09 for a period not to exceed 2 years.

History: Cr. Register, October, 1997, No. 502, eff. 11-1-97.

HFS 163.05 Appeal. (1) RIGHT TO APPEAL. Any denial of an application for certification, training course accreditation, training manager approval or instructor approval under this chap-

ter or any suspension or revocation of a certification card, a training course accreditation, a training manager approval or an instructor approval is subject to administrative review under ch. 227, Stats.

(2) APPEALS PROCESS. (a) *Submitting an appeal.* An appeal shall be in writing and shall take the form of a request for a hearing filed with the Wisconsin department of administration's division of hearings and appeals.

(b) *Timing of appeal.* A request for a hearing shall be filed with the division of hearings and appeals no later than 20 calendar days after the date of the denial, suspension or revocation and is considered filed when received by that office. A hearing request filed more than 20 days after the date of denial, suspension or revocation will be denied.

Note: The mailing address of the Division of Hearings and Appeals is P.O. Box 7875, Madison, WI 53707.

History: Cr. Register, October, 1997, No. 502, eff. 11-1-97.

Subchapter II—Certification of Persons to Perform Lead Abatement, Other Lead Hazard Reduction Activities or Lead Management Activities

HFS 163.10 Certification requirements. (1) REQUIREMENT FOR CERTIFICATION. Except as provided in sub. (3), no person may engage in a lead abatement or HUD LBP grant-funded lead hazard reduction or lead management activity involving target housing or child-occupied facilities or the real property on which target housing or child-occupied facilities stand without having been certified by the department.

(2) DISCIPLINES. Certification shall be specific to one of the following disciplines:

(a) Lead (Pb) inspector. A certified lead (Pb) inspector may conduct lead inspections, write inspection reports and conduct clearance following a lead hazard reduction activity.

(b) Lead (Pb) project designer. A certified lead (Pb) project designer may design abatement or HUD LBP grant-funded lead hazard reduction projects, develop occupant protection plans and write abatement or lead hazard reduction reports.

(c) Lead (Pb) risk assessor. A certified lead (Pb) risk assessor may perform the duties of a lead (Pb) inspector, conduct lead hazard screens and risk assessments, write risk assessment reports and provide options to reduce specific lead hazards.

(d) Lead (Pb) supervisor. A certified lead (Pb) supervisor may supervise or perform on-site lead abatement and HUD LBP grant-funded lead hazard reduction activities, develop occupant protection plans and write abatement reports.

(e) Lead (Pb) worker. A certified lead (Pb) worker may perform on-site lead abatement or HUD LBP grant-funded lead hazard reduction activities, but only under the direct supervision of a lead (Pb) supervisor.

(3) REQUIREMENT NOT APPLICABLE. (a) A homeowner who performs a lead abatement activity, lead inspection or risk assessment in his or her own nonrental dwelling or real property is not required to be certified under this chapter unless one of the following applies:

1. The dwelling is occupied by a person or persons other than the owner or the owner's immediate family while this activity is being performed.

2. A child residing in the dwelling has been identified as having a confirmed concentration of 20 or more micrograms of lead per deciliter (g/dl) of whole blood for a single venous test or of 15-19 g/dl in 2 consecutive tests taken 3 to 4 months apart.

3. Use of certified persons has been ordered by a court, the department, another state agency or a local agency.

(b) Unless required by a grant, order or contract, certification is not required to perform any of the following tasks:

1. Interim control activities, including repainting over or covering lead-based paint with nonlead-based paint and performing

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cleaning activities designed to maintain a no-lead hazard or reduced lead-hazard condition.

2. Disturbing lead-based paint surfaces incidental to the performance of remodeling, renovation or repair activities where the intent of the project is not to reduce the hazard or potential hazard of lead exposure.

(4) **CONDITIONS FOR INITIAL CERTIFICATION.** (a) *Summary.* An applicant for initial certification in any discipline identified under sub. (2) shall be 18 years of age or older, shall meet applicable education and experience qualifications under par. (b) or (c), shall successfully complete certification training requirements under s. HFS 163.12 and may choose to take a certification examination under par. (d). To apply for certification, the applicant shall submit an application under sub. (5) and include the applicable fee under s. HFS 163.11.

(b) *Education and experience before January 1, 1998.* 1. "Requirement." An applicant for initial certification as a project designer or risk assessor whose application is received by the department before January 1, 1998, shall meet the applicable education and experience qualifications in this paragraph in addition to the certification training requirements under s. HFS 163.12.

2. "Project designer." An applicant for project designer certification shall meet or exceed one of the following:

a. Have a bachelor's degree in engineering, architecture or a related profession.

b. Have 3 years of experience in building construction and design or a related field.

3. "Risk assessor." An applicant for risk assessor shall meet or exceed one of the following:

a. Have a bachelor's degree.

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

c. Have a high school diploma or equivalent and 2 years of experience in a related field, such as lead, asbestos, environmental remediation work or construction.

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

(c) *Education and experience on or after January 1, 1998.* 1. "Requirement." An applicant for initial certification as a project designer, risk assessor or supervisor whose application is received by the department on or after January 1, 1998, shall meet the applicable education and experience qualifications in this paragraph in addition to the certification training requirements under s. HFS 163.12.

2. "Project designer." An applicant for lead (Pb) project designer certification shall meet or exceed one of the following:

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

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

3. "Risk assessor." An applicant for lead (Pb) risk assessor certification shall meet or exceed one of the following:

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

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

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

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

4. "Supervisor." An applicant for lead (Pb) supervisor certification shall meet or exceed one of the following:

a. Have one year of experience as a certified lead-based paint abatement worker or supervisor.

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

(d) *Certification examination.* 1. An applicant for certification may take an optional certification examination administered by the department or by a person authorized by the department to administer the certification examination under the department's direction or with the department's approval. A training provider may not administer a certification examination.

2. An applicant for certification may take the optional certification examination a maximum of 3 times within 6 months after completing an approved training course. If an applicant does not pass the certification examination, the period of time for which the training certificate is valid is limited to 24 months from the date the course was completed.

3. If an applicant receives a passing score on the department's optional certification examination, the training certificate issued to the applicant by a training manager is valid for 36 months, rather than the usual 24 months, from the date the training course was completed.

4. An applicant for certification who wants to take the optional certification examination in a particular discipline shall have successfully completed required certification training under s. HFS 163.12 and shall register for the certification examination by submitting to the department a completed registration form and a registration fee under s. HFS 163.11.

Note: To obtain a copy of the registration form for a certification examination, write or phone the Bureau of Public Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3044; (608) 261-6876 or fax (608) 266-9711. Return the completed form and the registration fee to the same office.

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

(a) *Application form.* A fully and accurately completed application on a form obtained from the department. The applicant shall personally sign the affidavit verifying the accuracy of the application.

(b) *Photograph.* A recent, clearly identifiable photograph of the applicant's face in a standard passport size of 2" x 2".

(c) *Verification of birth date.* A document that verifies the applicant's birth date, such as a copy of a birth certificate.

(d) *Training certificates.* Copies of all previous training certificates for required courses. The copy of the most current training certificate shall be notarized as a true copy of the original certificate and shall be from one of the following:

1. An initial training course under s. HFS 163.12 (2) completed not more than 24 months before the date of application.

2. An initial training course under s. HFS 163.12 (2) completed not more than 36 months before the date of application if the applicant passed the department's optional certification examination.

3. A refresher training course under s. HFS 163.12 (3) (b) and (c) or an initial course under s. HFS 163.12 (3) (d) that is completed not more than 24 months before the date of application if the applicant completed initial training under s. HFS 163.12 (2) more than 24 months before the date of application.

4. A refresher training course under s. HFS 163.12 (3) (b) and (c) or an initial course under s. HFS 163.12 (3) (d) that is completed not more than 36 months before the date of application if the applicant completed initial training under s. HFS 163.12 (2)

more than 36 months before the date of application and passed the department's optional certification examination.

(e) *Documentation of education and experience.* Documentation as required in this subdivision that the applicant meets applicable education and experience qualifications under s. HFS 163.10 (4) (b) or (c), as follows:

1. "Education." For documentation of education, the applicant shall complete and submit an affidavit of education on a form obtained from the department and be prepared to submit an official transcript or diploma if requested by the department to prove receipt of a high school diploma or professional degree.

2. "Experience." For documentation of experience, the applicant shall submit information describing the relevant experience, which shall include the month and year the experience began and the month and year the experience ended and which may include one or more of the following:

- a. A resume describing the relevant experience.
- b. A letter describing the tasks performed by the individual and signed by the employer where the experience was obtained.
- c. Letters of reference from individuals with competent knowledge of the applicant's experience.
- d. Copies of inspection reports prepared by the applicant.
- e. Copies of certifications issued by other jurisdictions which allowed the individual to perform related work.

3. "Other professional certification." For documentation of other professional certification, the applicant shall submit a copy of the certification, notarized as a true copy of the original document.

(f) *Fee.* The appropriate certification fee under s. HFS 163.11 or, when requesting a government fee exemption under s. HFS 163.11(1), a letter from the employing agency describing the job duties that qualify a person for a fee exemption.

Note: For copies of the application form and affidavit of education, write or phone the Bureau of Public Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3044; (608) 261-6876 or fax (608) 266-9711. Return the completed application and fee to the same office.

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

(b) If the certification is granted, the department shall issue or arrange for the issuance of a certification card for the appropriate specific discipline under sub. (2).

(c) If certification is denied, the department shall give the applicant a written explanation for the denial and shall notify the applicant of the right to appeal that decision under s. HFS 163.05.

(7) **LENGTH OF CERTIFICATION** Certification shall remain valid for a minimum of one year from the date of issuance of the certification card unless sooner revoked or suspended.

(8) **ANNUAL RECERTIFICATION** (a) *Requirement.* No individual certified under this subchapter may perform lead abatement, HUD LBP grant-funded lead hazard reduction or lead management activities for which certification is required after the expiration date on that individual's certification card until the individual is recertified by the department and possesses a new, unexpired certification card.

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

1. Be in compliance with all requirements of subch. I and this subchapter.
2. Be current with the certification training requirements under s. HFS 163.12.
3. Submit an application for recertification to the department under par. (c) and include the annual certification fee under s. HFS 163.11.
4. Pass a certification examination if required by the department. The department may require an applicant for recertification

to pass a certification examination when one of the following applies:

a. The department has reason to believe a training course or training certificate does not meet all requirements of this chapter.

b. The applicant for recertification has not previously taken a certification examination.

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

1. "Application form." A fully and accurately completed application on a form obtained from the department. The applicant shall personally sign the affidavit verifying the accuracy of the application.

2. "Photograph." A recent, clearly identifiable photograph of the applicant's face in a standard passport size of 2" x 2".

3. "Training certificates." A copy of the most recent training certificate for each required course and any training certificate which was not previously submitted. The copy of the most current training certificate shall be notarized as a true copy of the original certificate and shall be from one of the following:

a. A refresher training course under s. HFS 163.12 (3) (b) and (c) or an initial course under s. HFS 163.12 (3) (d) that is completed not more than 24 months before the date of application.

b. A refresher training course under s. HFS 163.12 (3) (b) and (c) or an initial course under s. HFS 163.12 (3) (d) that is completed not more than 36 months before the date of application when the applicant has passed the department's optional certification examination or a certification examination required by the department for recertification.

4. "Fee." The appropriate certification fee under s. HFS 163.11 or, if requesting a government fee exemption under s. HFS 163.11(1), a letter from the employing agency describing the job duties that qualify a person for a fee exemption.

Note: For a copy of the application form, write or phone the Bureau of Public Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3044; (608) 261-6876 or fax (608) 266-9711. Return the completed application and fee to the same office.

History: Cr. Register, October, 1997, No. 502, eff. 11-1-97.

HFS 163.11 Fees. (1) **ANNUAL CERTIFICATION FEE.** An applicant for certification or recertification under this subchapter, except an applicant who is an employee of state government or a local government and who applies for certification required to perform duties within the scope of employment, shall pay an annual fee as follows:

- (a) For certification as a lead (Pb) inspector, a fee of \$150.00.
- (b) For certification as a lead (Pb) risk assessor, a fee of \$250.00.
- (c) For certification as a lead (Pb) project designer, a fee of \$250.00.
- (d) For certification as a lead (Pb) supervisor, a fee of \$100.00.
- (e) For certification as a lead (Pb) worker, a fee of \$50.00.

(2) **REPLACEMENT CARD FEE.** If a certification card is lost, stolen or damaged, the individual who was issued the card may request the department to issue a replacement card and shall include with any request a fee of \$25.00 and a recent identifying photograph in a standard passport size of 2" by 2".

(3) **CERTIFICATION EXAMINATION REGISTRATION FEE.** An applicant registering to take a certification examination under s. HFS 163.10 (4) (d) or (8) (b) 4. shall pay a fee of \$25.00.

(4) **CHARGE FOR CHECK NOT HONORED.** A person who submits a check that is not honored by the bank on which it is written shall pay a \$25 service charge in addition to any required fee.

HFS 163.12 Certification training requirements. To be certified under subch. I and this subchapter as a lead (Pb) inspector, project designer, risk assessor, supervisor or worker, an individual shall meet the following training requirements:

(1) **APPROVED TRAINING COURSES.** The individual shall complete one of the following department-approved training courses:

(a) A training course accredited by the department under subch. III.

(b) An EPA-sponsored training course from a regional lead (Pb) training center or an approved member of the center's consortium.

(c) A training course offered in another state that is accredited by that state, an EPA-authorized tribal program or by EPA and that is comparable to the accreditation requirements under subch. III.

(2) **INITIAL TRAINING.** At a minimum, the individual shall have successfully completed a department-approved initial training course and passed a course test in the discipline in which certification is sought and successfully completed any prerequisite training course and course test, as follows:

(a) For certification as a lead (Pb) inspector, an initial lead inspector course.

(b) For certification as a lead (Pb) risk assessor, an initial lead inspector course prior to taking and successfully completing an initial lead risk assessor course.

(c) For certification as a lead (Pb) project designer, an initial lead supervisor course prior to taking and successfully completing an initial lead project designer course.

(d) For certification as a lead (Pb) supervisor, an initial lead supervisor course.

(e) For certification as a lead (Pb) worker, an initial lead worker course.

(3) **REFRESHER TRAINING.** (a) *Requirement for refresher training.* The individual shall remain current with training by completing refresher training under par. (b) at the frequency under par. (c).

(b) *Required refresher courses.* At a minimum, the individual shall successfully complete department-approved refresher training courses, as follows:

1. For certification as a lead (Pb) inspector, a lead inspector refresher course.

2. For certification as a lead (Pb) risk assessor, both a lead inspector and a lead risk assessor refresher course.

3. For certification as a lead (Pb) project designer, a lead project designer refresher course.

4. For certification as a lead (Pb) supervisor, a lead supervisor refresher course.

5. For certification as a lead (Pb) worker, a lead worker a refresher course.

(c) *Time between training courses.* Refresher training shall be completed at the applicable frequency, as follows:

1. An individual who has not passed the department's optional certification examination shall take the first refresher training course no sooner than 18 months and no later than 24 months after completion of the initial training course and each subsequent refresher training course every 18 to 24 months thereafter.

2. An individual who has passed the department's optional certification examination shall take the first refresher training course no sooner than 30 months and no later than 36 months after completion of the initial training course and each subsequent refresher training course every 30 to 36 months thereafter.

(d) *Retaking initial training.* When the time between any 2 training courses in a discipline exceeds the applicable maximum time limit in par. (c), an initial training course must be completed in place of a refresher training course in order to reinstate eligibility for certification.

(4) **TRAINING CERTIFICATES.** The individual shall retain an original training certificate for each required training course completed.

History: Cr. Register, October, 1997, No. 502, eff. 11-1-97. *lms*

HFS 163.13 Responsibilities of certified persons.

(1) **LEAD HAZARD REDUCTION EMPLOYER TO BE CERTIFIED AS LEAD (PB) SUPERVISOR.** The employer responsible for persons providing lead abatement or HUD LBP grant-funded lead hazard reduction services shall be certified as a lead (Pb) supervisor for purposes of ensuring the safe performance of lead abatement or HUD LBP grant-funded lead hazard reduction activities, notification under sub. (4) and fixing responsibility for verification of employee certification and compliance with this chapter.

(2) **LEAD MANAGEMENT EMPLOYER TO BE CERTIFIED AS LEAD (PB) RISK ASSESSOR.** The employer responsible for persons providing lead management services shall be certified as a lead (Pb) risk assessor for purposes of ensuring the safe performance of lead management activities and fixing responsibility for verification of employee certification and compliance with this chapter.

(3) **MAY NOT REFUSE ENTRY.** No person at the site of a lead abatement, HUD LBP grant-funded lead hazard reduction or lead management activity may refuse entry to any representative of the department authorized by the department to act under this chapter if that representative requests entry for purposes of determining compliance with this chapter. The department's representative shall present identification and any authorization issued by the department and comply with all necessary health and safety procedures established for persons engaged in lead abatement. HUD LBP grant-funded lead hazard reduction activities or lead management activities.

(4) **NOTIFICATION OF LEAD ABATEMENT OR OTHER LEAD HAZARD REDUCTION.** (a) *Requirement for notification and revisions.* Except as provided under par. (b), a supervisor certified under the requirement of sub. (1) who intends to perform a lead abatement or HUD LBP grant-funded lead hazard reduction activity for which certification is required shall submit notification to the department, including all elements of the department's written notification form, and shall submit notification of changes to the project start date or end date to the department as follows:

1. "Original notice." For a new notice, written notification by fax or verbal notification by telephone followed by written notification, not less than 2 working days before the start of the activity.

2. "Revised notice." a. For a change in the project start date on an existing notice, written notification by fax or verbal notification by telephone followed by written notification, not less than 2 working days before the activity begins if the new start date is earlier than the original start date or a minimum of one working day before the original start date if the new start date is later than the original start date.

b. For a change in the project end date on an existing notice, as soon as the change is determined, but no later than the original end date.

(b) *Emergency notification.* In an emergency where a health risk warrants immediate action, a supervisor certified under the requirement of sub. (1) shall make an emergency notification to the department by telephone or by written notification. Emergency notification shall be received by the department before the start of the lead abatement or lead hazard reduction activity. Emergency notification made by telephone shall be followed by written notification to the department within 48 hours after the emergency notification by telephone. The official date of an emergency notification shall be the date telephone notification is accepted by a representative of the department or the official date of written notification as specified under par. (d), whichever is earlier.

Note: To make an emergency notification to the Department, fax (608) 266-9711 or phone (608) 261-6876. If the emergency notice is made by phone, send the follow-up written notice to the Bureau of Public Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3044.

(c) *Form for written notification.* Written notification shall be on the department's notification form or on a form approved by the department. All elements of the form shall be completed, including type of notification, project type, project activities, proj-

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ect information, lead identification information, abatement contractor identification, facility information and the quantity of lead-based paint materials in the project.

Note: For a copy of the Department's notification form or to request approval of a form, phone the Bureau of Public Health at (608) 261-6876 or fax (608) 266-9711.

(d) **Acceptable methods for submitting written notification.** Written notification may be sent by the U.S. mail or a commercial carrier, by fax or by another method approved by the department.

Note: Send written notification to the Bureau of Public Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3044 or fax (608) 266-9711.

(e) **Official date of written notification.** 1. The official date of a written notification shall be the date of postmark for notification sent by the U.S. mail or the date of acceptance by the carrier for notification sent by a commercial carrier.

2. The official date of a written notification submitted by fax or any other department-approved method shall be the department's date of receipt stamp. For any notification submitted by fax or other department-approved method, a notification received after 4:00 p.m. shall be dated as received the next working day.

(f) **Rejection of notification.** The department may reject a notification that is not complete or legible.

(g) **Retention of original notification.** Any person submitting a fax or other form of notification to the department that does not carry the supervisor's actual original signature shall retain the original notification carrying the supervisor's actual original signature and shall give the original notification to the department upon the request of the department's representative.

(5) **REQUIREMENT FOR SUPERVISOR ON SITE.** A lead (Pb) supervisor certified by the department shall directly supervise a lead (Pb) worker whenever the lead (Pb) worker performs lead abatement or lead hazard reduction work requiring certification.

(6) **REQUIREMENT FOR VALID CARD ON SITE.** Only a Wisconsin lead (Pb) certification card is valid in this state for performing lead abatement, HUD LBP grant-funded lead hazard reduction or any lead management activity. Each individual performing lead abatement, HUD LBP grant-funded lead hazard reduction or any lead management activities for which certification is required shall have a valid unexpired certification card at the job site whenever performing any of those activities.

(7) **RESPONSIBILITY FOR TRAINING CERTIFICATE AND CERTIFICATION CARD.** The individual to whom a training certificate is issued by a training manager and a certification card is issued by the department is responsible for that training certificate and certification card. They are not the property of that individual's employer. The employer may not confiscate an employee's training certificate or certification card and may be subject to penalty under s. HFS 163.04 for violating this subsection.

(8) **RESPONSIBILITY FOR VERIFICATION OF CERTIFICATION.** The employer of individuals conducting lead abatement, HUD LBP grant-funded lead hazard reduction or any lead management activities shall verify the certification status of individuals performing or supervising those activities before the start of each project and may not make use of non-certified lead (Pb) inspectors, project designers, risk assessors, workers or supervisors in lead abatement, HUD LBP grant-funded lead hazard reduction or any lead management activities for which certified lead (Pb) inspectors, project designers, risk assessors, workers and supervisors are required.

History: Cr. Register, October, 1997, No. 502, eff. 11-1-97. *Emerg. not rec'd 8/29/98*

HFS 163.14 Enforcement of certification.

(1) **DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATION.** Any time the department determines that a provision under subchapter I or this subchapter has been or is being violated, the department may deny, suspend or revoke certification by providing written notice to the person who applied for or was granted certification. The written notice shall include the reason for the action and information about appealing the decision under s. HFS 163.05. Any suspension or revocation shall remain effective until a deter-

mination by the department states otherwise. The reason for denying, suspending or revoking a certification may include any of the following:

(a) The individual has been issued a training certificate by a training manager without attending an appropriate course or an entire course or without passing an approved course test.

(b) The individual has displayed conduct relating to lead abatement, other lead hazard reduction or lead management activities which in the department's judgment constitutes unreasonable risk to the health of any person.

(c) False information was provided as part of the certification application or course enrollment process.

(d) The check tendered to make payment to the state under s. HFS 163.11 was not paid by the bank on which it is drawn.

(e) The individual has been or is violating any other provision of this chapter.

(2) **DEPARTMENT AUTHORITY TO ENTER.** The department or an individual designated by the department may enter, at any reasonable time, the property or place in which an individual required to have a certification card is engaged in an activity regulated under this chapter to determine if that individual has a valid certification card.

(3) **DEPARTMENT AUTHORITY TO ISSUE CEASE-WORK ORDER.** Any authorized representative of the department, any health or building inspector employed by the state or by a local government or any other person designated by the department may issue an immediate written cease-work order or directive to any person who violates the terms or conditions of a certification issued under this chapter if, in the best judgment of the enforcement representative or inspector, the violation presents a clear and significant health risk to any occupant or other individual at the lead abatement, HUD LBP grant-funded lead hazard reduction or lead management activity site. The cease-work order shall remain in effect until the violation is corrected.

History: Cr. Register, October, 1997, No. 502, eff. 11-1-97. *Emerg. not rec'd 8/29/98*

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

HFS 163.20 Accreditation requirements.

(1) **REQUIREMENT FOR ACCREDITATION.** No person may offer, advertise, claim to provide or conduct a lead (Pb) training course in this state that is represented as qualifying any person for certification under subchs. I and II unless that training course has received accreditation from the department, has an approved principal instructor, uses only approved instructors and the training provider is owned by or employs an approved training manager.

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

(3) **ONLY IN-STATE COURSES.** The department may accept applications for training course accreditation only for training courses to be conducted in Wisconsin.

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

(b) *Initial training course.* An initial training course shall be for a specific discipline under s. HFS 163.10 (2) and shall meet all requirements of this section and all responsibility provisions of s. HFS 163.25.

(c) *Refresher training course.* A refresher training course shall be separate and distinct from the initial training course, be for a specific discipline under s. HFS 163.10 (2) and meet all accreditation requirements of this section and all responsibility provisions

of s. HFS 163.25. A refresher course may not be accredited unless an initial course in the same discipline and by the same training provider is accredited by the department.

(5) **TRAINING RESOURCES.** An accredited training course shall be conducted using facilities, equipment and instructional material that are adequate to achieve the learning objectives for which the course is offered. Facilities shall have space for classroom, hands-on and field training; instructional material shall be complete and kept up-to-date; and equipment shall reflect current work practices, shall be maintained in proper working condition and shall be licensed and stored in compliance with applicable requirements and regulations.

(6) **APPROVED TRAINING MANAGER.** The training provider, or an owner of a training provider business, shall be an approved training manager. 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 actions of the training manager shall be deemed actions of the owner. The training manager shall designate a minimum of one principal instructor under sub. (7) (a) for each accredited course, may designate guest instructors under sub. (7) (b), shall be responsible for developing and implementing a quality control plan under sub. (8) (e), for maintaining the validity and integrity of the course test under sub. (8) (f) and for ensuring that the training course and course personnel comply with all provisions of this chapter.

(7) **APPROVED INSTRUCTORS** (a) *Principal instructor.* Each training course offered shall have a designated principal instructor who is approved under s. HFS 163.24 (3). 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.* A guest instructor approved under s. HFS 163.24 (4) may be designated to teach under the direct supervision of a principal instructor or to assist a principal instructor with hands-on activities or work practice components of a course. A guest instructor may teach or assist with only the specific topics for which the guest instructor has been approved.

(c) *Instructors for hands-on activities.* 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 activity.

2. "Student-to-instructor ratio." A student-to-instructor ratio of not greater than 8:1 shall be maintained during hands-on activities to ensure adequate instruction and observation of student performance.

3. "Guest instructors." One or more guest instructors may assist the principal instructor with hands-on activities.

(8) **TRAINING COURSE** (a) *Curriculum.* A training course 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 (Pb) inspector courses." A lead inspector training course shall provide a minimum of 24 training hours, consisting of lectures, demonstrations, a minimum of 8 training hours of hands-on practice, a course review and a written course test. The course shall adequately cover all of the topics included in sub. (1) of Appendix A.

2. "Lead (Pb) project designer courses." A lead project designer training course shall provide a minimum of 8 training hours to persons who have successfully completed the lead supervisor course. The lead project designer training course shall include lectures, demonstrations, a course review and a written course test. The course shall adequately cover all of the topics included in sub. (2) of Appendix A.

3. "Lead (Pb) risk assessor courses." A lead risk assessor training course shall provide a minimum of 16 training hours to persons who have successfully completed the lead inspector course. The lead risk assessor training course shall include lectures, demonstrations, a minimum of 4 hours of hands-on practice, a course review and a written course test. The course shall adequately cover all of the topics included in sub. (3) of Appendix A.

4. "Lead (Pb) supervisor courses." A lead supervisor training course shall provide a minimum of 32 training hours consisting of lectures, demonstrations, a minimum of 10 hours of hands-on practice, a course review and a written course test. The training course shall adequately cover all of the topics included in sub. (4) of Appendix A.

5. "Lead (Pb) worker courses." A lead worker training course shall provide a minimum of 24 training hours consisting of lectures, demonstrations, a minimum of 10 hours of hands-on practice, a course review and a written course test. The training course shall adequately cover all of the topics included in sub. (5) of Appendix A.

6. "Lead refresher courses." Each refresher training course shall be a minimum of 8 training hours, except that a lead (Pb) project designer refresher training course shall be a minimum of 4 training hours. Each refresher training course shall include lectures and participatory activities and shall adequately address all of the topics included in sub. (6) of Appendix A. Beginning January 1, 1998, a written course test shall be administered for each refresher course.

(b) *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 hours during any single calendar day.

(c) *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 Bureau of Public Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3044; (608) 261-6876 or fax (608) 266-9711.

(d) *Teaching methods.* An accredited training course shall be taught using a mixture of teaching methods, including methods which require active participation by the students.

Note: Examples of participatory teaching methods include: hands-on exercise, questionnaire, problem solving, quiz, worksheet exercise, focus questions, case study, brainstorming, on-site visit, learning games, group discussion, role play, writing assignment and personal action plan.

(e) *Quality control plan.* By January 1, 1998, an accredited training course shall have a quality control plan developed and implemented by the training manager. The quality control plan shall include procedures for annual review and revision of training materials and the course test to reflect innovations and changes in the field and procedures for annually reviewing instructor competency. For a training course accredited prior to January 1, 1998, the approved training manager shall submit the quality control plan to the department prior to January 31, 1998. For a training course applying for accreditation on or after January 1, 1998, the quality control plan shall be included with the application for accreditation.

(f) *Course test.* 1. A written, closed-book course test, monitored by the principal instructor, shall be administered for each initial training course and, beginning January 1, 1998, for each refresher training course. For a training course accredited prior to January 1, 1998, the approved training manager shall submit a copy of each refresher training course test to the department prior to December 1, 1997, for approval prior to January 1, 1998.

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 which have been approved by the department may be administered.

3. A course test shall reflect the learning goals and objectives of the training course in weighted content and shall consist of the following number of questions:

- a. For the initial lead (Pb) inspector course, a minimum of 75 multiple-choice questions.
- b. For the initial lead (Pb) project designer course, a minimum of 25 multiple-choice questions.
- c. For the initial lead (Pb) risk assessor course, a minimum of 50 multiple-choice questions.
- d. For the initial lead (Pb) supervisor course, a minimum of 75 multiple-choice questions.
- e. For the initial lead (Pb) worker course, a minimum of 50 multiple-choice questions.
- f. For each refresher course, a minimum of 25 questions.

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

5. The training manager shall maintain the validity and integrity of the course test to ensure that it accurately evaluates each student's knowledge and skills.

(9) TRAINING CERTIFICATE. (a) *Requirement for training certificate.* The training manager shall issue a training certificate to a student when the student completes a course and passes the course test.

(b) *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, which shall be related to a specific discipline under s. HFS 163.10 (2).
4. The student's full legal name and address.
5. 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.
6. A statement that the student passed the course test, for any course test administered.
7. The date of the course test, for any course test administered.
8. 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 (5).
9. The name and signature of the course training manager.
10. 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, an individual's social security number should not be included on the training certificate.

(10) COMPLIANCE. The training provider, the training manager and all instructors shall remain in compliance with this section, the responsibility provisions of s. HFS 163.25 and all applicable federal, state and local regulations related to lead hazard reduction, lead management and the conduct of training.

History: Cr. Register, October, 1997, No. 502, eff. 11-1-97.

HFS 163.21 Application for accreditation. To request accreditation of a lead training course, the approved 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.

Note: For a copy of the application form and instructions for submitting an application, write or phone the Bureau of Public Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3044; (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) Major topics covered.
- (b) Length of training in days and training hours per day, excluding lunches and breaks.

(c) Hands-on training segments, when hands-on training is used, including the number of training hours for each segment.

(d) Student-to-instructor ratio during any hands-on training.

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

(a) Facilities used for training, including classroom and any field sites.

(b) Training equipment and work-practice equipment, including location and method of storage.

(c) Training audiovisual materials such as videos, slides, overheads, photographs and displays, and work-practice materials such as personal protective clothing, respirators and cartridges, duct tape, polyethylene sheeting, 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 (7) will be met, including all of the following:

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

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

(c) 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 (4) (b) or (c) and a written plan for admitting only students who meet lead training prerequisites under s. HFS 163.12.

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

(a) 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) The student course manual, course materials and handouts used in the course.

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

1. 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) The department's training criteria topical analysis worksheet, on which the applicant enters the location of specific information in the student course manual.

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

(f) A description of how the course test was developed to reflect the course content and learning objectives.

(g) A form for notifying a student of the student's course test score.

(h) A course and instructor evaluation form.

(i) A copy of the training certificate under s. HFS 163.20 (9) which is issued by the training manager to students who successfully complete all course requirements.

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

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

(7) NAMES OF COURSE PERSONNEL. (a) The name 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) 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 instructor nomination forms available from the department and all other materials required under s. HFS 163.24 for approval of instructors.

Note: For a copy of the instructor nomination form, write or phone the Bureau of Public Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3044; (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 APPLICATION FEE. The appropriate application fee under s. HFS 163.22.

History: Cr. Register, October, 1997, No. 502, eff. 11-1-97.

HFS 163.22 Fees. (1) **ACCREDITATION APPLICATION FEE.** Each application for course accreditation shall be accompanied by a nonrefundable fee as follows:

- (a) For an initial course for any one discipline, a fee of \$750.
- (b) For a refresher course for any one discipline, a fee of \$250.

(2) **CHARGE FOR CHECK NOT HONORED.** A person who submits a check that is not honored by the bank on which it is drawn shall pay a \$25 service charge in addition to the required application fee.

History: Cr. Register, October, 1997, No. 502, eff. 11-1-97.

HFS 163.23 Accreditation procedures. (1) **CONTINGENT ACCREDITATION.** (a) *Department review of application.* 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 an accreditation letter under sub. (4). 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 163.05.

(b) *Conducting a course with contingent accreditation.* The training course may be conducted upon receiving contingent accreditation and receiving approval of the principal instructor and guest instructors under s. HFS 163.24, and following notification to the department under s. HFS 163.25 (3) before the course begins.

(c) *Length of contingent accreditation.* Contingent accreditation is a temporary approval to conduct training. Contingent accreditation expires 24 months after the date of the contingent accreditation letter under sub. (4) or when full accreditation is granted by the department under sub. (3) (a), whichever occurs first. Contingent accreditation may be renewed for a maximum of 24 months at the discretion of the department.

(2) **ACCREDITATION AUDIT.** (a) *On-site audit by department.* An on-site accreditation audit of a training course shall be conducted by department staff to review for compliance with this subchapter. The audit may include, but is not limited to, a review of records, facilities, instructional curriculum, course test administration and security procedures, classroom instruction, audio-

visual materials, course content and learning objectives, including whether the learning objectives are being met.

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

(3) **FULL ACCREDITATION.** After notifying the training manager of the audit results under sub. (2), and based on those results, the department shall take one of the following actions:

(a) The department may grant full accreditation. If full accreditation is granted, the department shall send the training manager an accreditation letter under sub. (4).

(b) The department may continue contingent accreditation and require changes to the course in order to obtain full accreditation and may conduct another on-site audit. 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 and recommendations for achieving full accreditation, and shall inform the training manager of the right to appeal that action under s. HFS 163.05.

(c) The department may suspend or revoke contingent accreditation. 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 163.05.

(4) **ACCREDITATION LETTER.** The department shall send a letter to the approved training manager when a training course has been granted contingent or full accreditation. The training manager shall maintain the letter of accreditation at the address listed on the application or later changed with notice to the department under s. HFS 163.25 (5) and make it available for review upon request by the public.

History: Cr. Register, October, 1997, No. 502, eff. 11-1-97.

HFS 163.24 Training manager and instructor approval. (1) **REQUIREMENT FOR APPROVAL.** No individual may function as a training manager, principal instructor or guest 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, 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 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.
2. Documentation to establish that the applicant meets the qualifications in par. (a).

Note: Examples of documentation are: official academic transcripts or 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 Public Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3044; (608) 261-6876 or fax (608) 266-9711. Return the completed application to the same office.

(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 which includes educational coursework that covers the topics required in this subparagraph satisfies this requirement.

Note: To obtain assistance in developing learning goals and objectives for a teaching methods course, write or phone the Bureau of Public Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3044; (608) 261-6876 or fax (608) 266-9711.

b. At least 16 hours of lead training meeting the requirements under s. HFS 163.12 in each discipline and prerequisite discipline for which approval is sought.

c. For teaching a lead inspector or risk assessor course, 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 in each discipline for which approval to be an instructor is sought.

3. "Experience." A principal instructor shall meet applicable education and experience requirements under s. HFS 163.10 (4) (b) or (c) and comply with one of the following:

a. Have a minimum of one year of experience working in a related field in the 5 years preceding the date the first application for approval is received by the department. Experience may include being directly responsible for tasks that are related to one or more of the following: lead hazard reduction activities, 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 and management activities relating to other hazardous materials.

b. Have one year of experience 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.* 1. "Date of application." An applicant for approval as a principal instructor shall submit a completed application to the department a minimum of 30 calendar days prior to the first scheduled date of a training course for which the applicant intends to be the principal instructor.

2. "Content of application." An applicant for approval as a principal instructor shall submit to the department all of the following:

a. A fully and accurately completed application on a form obtained from the department.

b. A current resume, including dates of related experience and education.

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

d. A copy of the XRF manufacturer training certificate for a person applying for approval to be the principal instructor for a lead inspector or risk assessor training course.

e. A train-the-trainer course certificate or documentation of equivalent education.

f. A copy of the appropriate state lead certification card or an application for certification in the discipline in which instructor approval is sought.

Note: For a copy of the Department's application form for approval of a principal instructor, write or phone the Bureau of Public Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3044; (608) 261-6876 or fax (608) 266-9711. Return the completed application to the same office.

(4) GUEST INSTRUCTOR. (a) *Qualifications.* An applicant for approval as 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 provide assistance to the principal instructor.

(b) *Application requirements.* 1. "Date of application." An applicant for approval as a guest instructor shall submit a completed application to the department for approval a minimum of 21 calendar days prior to the first scheduled date of a training course in which the applicant intends to teach or assist the principal instructor.

2. "Content of application." An applicant for approval as a guest instructor shall submit to the department all of the following:

a. A completed application on a form obtained from the department.

b. Documentation that describes the professional training and experience in each topic the instructor intends to teach and in each hands-on activity for which the instructor will provide assistance.

c. At least 3 professional references or letters of recommendation, but no more than one from the applicant's current employer.

Note: For a copy of the Department's application form for approval of a guest instructor, write or phone the Bureau of Public Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3044; (608) 261-6876 or fax (608) 266-9711. Return the completed application to the same office.

(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 them on a case-by-case basis, finds that the qualifications are substantially equivalent to the requirements of this section. 8/29/98

(6) APPROVAL PROCEDURES. 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. If the approval is granted, the department shall send the applicant written notification of approval. 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 163.05.

History: Cr. Register, October, 1997, No. 502, eff. 11-1-97.

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 appears on the application for accreditation or as later changed by notice to the department under sub. (5).

(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.

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

History: To obtain a course schedule notification form, write or phone the Bureau of Public Health, Room 117, 1414 E. Washington Avenue, Madison, WI 53703-3044; (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 principal instructor.

5. The name of any guest instructors.

6. The topics each guest instructor listed will teach or the areas in which the guest instructor will assist.

(c) *Timing of notification.* 1. The notice shall be submitted to the department a minimum of 14 calendar 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 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: 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) **NONDISCRIMINATION IN TRAINING.** Access to an accredited training course may not be denied solely on account of age, sex, race, color, creed, national origin, ancestry, sexual orientation or disability.

(5) **NOTIFICATION OF CHANGES.** The training manager shall notify the department in writing of the following changes:

(a) *Change of address.* A change of address of the training provider or the location of records required under sub. (7). Notification shall be made a minimum of 14 calendar days prior to the change.

(b) *Change of name.* A change in the name of the training provider, as soon as possible prior to the change.

(c) *Change of ownership.* A change in the ownership of the course provider, as soon as possible. The accreditation of a training course under this subchapter is not transferable to a new owner. Upon a change of ownership, all training courses associated with the original owner are no longer accredited.

(e) *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 14 calendar 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.

(f) *Change of training manager.* A change in an approved training manager, a minimum of 5 working days before the change takes effect. When a training course does not have an approved training manager, the course may not be offered.

Note: To notify the Department of changes, write the Bureau of Public Health, Room 117, 1414 E. Washington, Madison, WI 53703-3044 or fax changes to (608) 266-9711.

(g) *Change of instructor.* A change in an approved principal or guest instructor, a minimum of 5 working days before the start of the course and a minimum of 30 calendar 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 21 calendar days before the start of the course for a new guest instructor for whom approval is being sought under s. HFS 163.24 (4). When a designated instructor becomes unavailable due to an emergency, such as illness, death or other family crisis, the train-

ing manager shall notify the department of a change in instructor by telephone or fax before the start of the course.

(6) **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.

(7) **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 closest office location 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. Copies of all documents that demonstrate the qualifications of the training manager, principal instructors and guest instructors approved under s. HFS 163.24.

2. A copy of each instructor and student manual, course test, form, other training material and any document reflecting changes made to any material. *emergency*

3. The scored course test for all students who passed or failed.

4. A copy of each student's training certificate.

5. Documentation of training manager, principal instructor and guest instructor qualifications.

6. Class rosters and student attendance records. *emergency*

7. 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.

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History: Cr. Register, October, 1997, No. 502, eff. 11-1-97.

HFS 163.26 Enforcement. (1) ACCREDITATION AUDIT.

An authorized representative of the department may conduct an audit of an accredited training course for the purpose of ascertaining whether or not the training course continues to meet requirements for accreditation. An accreditation audit may include, but is not limited to, a review of records, facilities, instructional curriculum, course test administration and security procedures, classroom instruction, audio-visual materials, course content and a review of learning objectives to determine whether the objectives are being met.

(2) **DENIAL, REVOCATION OR SUSPENSION OF ACCREDITATION.** The department may by written notification to a training manager deny, revoke or suspend accreditation of a training course for any of the following reasons:

(a) The course fails to meet any requirements of this subchapter.

(b) The training manager, principal instructor, guest instructor or other training course personnel have deceptively issued or used training certificates.

(c) The training manager, principal instructor, guest instructor or other training course personnel have misrepresented the training course.

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

(e) The check tendered to make payment to the state under s. HFS 163.22 was not paid by the bank on which it is drawn.

(3) **DENIAL, REVOCATION OR SUSPENSION OF APPROVAL.** The department may deny, revoke or suspend the approval of a training manager, principal instructor or guest instructor for any of the following reasons:

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

(b) A local, state or federal agency has recommended revocation or suspension of the training manager, principal instructor or guest instructor approval based on citations issued for a violation of that agency's lead-related regulations.

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

(4) REAPPLICATION FOLLOWING REVOCATION. A training manager may not reapply for accreditation of a training course or a training manager or an instructor may not reapply for approval for a period of one year after the effective date of revocation.

(5) LENGTH OF SUSPENSION. Any suspension of accreditation of a training course or approval of a training manager or instructor shall remain effective until the department determines otherwise.

(6) APPEALS. In accordance with ch. 227, Stats., any denial, suspension or revocation imposed by the department under this subchapter may be appealed under s. HFS 163.05.

History: Cr. Register, October, 1997, eff. 11-1-97.

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