454 CMR 22.00: DELEADING AND LEAD-SAFE RENOVATION REGULATIONS

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22.01: Authority, Purpose And Scope

(1) Authority. 454 CMR 22.00 is promulgated in accordance with and under the authority of M.G.L. c. 111, §§ 189A through 199B and M.G.L. c. 149, § 6.

(2) Purpose. 454 CMR 22.00 shall establish and/or constitute:
(a) Minimum work standards to protect the health and safety of inspectors, deleaders, renovators and the general public.
(b) Standards of competency for persons or entities engaged in or performing deleading and renovation work that disturbs lead paint or lead paint debris.
(c) Minimum standards to be used by insurers in the inspection of risk, measurement of hazards and the determination of adequate and reasonable rates of insurance as prescribed by the provisions of M.G.L. c. 152, § 65J.
(d) Standards for the licensure or certification of persons, firms, corporations or other entities who or which enter into, engage in or work at the business of deleading work.
(e) Standards for the licensure or certification of persons, firms, corporations or other entities who or which enter into, engage in or work at the business of renovating residences and child-occupied facilities containing dangerous levels of lead.
(f) Standards for the licensure of entities engaged in the business of training others, where such training is a condition of licensure or certification pursuant to 454 CMR 22.00.

(3) Scope.
(a) 454 CMR 22.00 applies to the activities of employers, employees and others engaged in deleading of residences containing Dangerous Levels of Lead, except for the activities of: owners of residential premises and owners' agents who perform deleading work in accordance with regulations promulgated by the Director of the Childhood Lead Poisoning Prevention Program pursuant to M.G.L. c. 111, § 197(d); and contractors who, pursuant to 105 CMR 460.000, perform low-risk deleading activities in accordance with 105 CMR 460.175(A) or the activities set forth at 105 CMR 460.100(D) in or on short-term vacation or recreational rentals.
(b) 454 CMR 22.00 also applies to all renovation work conducted for compensation in Target Housing and Child-occupied Facilities.

22.01: continued

(4) Exceptions. The Commissioner of the Massachusetts Division of Occupational Safety may grant exceptions to 454 CMR 22.00 in those instances where it is clearly evident that existing conditions prevent compliance, or where compliance will create an undue hardship, but only in circumstances in which granting the exception will maintain the protection of the health and safety of workers and the general public. Requests for exceptions to 454 CMR 22.00 shall be submitted in writing to the Commissioner, and shall specify those provisions of 454 CMR 22.00 for which exceptions are sought, the reasons for requesting the exceptions and any proposed alternatives to the requirements of 454 CMR 22.00. Exceptions granted by the Commissioner shall remain in force until rescinded in writing or until a certain date set at the time that the exception is granted.

(5) Alternative Methods. The Commissioner may allow the use of newly developed techniques, methods, or equipment that provide a level of protection for workers and the general public that equals or exceeds that specified by 454 CMR 22.00, so long as such methods are not inconsistent with deleading methods that have been approved by the Director of the Childhood Lead Poisoning Prevention Program pursuant to M.G.L. c. 111, § 192A.

(6) Severability. If any provision of 454 CMR 22.00 shall be held inconsistent with M.G.L. chs. 111 and 149 or any other Massachusetts law or held unconstitutional, either on its face or as applied, the inconsistency or unconstitutionality shall not affect the remaining provisions of 454 CMR 22.00.

22.02: Definitions

ASTM. American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

Certification. The authorization to act as a lead-safe renovator-supervisor on renovation projects, which is conferred by the Division to persons who have successfully completed the initial training and refresher training for lead-safe renovation supervisors and who have not had such authorization suspended or revoked pursuant to 454 CMR 22.15.

Child-occupied Facility. A building or a portion of a building, constructed prior to 1978, and visited by the same child of less than six years of age on at least two different days within any week (Sunday through Saturday), provided that each day's visit lasts at least three hours and the combined weekly visits last at least six hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may be located in target housing or in public or commercial buildings. With respect to common areas in public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas, such as restrooms and cafeterias, that are routinely used by children under the age of six. Common areas that children under the age of six pass through, such as hallways, stairways and garages, are not included. With respect to the exteriors of buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under the age of six years.

Class I Deleading Project or Work. Deleading work which includes abatement activities other than those defined as low-risk deleading or moderate risk deleading in 454 CMR 22.00.

Cleaning Verification Card. A card developed and distributed, or otherwise approved by EPA for the purpose of determining, through comparison of wet and dry disposable cleaning cloths with the card, whether post-renovation cleaning has been adequately completed.

CLPPP. The Commonwealth of Massachusetts Department of Public Health, Childhood Lead Poisoning Prevention Program.

Commissioner. The Commissioner of the Massachusetts Division of Occupational Safety who has been authorized to administer and enforce 454 CMR 22.00 by the Director of the Massachusetts Department of Labor.

22.02: continued

Common Area. A portion of a building generally accessible to all residents or users of the building, including but not limited to hallways, stairways, laundry and recreational rooms, playgrounds, community centers and boundary fences.

Contractor Licensing Waiver. A document signed by the Commissioner which permits an entity to conduct renovation work subject to the requirements of 454 CMR 22.00 in or on property owned by said entity without obtaining a Deleading Contractor License or a Lead-safe Renovation Contractor License pursuant to 454 CMR 22.04.

Dangerous Level of Lead. The level of lead in paint or other coating, putty, or plaster designated as dangerous by the Director of the Childhood Lead Poisoning Prevention Program of the Department of Public Health and set forth in 105 CMR 460.020.

Deleader-supervisor. An individual or agent of a deleading contractor who is duly licensed pursuant to 454 CMR 22.03(2) and 454 CMR 22.05 to perform class I deleading work, determine the proper conduct of deleading operations and exert supervisory control over deleader-workers on deleading projects, and where the individual has received the initial deleader-supervisor training specified by 454 CMR 22.08(4)(c), after April 22, 2010, to exert supervisory control on renovation projects.

Deleader-worker. A person not acting as a deleading contractor or deleader-supervisor who is duly licensed pursuant to 454 CMR 22.03(2) and 454 CMR 22.05 to perform class I deleading work as an employee, and who performs such work under the direction of another, with or without compensation.

Deleading Contractor. Any person, firm, corporation or other entity who or which has a valid license issued by the Commonwealth for the purpose of entering into or engaging in class I deleading work.

Deleading Project or Work. The abatement or containment of materials containing dangerous levels of lead in residences by the removal, covering or encapsulation of lead paint or by replacement of whole building components in instances described by one or more of the following:

(a) Where the owner of the property has received an Order to Correct Violations pursuant to M.G.L. c. 111, § 197;

(b) Where the purpose of the work is to achieve a Letter of Compliance pursuant to 105 CMR 460.760(D) or a Letter of Interim Control pursuant to 105 CMR 460.105(D), or tax credit eligibility pursuant to 830 CMR 62.6.2;

(c) Where the owner of the property is required to delead pursuant to M.G.L. c. 111, § 197 and the effect of the work if performed would be to accomplish, or contribute to the accomplishment of, deleading compliance as specified by 105 CMR 460.760(D) or 105 CMR 460.105(D); or

(d) Where the Director of the Childhood Lead Poisoning Prevention Program or other authority with competent jurisdiction has designated the work a deleading project.

Deleading projects or work may include class I deleading work, moderate-risk deleading work and low-risk deleading work.

Demolition. The wrecking or razing of a structure or architectural component through destructive methods, as distinguished from a piece-by-piece dismantling which preserves the structural integrity of the component(s).

DEP. The Commonwealth of Massachusetts Department of Environmental Protection.

Director. The Director of the Massachusetts Department of Labor.

Division. The Division of Occupational Safety of the Massachusetts Department of Labor, as established by M.G.L. c. 23.

DOT. The United States Department of Transportation.

22.02: continued

Emergency Renovation. Any unplanned renovation project that is necessary to protect or preserve life or property from imminent harm, damage or deterioration, as determined by the Commissioner.

Encapsulant. A coating product listed on the Register of Approved Encapsulants pursuant to 105 CMR 460.115 which is formulated to contain lead hazards by providing a long-lasting and resilient barrier over painted surfaces and which is applied in liquid form, with or without a structural reinforcement.

EPA. The United States Environmental Protection Agency.

Hands-on-training. Specific training which provides the trainee with actual practice in performing mechanical operations utilized in deleading or lead-safe renovation.

HEPA Filter. A filter capable of filtering out monodispersive particles of 0.3 microns or greater in diameter from a body of air at 99.97% efficiency or greater.

Inspection. The determination of the location and levels of lead paint in all applicable surfaces, as specified by 105 CMR 460.000.

Inspector. Lead paint inspectors, both private and code enforcement, as regulated by 105 CMR 460.000.

Lead-safe Renovation Contractor. A person, firm, corporation, or other business entity who or which is duly licensed by 454 CMR 22.00 to enter into, engage in or work at the business of conducting renovation work and moderate-risk deleading work in target housing and child-occupied facilities.

Lead-safe Renovator-supervisor. A person who is duly certified under 454 CMR 22.06 to carry out supervisory functions on renovation projects, and with the additional training specified by 454 CMR 22.08(4)(e), to carry out supervisory functions on moderate-risk deleading projects.

License. A document issued by the Division:

(a) permitting a deleading contractor to enter into, engage in or work at the business of performing deleading work;

(b) permitting a deleader-supervisor to engage in the activities set forth in the definition of deleader-supervisor contained in 454 CMR 22.02;

(c) permitting a deleader-worker to engage in the activities set forth in the definition of deleader-worker contained herein;

(d) permitting a lead-safe renovation contractor to enter into, engage in or work at the business of renovation work; or

(e) permitting a training provider to offer the training specified for the licensure or certification of persons engaging in deleading or renovation work regulated by 454 CMR 22.00.

Licensed Training Provider. Any entity which has been duly licensed pursuant to 454 CMR 22.03(5) and 22.07.

Low-risk Deleading Project or Work. Deleading work which exclusively consists of one or more of the abatement activities set forth at 105 CMR 460.175(A).

Minor Repair and Maintenance Activities. Repair and maintenance activities that disrupt six square feet or less of painted surface per room for interior work or 20 square feet or less of painted surface for exterior work where none of the work practices prohibited by 454 CMR 22.11(9)(a) are used and where the work does not involve window replacement or demolition of lead-painted surfaces. Work, other than emergency renovations, that is performed in the same room within 30 days shall be considered the same job for the purpose of determining whether the work is a minor repair and maintenance activity.

22.02: continued

Moderate-risk Deleading Project or Work. Deleading work, excluding work conducted by demolition, which has been inspected by a licensed lead inspector pursuant to 454 CMR 22.12(2)(a)1. and which consists of one or more of the following activities:

(a) The removal and replacement of: window components, including sashes, parting beads, window stops, sills, header stops, casings, and aprons; interior stair components, including treads, risers, stringers, newel posts, balusters, handrails and railing caps; door components, including casings, jambs, and thresholds; baseboards; chair rails; shelf supports; built-in cabinet shelves and interior cabinet frames in their entirety; exterior porch components; fences; bulkheads; lattices; and individual shingles or clapboards from exterior building sides.

(b) The repair or making intact of up to two square feet of non-intact lead-painted surface per room on the interior of residences or up to ten square feet of non-intact lead-painted surface on the exterior of residences, except where the removal or covering of said lead-painted surfaces is required by 105 CMR 460.110(B)(2) or (3).

(c) Any other activities designated by the Director of CLPPP.

Owner. Any person who alone or jointly or severally with others:

(a) has legal title to any premises;

(b) has charge or control of any premises as a manager who has authority to expend money for compliance with the sanitary code;

(c) is the executor, administrator, trustee or guardian of the estate of the holder of the legal title;

(d) is an estate or trust of which such premises is a part, or the grantor or beneficiary of such an estate or trust; or

(e) is the association of unit owners of a condominium or cooperative, which shall be considered an owner solely with respect to common areas and exterior surfaces of such condominium or cooperative. No bank, lending institution, mortgage company or mortgagee, except where such mortgagee takes actual possession and acquires legal title of the residential premises pursuant to applicable law, shall be considered an owner.

Owner's Agent. An individual who meets one or both of the following criteria:

(a) An individual who meets the definition of "owner's agent" as that term is defined in 105 CMR 460.020. A contractor is an owner's agent only when hired by the owner to accomplish low-risk deleading pursuant to 105 CMR 460.175 or to engage in the activities set forth in 105 CMR 460.100(D) with respect to short-term vacation or recreational rentals.

(b) An individual over whom the owner exercises sufficient control and direction to be considered an agent under Massachusetts common law. The category of owners' agents includes, but is not limited to, the owner's employee or property manager, and an individual who works with or for the owner without compensation. An owner's agent does not include a contractor hired by an owner for the purpose of completing a specific task or set of tasks who works largely unsupervised by the owner and brings his own tools to the job.

Recognized Test Kit. A commercially available kit recognized by EPA pursuant to 40 CFR 745.88 as being capable of determining the presence of lead at levels equal to or in excess of 1.0 milligrams per square centimeter, or more than 0.5% lead by weight, in a paint chip, paint powder, or painted surface.

Renovation Project or Work. The renovation, repair or painting of any unit of Target Housing or Child-occupied Facility, or portion thereof, which results in or may result in the disturbance of lead paint or lead paint debris but which is distinguished from a deleading project or by one of the following conditions:

(a) The work is carried out in or on a structure which is required to be deleaded by M.G.L. c. 111, § 197 but is unrelated to deleading compliance, both in terms of purpose and effect.

(b) The work is carried out in or on a structure which is not required to be deleaded pursuant to M.G.L. c. 111, § 197, and the purpose of the work is other than the achievement of a Letter of Compliance pursuant to 105 CMR 460.760(D).

The term does not include minor repair and maintenance activities, as defined in 454 CMR 22.00.

22.02: continued

Residence. Every building or shelter used or intended for use as human habitation, including exterior surfaces and all common areas thereof, and all other property, including land and other structures located within the same lot line, which is subject to the Massachusetts Lead Law, M.G.L. c. 111, §§ 189A through 199B and 105 CMR 460.000.

Responsible Persons(s). Person(s) having management control over an entity or employer. In the case of a corporation, the responsible person(s) shall be the officers of the corporation and any other managing agent of such corporation. In the case of a sole proprietorship or a partnership, the responsible person(s) shall be the owners or partners and any other managing agent of such sole proprietorship or partnership. In the case of a limited liability company, the responsible person(s) shall be the members and managers, if any, of such company.

Revocation. The recall by the Division of the certificate or license of a deleading contractor, deleader-supervisor, deleader-worker, training provider, lead-safe renovation contractor, or lead-safe renovator-supervisor.

Risk Assessment.

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

(b) a report which documents the existence, nature, severity and location of lead paint hazards and options for reducing them.

Risk Assessor. An individual who, pursuant to 105 CMR 460.400(E) and (F), has been trained and licensed to conduct risk assessments.

Suspension. The temporary removal by the Division of the certificate or the license of a deleading contractor, deleader-supervisor, deleader-worker, training provider, lead-safe renovation contractor or lead-safe renovator-supervisor.

Target Housing. Any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless a child under the age of six resides, or is expected to reside in such housing) and any zero-bedroom dwelling.

Training Certificate. A document issued by a licensed training provider certifying that the recipient has completed the appropriate training courses and has passed the appropriate examination.

Training Provider License. A document issued by the Division permitting training providers to engage in deleading or lead-safe renovation training.

Work Area. The location where deleading work or renovation work is being performed, or such areas of a facility which the Commissioner determines may be hazardous to the health and safety of workers and the general public as a result of such work.

Zpp. Zinc protoporphyrin.

22.03: General Requirements

(1) General Requirements for Licensure of Deleading Contractors. Except as allowed by 454 CMR 22.03(1)(a) through (c), no person, firm, corporation or other entity shall enter into, engage in or work at the business of lead abatement unless such person, firm, corporation or other entity has been duly licensed as a Deleading Contractor, in accordance with 454 CMR 22.04. For the purposes of 454 CMR 22.03(1), the phrase "engage in . . . the business of lead abatement" includes, but is not limited to, advertising Deleading services and submitting bids for work in which the majority of the contract-value of the project involves Deleading Work.

(a) Owners and Owners' Agents who perform Deleading Work in or on the property of the Owner in accordance with regulations promulgated by the Director of CLPPP pursuant to M.G.L. c. 111, § 197(d), need not be licensed as Deleading Contractors, provided that said persons are trained pursuant to 105 CMR 460.175(D) and have received a certificate of instruction pursuant to 105 CMR 460.175(E).

22.03: continued

(b) Where the business or work includes only the conduct of Moderate-risk Deleading Work, the entity carrying out the work may be licensed as a Lead-safe Renovation Contractor pursuant to 454 CMR 22.04 in *lieu* of being licensed as a Deleading Contractor.

(c) Contractors and other entities who perform only Low-risk Deleading Work in or on the property of the Owner in accordance with regulations promulgated by the Director of CLPPP, pursuant to M.G.L. c. 111, § 197(d), need not be licensed as Deleading Contractors or Lead-safe Renovation Contractors, provided that said persons are trained pursuant to 105 CMR 460.175(D) and have received a certificate of instruction pursuant to 105 CMR 460.175(E).

(2) Requirements for Licensure or Certification of Supervisors and Workers on Deleading Projects.

(a) All persons who perform the functions of Deleader-supervisors and Deleader-workers on Class I Deleading Projects shall be licensed pursuant to the procedures set forth at 454 CMR 22.05.

(b) All persons who perform the functions of supervisors on Moderate Risk Deleading Projects shall be Licensed as Deleader-supervisors pursuant to 454 CMR 22.05 or Certified as Lead-safe Renovator-supervisors pursuant to 454 CMR 22.06. Lead-safe Renovator-supervisors who carry out supervisory functions on Moderate Risk Deleading Projects shall have received training in the subjects listed at 454 CMR 22.08(4)(e) and be in possession of a current certificate of training issued by a Licensed Training Provider which includes the designation, "Lead-safe Renovator-supervisor Moderate Risk Deleading Option."

(c) All persons who carry out the functions of workers on Moderate Risk Deleading work sites shall be Licensed as Deleader-workers or Deleader-supervisors pursuant to 454 CMR 22.05 or Certified as Lead-safe Renovator-supervisors pursuant to 454 CMR 22.06.

(3) General Requirements for Licensure of Lead-safe Renovation Contractors. No person, firm, corporation or other entity shall perform, offer, or claim to perform Renovation Work in Target Housing or Child-occupied Facilities unless that person, firm corporation or other entity has been licensed as a Lead-safe Renovation Contractor in accordance with 454 CMR 22.04, except that persons, firms, corporations or other entities who carry out Renovation Work at their own property using their own regular employees or Responsible Persons need not be licensed as Lead-safe Renovation Contractors or Deleading Contractors, provided that: said person, firm, corporation or other entity is in possession of a duly executed Contractor Licensing Waiver, as specified at 454 CMR 22.04(3); that the requirements of 454 CMR 22.11(3) and (4) are met; and the work is otherwise conducted in accordance with the applicable requirements of 454 CMR 22.00.

(4) Requirements for the Use of Certified Supervisors and Trained Workers on Renovation Projects.

(a) All persons who perform the functions of supervisors on Renovation Projects shall be Certified as Lead-safe Renovator-supervisors in accordance with 454 CMR 22.06, except that a person who is licensed as a Deleader-supervisor and has received the training specified at 454 CMR 22.08(4)(c) after April 22, 2010 is authorized to perform these functions.

(b) Persons, firms or other entities who carry out Renovation Projects shall ensure that an Employee or Responsible Person who is Certified as a Lead-safe Renovator-supervisor, or as a Deleader-supervisor, as provided by 454 CMR 22.03(4)(a), is assigned to each Project and that said Supervisor carries out the functions set forth at 454 CMR 22.11(4).

(c) Persons carrying out the functions of workers on Renovation Projects need not be licensed or certified by 454 CMR 22.00, provided that they have received the training specified at 454 CMR 22.08(4)(i).

(5) Requirement for Licensure of Providers of Deleading and Lead-safe Renovation Training. Persons who provide or work at the business of providing training required for licensure or certification by 454 CMR 22.00 shall be duly licensed pursuant to 454 CMR 22.07 prior to engaging in such work, and shall otherwise comply with the requirements of 454 CMR 22.07. For the purposes of 454 CMR 22.03(5), the phrase "work at the business of providing training" includes, but is not limited to advertising deleading or lead-safe renovation training services and submitting bids for work where the majority of the contract value of the project involves deleading or lead-safe renovation training.

22.03: continued

(6) Requirements for Training. All persons requiring training as a prerequisite for licensure or certification pursuant to 454 CMR 22.03(1) through (4), or for participation in Renovation Projects in the capacity of workers, shall be trained pursuant to 454 CMR 22.08.

(7) Worker Protection and Medical Monitoring Requirements. The requirements of 454 CMR 22.09 shall apply to the personal protection and medical monitoring of persons engaged in Deleading Work and Renovation Work except Owners and Owner's Agents who conduct Deleading Work in accordance with M.G.L. c. 111, § 197(d).

(8) Notification Requirements for Deleading Projects. Persons carrying out Deleading Projects shall comply with the notification requirements of 454 CMR 22.10.

(9) Requirements for the Conduct of Renovation Work. Persons, firms, corporations or other entities who carry out Renovation Work shall ensure that the requirements of 454 CMR 22.11 for such work are met.

(10) Requirements for the Conduct of Deleading Projects. Persons, firms, corporations or other entities who carry out Deleading Projects shall ensure that the requirements of 454 CMR 22.12 for such work are met.

(a) Class I Deleading Projects. Class I Deleading Projects shall be carried out in accordance with the provisions of 454 CMR 22.12(1).

(b) Moderate-risk Deleading Projects. Moderate-risk Deleading Projects shall be carried out in accordance with the provisions of 454 CMR 22.12(2).

(c) Low-risk Deleading Projects. Low-risk Deleading Projects shall be carried out in accordance with the provisions of 454 CMR 22.12(3)

(11) Record Keeping Requirements. Licensed Deleading Contractors, Lead-safe Renovation Contractors and Certified Training Providers shall maintain records in accordance with the requirements of 454 CMR 22.13.

(12) Requirements Pertaining to the Use of Personnel for Renovation and Deleading Work.

(a) Persons employed or engaged to perform Deleading or Renovation Work shall only be assigned to perform those tasks or functions authorized by 454 CMR 22.00.

(b) No Responsible Person of a firm, corporation or other business entity engaged in Deleading or Renovation Work shall allow any person to work under conditions which violate any provision of 454 CMR 22.00.

(c) Persons must be at least 18 years of age to perform any Deleading Work or Renovation Work which results in the disturbance of lead paint or to receive licensure or certification in any deleading or renovation discipline pursuant to 454 CMR 22.00.

(13) Presentation of Deleading and Renovation Licenses and Certificates. Persons holding Deleading and Renovation Licenses and Certificates issued pursuant to 454 CMR 22.00 shall keep them at the Deleading or Renovation work site and produce the same for inspection whenever requested by the Commissioner or the Commissioner's representative.

(14) Requirements for Compliance with Applicable Provisions of 105 CMR 460.000. Deleaders, Renovators, Training Providers, employers and other entities subject to the requirements of 454 CMR 22.00 shall also comply with the applicable provisions of 105 CMR 460.000.

(15) Administrative License and Certification Actions. As set forth at 454 CMR 22.15, the Commissioner may deny, suspend, revoke or refuse to renew a license or certificate issued pursuant to 454 CMR 22.04 through 22.07, issue a civil penalty pursuant to 453 CMR 9.00 or take other administrative actions against a license or certificate holder for sufficient cause.

22.04: Licensing Procedures for Deleading Contractors and Lead-safe Renovation Contractors

(1) Application for Licensure. Applicants for licensure as Deleading Contractors or Lead-safe Renovation Contractors shall submit the following to the Commissioner:

22.04: continued

(a) A completed application form with attachments as prescribed by the Commissioner, which shall, at a minimum, include the following:

1. A list of all names, acronyms or other identifiers by which the applicant does or has done business, the address(es) and telephone number(s) of the business.
2. A list of the states in which the applicant holds a current license, accreditation, or other approval for Deleading or Renovation Work.
3. A list of the names and addresses of all Deleading or Renovation Firms or entities in which the Responsible Persons of the applicant have or have had a financial interest or management responsibility.
4. Corporate Articles of Organization and a Certificate of Good Standing issued by the Massachusetts Secretary of the Commonwealth or a business certificate, if applicable, for the Deleading or Renovation Firm of the applicant issued by the city or town where the business is located.
5. Certification of compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support in accordance with M.G.L. c. 62C, § 149A(a); fair share employer contributions in accordance with M.G.L. c. 149, § 188(d); unemployment health insurance contributions in accordance with M.G.L. c. 151A, § 14G(e); unemployment insurance contributions in accordance with M.G.L. c. 151A, § 19A(a); and workers' compensation insurance in accordance with M.G.L. c. 152, § 25C(6).
6. A list of employees in his or her present work force and those employees who have worked for him or her for any period of time during the preceding 12 months and a certificate of insurance or a letter of binder from an insurance carrier indicating that the Deleading or Renovation Work to be performed by the applicant is covered by a current workers' compensation policy or self-insurance program acceptable to the Commonwealth or a notarized statement that the contractor has no employees.
7. A list of all citations or notices of violation relating to occupational health and safety and environmental protection, including notices of noncompliance, notices of responsibility, notices of intent to assess an administrative penalty, orders, consent orders and court judgments, received by the Responsible Persons of the applicant in the two years prior to the date of application, and the issuing agency or department and final disposition of such citation or notice.
8. A statement made under the penalties of perjury by a Responsible Person of the applicant that all employees to be engaged in Deleading or Renovation Work who are required to be licensed, certified or trained will be licensed, certified or trained prior to any work being performed by them, pursuant to the requirements of 454 CMR 22.00.
9. A list of the names and addresses of all Responsible Persons and managers of the applicant who have primary responsibility for, and control over, Deleading or Renovation Work of the applicant.
10. A respiratory protection and worker health and safety program evidencing compliance with 29 CFR 1910.134 and OSHA medical monitoring requirements.

(b) Training certificates, or legible copies thereof, indicating that a Responsible Person or manager of the applicant listed pursuant to 454 CMR 22.04(1)(a)9. has successfully completed the applicable initial and refresher training requirements for Deleader-supervisors or Lead-safe Renovator-supervisors, as applicable.

(c) For applicants for Deleading Contractor Licenses only, the results of all blood lead tests conducted pursuant to 454 CMR 22.09 or the OSHA Lead in Construction Standard, 29 CFR 1926.62, and a signed physician's statement, as set forth at 454 CMR 22.09(4)(f), for all persons in his or her work force who have been or will be engaged in Deleading Work.

(d) Such other information as the Commissioner may reasonably require.

(e) A money order or certified bank check payable to the Commonwealth of Massachusetts in the amount of the entire fee established for such license by M.G.L. c. 7, § 3B, plus any applicable surcharges. A schedule of asbestos and lead licensing fees and surcharges is available from any Division office upon request. The fee payment is not refundable.

22.04: continued

(2) License Renewal. Deleading Contractor Licenses issued pursuant to 454 CMR 22.04 shall be valid for a period of one year from the date of issuance. Lead-safe Renovation Contractor Licenses issued pursuant to 454 CMR 22.04 shall be valid for a period of five years from the date of issuance. The Commissioner may renew a license issued pursuant to 454 CMR 22.04, provided the current license holder submits a renewal application at least 30, but not more than 60, calendar days before the expiration of the current license. Applications received later than 30 calendar days before the expiration of the current license will be processed in the normal course of business, which may result in the license being renewed after its expiration date. Said renewal application shall include the applicable items listed at 454 CMR 22.04(1)(a) through (e). The Commissioner may waive the requirement to resubmit the information specified at 454 CMR 22.04(1)(a)10. where the information is unchanged from that previously submitted, and the applicant attests to such.

(3) Contractor Licensing Waiver. Entities that conduct Renovation Work in or on property owned by them, using their own regular employees or Responsible Persons to carry out the work, may conduct said work without being licensed pursuant to 454 CMR 22.04(1) and (2), provided that they are in possession of a duly executed Contractor Licensing Waiver. Said Contractor Licensing Waiver shall be on a form prescribed by the Commissioner and signed by the Commissioner.

22.05: Licensing Procedures for Deleader-supervisors and Deleader-workers

(1) Licensure of Deleader-supervisors and Deleader-workers. An applicant for licensure as a Deleader-supervisor or a Deleader-worker must submit to the Division in person the following:

(a) A completed application form prescribed by the Commissioner.

(b) A current Training Certificate issued by a Licensed Training Provider, or a current Training Certificate that meets the reciprocity requirements set forth at 454 CMR 22.08(2) in the discipline for which licensure is sought.

(c) Proof that the applicant is 18 years of age or older.

(d) A signed physican's statement, as set forth at 454 CMR 22.09(4)(f).

(e) The results of all blood lead and zpp monitoring conducted on the applicant in the three-month period prior to application, including at least one blood lead and one zpp result.

(f) A money order or certified bank check payable to the Commonwealth of Massachusetts in the amount of the entire fee established for such license by M.G.L. c. 7, § 3B, plus any applicable surcharges. A schedule of asbestos and lead licensing fees and surcharges is available from any Division office upon request. The fee payment is not refundable.

An applicant for licensure as a Deleader-supervisor must also pass an examination given by the Division with a score of at least 70%.

(2) Renewal of License. Deleader-supervisor and Deleader-worker Licenses shall be valid for a period of one year from the date of issuance. The Commissioner may renew a license issued pursuant to 454 CMR 22.05, provided the current license holder submits in person a renewal application at least 15, but not more than 30, calendar days before the expiration of the current license. Applications received later than 15 calendar days before the expiration of the current license will be processed in the normal course of business, which may result in the license being renewed after its expiration date. Said renewal application shall include:

(a) A completed application form, as prescribed by the Commissioner;

(b) A current certificate of refresher training specified by 454 CMR 22.08(4)(f);

(c) The items specified at 454 CMR 22.05(1)(d) and (e); and

(d) A money order or certified bank check payable to the Commonwealth of Massachusetts in the amount of the entire annual fee established for such license by M.G.L. c. 7, § 3B, plus any applicable surcharges. A schedule of asbestos and lead licensing fees and surcharges is available from any Division office upon request. The fee payment is not refundable.

22.06: Certification Procedures for Lead-safe Renovator-supervisors; Training Requirements for Persons Carrying Out Renovation Work in the Capacity of Workers

(1) Certification Procedures. Persons who have successfully completed the training specified for Lead-safe Renovator-supervisors at 454 CMR 22.08(4)(d) and, where applicable, 454 CMR 22.08(4)(f), from a Licensed Training Provider and are in possession of a current, valid Certificate of Lead-safe Renovator-supervisor training shall be deemed to have fulfilled the Certification requirements for carrying out the functions specified at 454 CMR 22.11(4) on Renovation Projects, where such Certification has not been suspended or revoked pursuant to 454 CMR 22.15. Persons who have successfully completed the training specified for Lead-safe Renovator-supervisors at 454 CMR 22.08(4)(e) and, where applicable, 454 CMR 22.08(4)(f), from a Licensed Training Provider and are in possession of a current, valid Certificate of Lead-safe Renovator-supervisor training shall be deemed to have fulfilled the Certification requirements for carrying out the functions specified at 454 CMR 22.11(4) on Renovation Projects and the functions of Supervisors on Moderate Risk Deleading Projects, where such Certification has not been suspended or revoked pursuant to 454 CMR 22.15.

(2) Training Requirements for Persons Performing as Workers on Renovation Projects. Licensure or Certification is not required by 454 CMR 22.00 for persons participating in Renovation Projects in the capacity of workers. Said persons shall have received the training specified by 454 CMR 22.08(4)(i) prior to engaging in Renovation Work.

22.07: Licensing and Administrative Requirements for Providers of Deleading and Lead-safe Renovation Training

(1) Application. Applicants for Licensure as providers of Deleading and Lead-safe Renovation training shall submit to the Commissioner an application on forms provided by the Division. Training Provider Licenses will only be granted to those applicants whose training programs are determined by the Commissioner to be in compliance with the applicable requirements of 454 CMR 22.07 and 22.08. Applicants for Training Provider licensure shall submit the following information:

(a) A completed application form, as prescribed by the Commissioner, which includes the name, address and telephone number of the firm or individual(s) conducting the course(s), the name under which the Training Provider conducts or intends to conduct the training and the courses for which approval is requested. Courses taught in different languages are considered to be separate courses that require separate approval under 454 CMR 22.07.

(b) Corporate Articles of Organization and a Certificate of Good Standing issued by the Massachusetts Secretary of the Commonwealth or a business certificate, if applicable, for the Training Provider issued by the city or town where the business is located.

(c) Certification of compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support in accordance with M.G.L. c. 62C, § 49A(a); fair share employer contributions in accordance with M.G.L. c. 149, § 188(d); unemployment health insurance contributions in accordance with M.G.L. c. 151A, § 14G(e); unemployment insurance contributions in accordance with M.G.L. c. 151A, § 19A(a), and workers' compensation insurance in accordance with M.G.L. c. 152, § 25C(6).

(d) A certificate of insurance or a letter of binder from an insurance carrier indicating that the lead training activity to be performed by the applicant is covered by a current workers' compensation policy or self-insurance program acceptable to the Commonwealth or a notarized statement that the training provider has no employees.

(e) A list of all citations or notices of violation relating to occupational health and safety and environmental protection, including notices of noncompliance, notices of responsibility, notices of intent to assess an administrative penalty, orders, consent orders and court judgments, received by the Responsible Persons of the applicant in the two years prior to the date of application, and the issuing agency or department, and final disposition of such citation or notice.

(f) A course outline showing topics covered and the amount of time given to each topic.

(g) A copy of the course manual, including all printed material to be distributed in the course.

(h) A description of teaching methods to be employed, including a description of audio-visual aids to be used.

22.07: continued

(i) A description of the hands-on facility to be utilized, including protocols for instruction, the number of students which may be accommodated, and the number of instructors.
(j) A description of the equipment that will be used in classroom lectures and hands-on training.
(k) A list of the names and qualifications of the persons who will provide the training in each course, including their education, training and experience.
(l) An example of the written examination to be given in each course for which approval is sought.
(m) When applying for approval to offer a course in a language other than English, a signed statement from a qualified, independent translator that the course was compared to the English language version and that the translation was found to be accurate.
(n) A list of tuition or other fees required.
(o) A copy of the certificate given to course participants upon completion of the course.
(p) Any additional information or documentation that the Director may reasonably require to evaluate the adequacy of the application.
(q) A money order or certified bank check, payable to the Commonwealth of Massachusetts in the amount of the entire annual fee established for such license by M.G.L. c. 7, § 3B, plus any applicable surcharges. A schedule of asbestos and lead licensing fees and surcharges is available from any DOS office upon request. The fee payment is not refundable.

(2) Renewal of Licenses. Training Provider Licenses shall be valid for a period of one year from the date of issuance. The Commissioner may renew a Training Provider License, provided the current License holder submits a renewal application at least 30, but not more than 60, calendar days before the expiration of the current License. Applications received later than 30 calendar days before the expiration of the current License will be processed in the normal course of business, which may result in the License being renewed after its expiration date. Said renewal application shall include:
(a) A completed application form, as prescribed by the Commissioner.
(b) Written confirmation or disclosure of any changes in the information originally submitted pursuant to 454 CMR 22.07(1)(a) through (p).
(c) A money order or certified bank check, payable to the Commonwealth of Massachusetts in the amount of the entire annual fee established for such license by M.G.L. c. 7, § 3B, plus any applicable surcharges. A schedule of asbestos and lead licensing fees and surcharges is available from any DOS office upon request. The fee payment is not refundable.

(3) Approval by the Commissioner. Upon receipt of a completed application for Licensed Training Provider status, the Commissioner shall evaluate the application and make a determination as to whether to approve or deny such status. The Commissioner shall notify the applicant of his/her decision, in writing, within 30 days of receipt of the completed application.

(4) Non-transferability. A Training Provider License cannot be transferred from one person or corporation to another.

(5) Licensed Training Provider Administrative Tasks. Licensed Training Providers shall perform the following as a condition of such status:
(a) Notify the Commissioner in writing or by electronic means, at least ten days prior to the commencement of any training course covered by 454 CMR 22.07, of the location, title, and anticipated starting and ending dates of such course.
(b) Issue serially-numbered training certificates to all students who successfully complete initial and refresher training courses. Said certificates shall include: the name of the student; a digital photograph of the student; the course completed; the language in which the course was given (if other than English); the dates of the course and the examination; and a statement that the student passed the examination. Training certificates issued to persons who successfully complete Deleader-supervisor and Deleader-worker training shall include an expiration date set at one year following the date on which the training certificate was issued. Training certificates issued to persons who successfully complete Lead-safe Renovator-supervisor training shall include an expiration date set at five years following the date on which the training certificate was issued. Training certificates issued to persons who successfully complete courses that include instruction in the training subjects listed at 454 CMR 22.08(4)(d) and (e) shall include the designation, "Lead-safe Renovator-supervisor · Moderate Risk Deleading Option."

22.07: continued

(c) Maintain training records, including: the name, address, telephone number, digital image and the Social Security identification number of the person trained; the course title, location and dates; sign in/sign out logs for each session of training; the final examination of each student; a copy of the certificate of completion of each student who passed the course; and the names, addresses and telephone numbers of the person(s) who taught the course and proctored the examination. Said records shall be made available for inspection upon the request of the Commissioner or his or her representative and retained for a period of 15 years by the Licensed Training Provider, as required by 454 CMR 22.13(3).
(d) Notify the Commissioner in writing of any change in the course content, training aids used, facility utilized or other matters which would alter the instruction from that originally submitted for licensure. Minor changes in agenda, such as guest speakers (if otherwise qualified) and course schedule are excepted.
(e) Utilize and distribute information or training materials furnished by the Division.
(f) Where non-English-speaking students are trained, provide written course materials, oral instruction and a written examination to each student in a language in which he or she is fluent.
(g) Provide to the Commissioner within ten calendar days of the conclusion of each initial and refresher training course, the title of the course, the date(s) on which the course was provided and the name, address, digital photograph, Social Security number and examination score of each student who has attended the course.
(h) Attend any "train the trainer" seminars required by the Division.

(6) Written Examination. The Commissioner retains the right to administer, or to have a third party administer, a written examination of his or her own choosing.

(7) Course Audits. Licensed Training Providers shall allow auditing inspections of approved training courses by the Commissioner or his or her representative. Where lead training courses approved pursuant to 454 CMR 22.07 are offered outside the Commonwealth, the Training Provider shall, at the Division's option, bear the costs to the Division for one course audit per year for each course for which approval is granted pursuant to 454 CMR 22.07(3). Said costs shall include two-way travel and food and lodging expenses for one individual for the entire length of each course. In *lieu* of visitation, the training provider may, at the Commissioner's option, be required to submit to the Division a video-taped recording of a training course for review and evaluation.

22.08: Training Requirements

(1) Persons Requiring Training. All applicants for Licensure or Certification pursuant to 454 CMR 22.05 and 22.06 shall have successfully completed the applicable initial and refresher training from a Licensed Training Provider for the discipline(s) in which they wish to be licensed or certified.

(2) Reciprocity and Recognition of Prior Training Courses. Persons who have received deleading or lead-safe renovation training from out-of-state providers shall be considered to have fulfilled the applicable training requirements for Licensure or Certification pursuant to 454 CMR 22.00, provided that said training:
(a) Was provided by a state or EPA-sponsored or approved training provider; and
(b) Was substantially equivalent in length and content to the training specified by 454 CMR 22.00 for the discipline in which the applicant wishes to become licensed or certified. The Commissioner shall determine whether previously-supplied and out-of state training courses are equivalent to the training and examination requirements of 454 CMR 22.00.

(3) Recognition of Higher Level Training Courses. Persons who have successfully completed the applicable training requirements for Deleader-supervisors pursuant to 454 CMR 22.08(4)(c) shall be considered to have met the associated training requirements for Licensure as Deleader-workers, for Certification as Lead-safe Renovator-supervisors (where the Deleader-supervisor training was received after April 22, 2010), and for participation in Renovation Work in the capacity of workers. Persons who have successfully completed the applicable training requirements for Deleader-workers pursuant to 454 CMR 22.08(4)(b) shall be considered to have met the associated training requirements for persons participating in Renovation Work in the capacity of workers.

22.08: continued

(4) Training Curricula.

(a) General.

1. Courses of instruction required for Licensure of Deleader-supervisors and Deleader-workers and for Certification of Lead-safe Renovator-supervisors are set forth at 454 CMR 22.08(4)(b) through (e). The required subjects of instruction shall be presented through a combination of lectures, demonstrations, field trips and hands-on training, as appropriate.

2. Courses requiring hands-on training shall be presented in an environment suitable to permit participants to have actual experience performing tasks associated with Deleading and Lead-safe Renovation. Demonstrations not involving individual participation shall not substitute for hands-on training. Hands-on training sessions shall maintain a student to instructor ratio of not greater than 10:1.

3. For the purposes of 454 CMR 22.00, one training day shall consist of six and a half hours of actual instruction, excluding time taken for lunch and breaks.

4. Initial training courses for Deleader-supervisors and Deleader-workers shall be provided on consecutive calendar or business days, unless otherwise approved by the Commissioner. Initial training courses for Lead-safe Renovator-supervisors may be provided in four-hour segments, provided that all training is completed within a two-week period.

(b) Training Requirements for Deleader-workers. Persons seeking certification as Deleader-workers shall successfully complete an approved three-day training course. Said course shall include lectures, at least eight hours of hands-on training, a course review and a written examination consisting of 25 multiple-choice questions. Successful completion of the course shall be demonstrated by achieving a score of at least 72% on the examination. The course shall adequately address the following topics:

1. Background Information on Lead. Relevant lead facts, including the history of lead use and sources of environmental lead contamination (paint, surface dust and soil, water, air, food).

2. Health Effects of Lead Exposure. The most common routes of human lead exposure. Also, the nature of lead-related disease including, but not limited to, effects on the nervous system, reproductive system, musculoskeletal systems and kidneys, dose-response relationships and differences between effects on adults and on children.

3. Other Health Hazards of the Deleading and Renovation Workplaces. Health hazards presented by Encapsulants, other solvents, gases, vapors and caustic materials commonly encountered in the deleading workplace; the OSHA Hazard Communication Standard 29 CFR 1910.1200; how to read a material safety data sheet (MSDS) and take precautionary measures; and exposure hazards associated with surface preparation activities.

4. Regulatory Review. An overview of pertinent federal, state and local regulations pertaining to the prevention of lead exposure in residential, industrial, and construction settings including, but not limited to: 454 CMR 22.00; 105 CMR 460.000; 40 CFR 745, including requirements pertaining to lead-based paint activities contained in Subpart L and requirements pertaining to renovation activities contained in Subpart E; and 29 CFR 1926.62.

5. Personal Protective Equipment and Devices. The selection and use of proper personal protective equipment for deleading and renovation work sites including, but not limited to, respirators, protective clothing and eye protection. This training cell shall include fit testing demonstrations and hands-on training in the use of protective clothing and respirators. Emphasis will be given to personal protective equipment which protects against hazardous substances commonly found at deleading and renovation work sites, including lead, solvents, Encapsulants and caustic paste removers. Also, information shall be provided on personal hygiene practices for minimizing lead exposure, the maintenance of a respiratory protection program, respirator use and maintenance, and medical examination requirements for persons who use respirators.

6. Medical Monitoring Requirements. A comprehensive overview of the medical monitoring requirements of 29 CFR 1926.62 and 454 CMR 22.09 including, but not limited to, all federal and state requirements for physical examinations, blood lead monitoring, medical removal, and rights of employees to medical records.

22.08: continued

7. Lead Hazard Recognition. Methods of lead hazard recognition including, but not limited to, material identification, exposure measurements, site characterizations, and safety and health plans.

8. Lead Abatement, Containment and Hazard Control Methods. A review of Work Area preparation methods, engineering controls, removal techniques, cleanup and decontamination procedures for deleading and renovation projects, including restricted practices, area clearance procedures and waste disposal; use of HEPA vacuums and wet cleaning methods.

9. Safety Hazards Other than Lead. Other safety hazards encountered during typical lead abatement and renovation projects and how to protect against them. Discussion to include, but not be limited to, electrical hazards, exposure to heat and cold, fire hazards, scaffold and ladder hazards and slips, trips and falls.

10. Use of Encapsulants and Other Low-risk Deleading Methods. The requirements of 105 CMR 460.000 and 454 CMR 22.00 pertaining to the use of Encapsulants and other Low-risk Deleading methods, the particulars of related guidance documents and protocols issued by the Director and CLPPP pertaining to the use of Encapsulants and other Low-risk Deleading methods, including inspection procedures, surface selection, notification procedures, restrictions on occupancy, worker protection, Encapsulant selection, surface preparation and testing, application procedures, post-application testing, methods of covering, associated work practices, clearance inspections and dust testing, operation and maintenance procedures and record keeping.

(c) Training Requirements for Deleader-supervisors. Persons seeking Licensure as Deleader-supervisors shall successfully complete an approved four-day training course. Said course shall include lectures, at least ten hours of hands-on training, a course review and a written examination consisting of 50 multiple-choice questions. Successful completion of the course shall be demonstrated by achieving a score of at least 70% on the examination. In addition to the subjects specified at 454 CMR 22.08(4)(b)1. through 10., the training curriculum for Deleader-supervisors shall include the following subjects:

1. Overview of the Roles and Responsibilities of the Supervisor on Deleading and Renovation Projects.

2. Lead Hazard Identification and Assessment. Reading and interpreting lead inspection reports and risk assessments, including interpreting floor plans, identification of leaded surfaces, identification of low-risk/moderate-risk eligible activities, specifications of surface conditions; use of Recognized Test Kits for lead paint identification in advance of Renovation Work.

3. Deleading Contract Specifications and Requirements. Formats of deleading contracts; project specifications; the legal responsibilities of Deleader-contractors and Deleader-supervisors.

4. Lead Abatement and Renovation Methods/Options. Allowable abatement and lead-safe renovation methods specified by applicable state standards; selection factors and requirements peculiar to each option; advantages and disadvantages; prohibited methods for deleading and renovation; methods of work area isolation and containment for Deleading and Renovation Work.

5. Work Site Clean-up. Work site clean-up methods and requirements for deleading and renovation projects; use of HEPA vacuum and wet cleaning methods.

6. Clearance Standards and Related Testing for Deleading and Renovation Projects. Dust monitoring requirements and associated work practice requirements; cleaning verification procedures for renovation projects.

7. Disposal and Hazardous Waste Management. Debris containerization and disposal requirements, including a review of hazardous waste regulations which may apply to deleading and renovation operations; hazardous waste testing procedures, such as TCLP; other possible hazardous wastes at the deleading or renovation work site.

8. Insurance and Liability. Workers' compensation coverage and exclusions, and liability insurance coverage and exclusions.

9. Supervisory Functions and Techniques. Effective supervisory practices to enforce and reinforce the required work practices, discourage unsafe practices and optimize worker relations and performance; providing on-the-job training to workers on renovation projects.

22.08: continued

10. Requirements of the Massachusetts State Building Code and Home Improvement Contractor Registration Law Applicable to Residential Renovation/Moderate-risk Abatement. The requirements of the Massachusetts Building Code, 780 CMR R5 pertaining to construction supervisors licensure; the requirements of 201 CMR 18.00: *Registration and Enforcement of Home Improvement Contractor Program*; standards of workmanship for renovation work.

11. Recordkeeping Requirements. A review of the various records required to be kept by the Deleading-contractor and Lead-safe Renovation Contractor under 29 CFR 1926.62, 454 CMR 22.00, and 105 CMR 460.000; recordkeeping for Deleading and Renovation Projects as required by federal, state and local regulations including, but not limited to: notification of deleading to the appropriate agencies; inspection and testing results; medical monitoring reporting; cleaning verification and clearance results and procedures; compliance with required work practices; waste disposal requirements, and records recommended for legal and insurance purposes.

12. Historic Preservation. An overview of appropriate methods for conducting lead-safe renovation work or abating lead paint hazards in historic housing, including information about the State Register of Historic Places and compliance exemptions.

(d) Lead-safe Renovator-supervisor Training. Persons seeking Certification as Lead-safe Renovator-supervisors shall successfully complete an approved one-day training course. Said course shall include lectures, at least two hours of hands-on training, a course review and a written examination consisting of 50 multiple-choice questions. Successful completion of the course shall be demonstrated by achieving a score of at least 70% on the examination. The training curriculum for Lead-safe Renovator-supervisors shall include the following subjects:

1. Roles and Responsibilities of a Lead-safe Renovator-supervisor on Renovation Projects.

2. Background Information on Lead. An overview of the history of lead use, sources of lead exposure and health effects, including the effects on the nervous, reproductive and musculoskeletal systems and kidneys, dose-response relationships, differential effects on adults and children and trends in lead poisoning rates.

3. Regulatory Review. An overview of pertinent federal, state and local regulations pertaining to the prevention of lead exposure in children and adults and renovation activities, including, without limitation, the Massachusetts Lead Law (M.G.L. c. 111, §§ 189A through 199B); 454 CMR 22.00; 105 CMR 460.000; 40 CFR 745, Subpart E and 29 CFR 1926.62.

4. Lead Hazard Identification. Reading and interpreting lead inspection reports, including floor plans; identifying leaded surfaces, and specifying surface conditions. Procedures for using Recognized Test Kits.

5. Work Practices for Renovation Projects. A review of Work Area pre-cleaning and isolation methods, engineering controls, work methods and techniques, dust minimization, cleanup and decontamination, containment and disposal of lead-painted components and debris and minor repair of non-intact surfaces. Specialized methods for removing windows from the exterior, emptying and maintaining HEPA vacuums, removing porches and constructing specialized containments.

6. Work Area Clearance Requirements. Interior and exterior clean-up methods, final cleanup, cleaning verification procedures, dust monitoring options and clearance requirements for Renovation Projects.

7. Waste Handling and Disposal.

8. Personal Protection and Medical Monitoring Requirements. A discussion of the selection and use of personal protective equipment for Deleading and Renovation Work including, but not limited to, respirators, protective clothing and eye protection.

9. Other Health and Safety Hazards of the Renovation Workplace. Possible health and safety hazards commonly encountered in the Renovation workplace, including exposure to solvents, gases, vapors and caustic materials, electrical hazards, exposure to heat and cold, fire hazards, scaffold and ladder hazards and slips, trips and falls.

10. Requirements of the Massachusetts State Building Code and Home Improvement Contractor Registration Law Applicable to Renovation Work. The requirements of the Massachusetts Building Code, 780 CMR R5 pertaining construction supervisors licensure. The requirements of 201 CMR 18.00: *Registration and Enforcement of Home Improvement Contractor Program*; compliance standards for renovation work.

22.08: continued

11. Record Keeping Requirements. A review of the various records required to be kept by Lead-safe Renovator-contractors and Supervisors under 40 CFR 745.86, 29 CFR Part 1926.62, 454 CMR 22.00, and 105 CMR 460.000.

(e) Additional Training Requirement for Lead-safe Renovator-supervisors Who Supervise Moderate Risk Deleading Projects. In addition to receiving the training specified by 454 CMR 22.08(4)(d), Lead-safe Renovator-supervisors who carry out the functions of supervisors on Moderate-risk Deleading Projects shall have received an additional four hours of training, which includes instruction in the subjects listed at 454 CMR 22.08(4)(e)1. through 6. Successful completion of additional training segment shall be demonstrated by achieving a score of at least 70% on the examination, which shall consist of 20 multiple choice questions. The training certificates issued to persons who successfully complete courses that include instruction in the training subjects listed at 454 CMR 22.08(4)(d) and (e) shall include the designation, "Lead-safe Renovator-supervisor · Moderate Risk Deleading Option."

1. Roles and Responsibilities of a Lead-safe Renovator-supervisor on Moderate Risk Deleading Projects.

2. Distinctions between various Deleading options and requirements and those pertaining to Renovation Work. Eligibilty requirements for Moderate Risk Deleading Work.

3. In-depth workshop on interpretation of lead inspection reports. Pre-work inspection requirements. Restriction on use of Recognized Test Kits for Moderate Risk Deleading Projects.

4. Specialized work practices for Moderate Risk Deleading Work. Restrictions on occupancy during work.

5. Project cleanup and clearance requirements. Clean-up and disposal requirements and methods. Mandatory use of dust wipe clearance by Lead Inspector or Risk Assessor. Associated clearance standards.

6. Recordkeeping Requirements for Deleading Work.

(f) Refresher Training. Deleader-supervisors and Deleader-workers shall successfully complete annual refresher training of at least one day given by Licensed Training Providers as a precondition to renewal of their licenses or certificates. Lead-safe Renovator-supervisors shall successfully complete refresher training of at least four hours every five years as a condition of maintaining certified status and eligibility to carry out the functions of Lead-safe Renovator-supervisors on Moderate Risk Deleading Projects and Renovation Projects. Refresher training for all disciplines shall be specific to the discipline, and shall include: a review of the health effects of lead exposure; the health effects of other hazardous substances typically found at Deleading and Renovation work sites; the use of respirators and other protective equipment to reduce exposures; state and federal laws, guidelines or policies applicable to Deleading and Lead-safe Renovation and any pertinent changes thereto; developments or changes in state-of-the-art Deleading and Lead-safe Renovation procedures and equipment; and a review of the key areas of the initial training specific to each discipline. Successful completion of refresher training will be demonstrated by achievement of a score of at least 72% on a written examination consisting of at least 25 multiple-choice questions administered by the Licensed Training Provider.

(g) Grace Period After Expiration of Training Certificates. Where an initial or refresher training certificate has expired, the holder shall have a grace period of one year from the date of expiration of said training certificate in which to take another refresher training course in the same discipline in lieu of re-taking the applicable initial course of training.

(h) Encapsulant Manufacturer-supplied Training. Prior to working on or engaging in a Deleading Project in which an Encapsulant is to be used, licensed Deleader-supervisors, in addition to completing the training specified in 454 CMR 22.08(4)(c) or (f), shall take any training recommended by the manufacturer, dealer or distributor of the specific Encapsulant to be used which is approved by the Commissioner.

(i) Training of Persons Performing as Workers on Renovation Projects. Where workers on Renovation Projects have not received the training for Deleader-workers specified by 454 CMR 22.08(4)(b), the training specified for Deleader-supervisors specified by 454 CMR 22.08(4)(c) or the training specified for Lead-safe Renovator-Supervisors by 454 CMR 22.08(4)(d) they shall receive training from the Lead-safe Renovator-supervisor assigned to the project prior to engaging in the work. Said training shall include a review of the work methods to be used on each Renovation Project and a review of the subjects set forth in the OSHA Construction Standard for Lead at 29 CFR 1926.62(l)(2).

22.09: Worker Protection and Medical Monitoring Requirements

(1) Applicability. The requirements of 29 CFR 1926.62, and other applicable OSHA standards shall apply to the personal protection and medical monitoring of employees other than employees of the Commonwealth or any of its political subdivisions, except that:

(a) In accordance with 454 CMR 22.13(1), Deleading Contractors and Lead-safe Renovation Contractors shall maintain as records the results of all personal exposure monitoring, respirator fit testing, medical examinations and blood lead testing conducted pursuant to the requirements of 29 CFR 1926.62(d),(f) and (j) or pursuant to the requirements of 454 CMR 22.09 where adherence to the same is a condition of licensure; and

(b) The frequency of blood monitoring of employees licensed as Deleader-supervisors and Deleader-workers shall be governed by 454 CMR 22.09(5)(a).

The personal protection and medical monitoring of employees of the Commonwealth and its political subdivisions and other employees exempted from coverage by OSHA standards shall be governed by the provisions of 454 CMR 22.09.

(2) General Respiratory Protection Requirements. The Deleading Contractor, Lead-safe Renovation Contractor, or employer conducting Class I Deleading, Moderate-risk Deleading or Renovation Work shall ensure that employees, inspectors and other persons involved in said work are provided with respiratory protection which meets the requirements of relevant OSHA regulations, including 29 CFR 1910.134 and 1926.62(f). Employers shall provide respirators and all necessary maintenance materials at no cost to employees and shall provide proper respirator fit testing prior to initial use and at least annually thereafter.

(3) Requirements for the Use of Protective Clothing and Equipment. The Deleading Contractor, Lead-safe Renovation Contractor, or employer conducting Class I Deleading, Moderate-risk Deleading or Renovation Work shall ensure that employees, inspectors and other persons involved in said work are provided with protective clothing and other personal protective equipment which meets the requirements of relevant OSHA regulations, including 29 CFR 1926.62(g). In addition, the following specific requirements must be met:

(a) Employers shall provide employees with protective clothing and equipment without cost.

(b) Protective clothing shall provide sufficient coverage and be sufficiently impermeable to lead dust, caustic paste, chemical solvents and other contaminants to prevent contamination of underlying garments or body surfaces.

(c) Where dust-generating methods are used, the employer shall provide a minimum of two changes of protective clothing during an eight-hour day.

(d) Where caustic paste is used to remove lead paint, the employer shall provide and ensure the use of: full-body overalls impervious to caustic substances; gloves impervious to caustic substances; glove extenders; appropriate boot or shoe covers; and where caustic paste is to be applied or removed at or above face level, face shields.

(4) Medical Examinations and Consultations. The Deleading Contractor, Lead-safe Renovator Contractor, or other employer conducting Class I Deleading Work or Moderate-risk Deleading Work or Renovation Work shall ensure that employees are provided with medical examinations and consultations in accordance with 29 CFR 1926.62(j)(1) and (3) and 454 CMR 22.09(4)(a) through (g).

(a) Frequency of Medical Examinations. The medical examinations specified by 454 CMR 22.09(4) shall be provided:

1. As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, that the employee is pregnant, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; or

2. Immediately following medical removal specified by 454 CMR 22.09(5)(b) or as medically appropriate, as determined by a physician.

(b) Requirement for Physician's Involvement or Oversight. All medical examinations and consultations conducted pursuant to 454 CMR 22.09(4) shall be performed by or under the direction of a physician.

22.09: continued

(c) Information Provided to Examining and Consulting Physicians. The Deleading Contractor, Lead-safe Renovation Contractor or other employer shall provide to the physician conducting a medical examination or consultation under 454 CMR 22.09 the following information:

1. A copy of:
   a. 454 CMR 22.09: *Worker Protection and Medical Monitoring Requirements*;
   b. 454 CMR 22.11: *Work Practices and Other Requirements for Renovation Work*; and
   c. 454 CMR 22.12: *Work Practices and Other Requirements for Deleading Projects*.
2. A description of the employee's duties as they relate to exposure to lead or other harmful substances;
3. The employee's exposure level or anticipated exposure level to lead and, where applicable, to any other toxic substance;
4. A description of any personal protective equipment used or to be used;
5. Prior blood lead determinations; and
6. All prior written medical opinions in the employer's possession or control.

(d) Employer's Instructions to Physicians. The Deleading Contractor, Lead-safe Renovation Contractor, or other employer shall instruct any examining or consulting physician to:

1. Not reveal to the employer, either in a written statement of medical findings or in any other means of communication, any findings, including laboratory results, or diagnoses unrelated to an applicant's occupational exposure to lead or ability to engage in Deleading or Renovation Work;
2. Advise the applicant or employee of any medical condition, occupational or non-occupational, which dictates further medical examination or treatment; and
3. Provide the applicant or employee with a clear warning of the reproductive hazards caused by exposure to lead.

(e) Elements of Medical Examination. Medical examinations made pursuant to 454 CMR 22.09 shall include the following elements:

1. A detailed work history and a medical history, with particular attention to past lead exposure, personal habits and hygiene, and past or present gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;
2. A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal, renal, cardiovascular, neurological, and pulmonary systems;
3. A blood pressure measurement;
4. A blood sample which determines:
   a. Blood lead level;
   b. Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;
   c. Zpp;
   d. Blood urea nitrogen;
   e. Serum creatinine;
5. A routine urinalysis with microscopic examination; and
6. Any laboratory or other test relevant to lead exposure which the examining physician deems necessary by sound medical practice.

(f) Reporting of Physician's Statement. Within two working days after the receipt of such records, the Deleading Contractor, Lead-safe Renovation Contractor or other employer shall obtain and furnish to the applicant or employee a copy of a written medical opinion from the physician which contains the following information:

1. The physician's opinion as to whether the applicant or employee has any detected medical condition which would place his or her health at increased risk of material impairment from exposure to lead;
2. Any recommended special protective measures to be provided to the applicant or employee, or limitations to be placed upon the applicant's or employee's activities which concern potential exposure to lead; and
3. Any recommended limitation on the applicant's or employee's use of respirators.

22.09: continued

(g) Reporting of Blood Lead Levels. Within two working days after the receipt of the report of the applicant's or employee's blood lead level, the Deleading Contractor, Lead-safe Renovation Contractor, or other employer shall furnish the applicant or employee with a copy thereof.

(5) Blood Lead and Zpp Level Monitoring.

(a) Frequency of Testing.

1. Deleader-supervisors and Deleader-workers shall receive blood lead and zpp monitoring every two months during the first six months following licensure or certification and at least quarterly thereafter.

2. Except as specified by 454 CMR 22.09(5)(a)3., Lead-safe Renovator-supervisors and Workers on Renovation Projects shall receive blood lead and zpp monitoring according to the schedule set forth at 29 CFR 1926.62(j).

3. Persons tested pursuant to 454 CMR 22.09(5)(a)1. or 2. whose last blood lead analysis indicates a lead level at or above 25 ug/dl of whole blood shall be tested at least every two months until two consecutive blood lead analyses indicate blood lead levels below 25 ug/dl of whole blood.

4. Where a person is removed from Deleading Work pursuant to 454 CMR 22.09(5)(b), said person shall receive blood lead and zpp testing at least monthly during the period of medical removal.

5. Upon being hired to perform Deleading Work for a new employer, and before engaging in such work, Deleader-supervisors and Deleader-workers shall receive blood lead and zpp monitoring in accordance with the schedule set forth at 454 CMR 22.09(5)(a) unless more frequent testing is indicated by 454 CMR 22.09(5)(a)3. or 4.

(b) Medical Removal. No person whose blood lead level is above 50 ug/dl shall be permitted to engage in Deleading or Renovation Work. Said person shall immediately be removed from any lead exposure when the result of any single test of his or her blood lead level is at or above 50 ug/dl of whole blood. In order to confirm the accuracy of the laboratory test result, a second blood test shall be taken within two weeks.

(c) Return to Work Following Medical Removal. A person medically removed from Deleading or Renovation Work pursuant to 454 CMR 22.09(5)(b) may return to his or her former job status when two consecutive blood sampling tests indicate that the blood lead level is at or below 40 ug/dl of whole blood.

(d) Blood Lead Testing Laboratories. Blood lead samples collected in accordance with 454 CMR 22.00 shall be analyzed by the Division of Occupational Safety, Occupational Hygiene Program, or by laboratories approved by OSHA-CDC for blood lead analysis.

22.10: Notification Requirements for Deleading Projects

(1) General Requirements. All persons who carry out Deleading Projects, except owners of residential premises and owners' agents who perform deleading work in accordance with regulations promulgated by the Director of the Childhood Lead Poisoning Prevention Program and M.G.L. c. 111, § 197(d), shall satisfy the notification requirements of 454 CMR 22.10 prior to carrying out said work. All Deleading Work notifications required by 454 CMR 22.10(2) and (3) shall be made on forms prescribed by the Commissioner and the Director of CLPPP. All applicable sections of each notification form shall be accurately completed. All Deleading notifications shall minimally include: the address of the residence or facility, the name of the Owner, the name, business address and license number (where applicable) of the Deleading Contractor or Lead-safe Renovation Contractor conducting the Deleading Work, the start date and estimated completion date for the work, the work methods to be used (scraping, covering, replacement, encapsulation, *etc.*) and whether the work will be conducted as Class I, Moderate-risk or Low-risk Deleading Work. All notifications required by 454 CMR 22.10 shall be mailed, hand-delivered or transmitted by facsimile to: the Commissioner, the Director of CLPPP, the Massachusetts Historical Commission if the residence is listed on the State Register of Historic Places, and the local board of health or code enforcement agency. In addition, and in the same manner, such notifications shall be mailed to all residents of any building in which any common areas are to be deleaded, and to the residents of each individual unit which is to be deleaded.

22.10: continued

(2) Requirements for Class I Deleading Projects. The Deleading Contractor shall provide the notification specified by 454 CMR 22.10(1) at least ten days before the project start date.

(3) Requirements for Moderate-risk Deleading Projects. Where Moderate-risk Deleading Work is carried out by a licensed Deleading Contractor or Lead-safe Renovation Contractor in accordance with 454 CMR 22.12(2), said Contractor shall provide the notification specified by 454 CMR 22.10(1) at least five business days before the project start date.

(4) Requirements for Low-risk Deleading Projects. Where Low-risk Deleading Work is carried out by a licensed Deleading Contractor or Lead-safe Renovation Contractor in accordance with 454 CMR 22.12(3), said Contractor shall provide the notification specified by 454 CMR 22.10(1) at least five business days before the project start date.

22.11: Work Practices and Other Requirements For Renovation Work

(1) Applicability. The requirements of 454 CMR 22.11 shall apply to all Renovation Work, except:

(a) Renovation Work for which a Lead Paint Inspector or Risk Assessor certified pursuant to 105 CMR 460.000 has made a determination that the surfaces affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or 0.5% by weight and where the entity performing the work has obtained a signed statement to that effect.

(b) Renovation Work for which a Certified Lead-safe Renovator-supervisor, using a Recognized Test Kit, as specified by 40 CFR Parts 745.83 and 745.88, and following the kit manufacturer's instructions, has tested each component affected by the renovation in accordance with protocols taught in the training course for Certification of Lead-safe Renovator-supervisors and determined that the components are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or 0.5% by weight. If the components make up an integrated whole, such as would the individual stair treads and risers of a single staircase, the Certified Lead-safe Renovator-supervisor is required to test only one of the individual components, unless the individual components appear to have been repainted or refinished separately.

Where the testing specified by 454 CMR 22.11(1)(a) or (b) has not been carried out, work that results in, or will result in, the disturbance of greater than six square feet of painted surface per room on the interiors of buildings or greater than 20 square feet of painted surface on the exterior of a building or involves window replacement or demolition of painted surfaces shall be carried out as Renovation Work in accordance with 454 CMR 22.11. Where, in accordance with 454 CMR 22.11(1)(a), a Lead Paint Inspector or Risk Assessor has made the determination that the surfaces affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or 0.5% by weight, the contractor or other entity performing the work shall maintain the signed statement to that effect as a record pursuant to 454 CMR 22.13(2)(c). Where the Lead-safe Renovator-supervisor assigned to the Renovation Project makes the determination specified at 454 CMR 22.11(1)(b), the results of such testing, including a schematic or a description of the locations where testing was performed shall be maintained as a record pursuant to 454 CMR 22.13(2)(c).

(2) Requirement for the Use of Licensed Contractors. Except as allowed by 454 CMR 22.11(2)(a), all Renovation Work, as defined 454 CMR 22.02, shall be carried out by Lead-safe Renovation Contractors who have been licensed in accordance with 454 CMR 22.03(3) and 22.04 or by Deleading Contractors who have been licensed in accordance with 454 CMR 22.03(1) and 22.04.

(a) Exception to Licensing Requirement for Entities Conducting Renovation Work in their Own Facilities. Persons, firms, corporations or other entities who carry out Renovation Work at their own property using their own regular employees or Responsible Persons are not required to be licensed as Lead-safe Renovation Contractors or Deleading Contractors, provided that said persons, firms, corporations or other entities are in possession of a duly executed Contractor Licensing Waiver issued pursuant to 454 CMR 22.04(3); the requirements of 454 CMR 22.11(3) and (4) are met; and the work is otherwise conducted in accordance with the applicable requirements of 454 CMR 22.00.

22.11: continued

(3) Responsibilities of Lead-safe Renovation Contractors or Deleading Contractors. The Responsible Person of the Licensed Lead-safe Renovation Contractor or other entity carrying out Renovation Work shall ensure that:

(a) All individuals performing Renovation Work on behalf of the Contractor or entity are Responsible Persons or employees of said Contractor or entity.

(b) All individuals performing Renovation Work on behalf of the Contractor or entity are Certified Lead-safe Renovator-supervisors, Licensed Deleader-supervisors, Licensed Deleader-workers or workers who have been trained in accordance with 454 CMR 22.08(4)(i).

(c) All Renovation Work is performed in accordance with the work practice requirements of 454 CMR 22.11(9).

(d) The pre-renovation notification requirements of 454 CMR 22.11(8) are met.

(e) The recordkeeping requirements of 454 CMR 22.13(2) are met.

(f) A person who is Certified as a Lead-safe Renovator-supervisor or Licensed as a Deleader-supervisor (and who has received the training specified by 454 CMR 22.08(4)(c) after April 22, 2010) is assigned to every Renovation Project, and the functions and requirements specified at 454 CMR 22.11(4) are complied with.

(4) Responsibilities of Certified Lead-safe Renovator-supervisors or Licensed Deleader-supervisors at Renovation Worksites. The Supervisor assigned to the Renovation Project in accordance with 454 CMR 22.03(4) and 454 CMR 22.11(3)(f) shall:

(a) Carry out, or sufficiently oversee workers in the performance of, the work practices specified by 454 CMR 22.11(9) to ensure compliance with the same.

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

(c) Be physically present at the work site and in control of the work at all times when Renovation Work is in progress.

(d) In the absence of testing carried out by a Licensed Inspector or Risk Assessor, use a Recognized Test Kit to determine the presence of lead on components that would be affected or disturbed during Renovation Work or assume that all components that would be disturbed by the Renovation Work contain or are covered by paint or other materials containing Dangerous Levels of Lead.

(e) Perform the visual clearance and cleaning verification required by 454 CMR 22.11(9)(h).

(5) Exemption from Licensing and Certification Requirements for Persons Performing Renovation Work in the Capacity of Workers. Workers who participate in Renovation Work under the direct supervision of a Certified Lead-safe Renovator-supervisor or a Licensed Deleader-supervisor need not be licensed and certified, provided that all persons participating in said Renovation Work in the capacity of workers have received the training specified by 454 CMR 22.08(4)(i) and the OSHA Lead In Construction Standard at 29 CFR 1926.62(l).

(6) Prohibition on the Use of Minors. No person under the age of 18 years shall be employed to work on any Renovation Project.

(7) Personal Protection and Hygienic Precautions. The employer or other entity carrying out Renovation Work shall provide the medical monitoring and personal protective equipment specified by 454 CMR 22.09. No person shall eat, drink, smoke, chew gum or tobacco, or apply cosmetics in any Work Area.

(8) Distribution of Lead Hazard Information. Persons or entities who carry out Renovation Work shall comply with all the requirements of 40 CFR 745.84 pertaining to the distribution of the specified lead hazard information.

(9) Work Practice Requirements.

(a) Prohibited Practices. The following work practices shall be prohibited:

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

2. The use of power operated equipment that remove lead-based paint through high-speed sanding, grinding, planing, impacting, blasting or abrading, except where such power tools are equipped with HEPA-filtered exhaust ventilation.

22.11: continued

3. The use of heat guns that operate at temperatures at or above 1,100° F for the removal of lead-based paint.

(b) Exclusion of Personnel. All occupants and other persons not directly engaged in work operations shall be excluded from the Work Area at all times when work is in progress and until such time as the standards for post-renovation cleaning verification set forth at 454 CMR 22.11(9)(h) are met.

(c) Signs. Signs, barriers or other appropriate means necessary to effect the security of the Work Area shall be used. To the extent practicable, signs shall be in the primary language of the occupants. Signs shall be posted before the commencement of the Renovation Work and remain in place until the standards for post-renovation cleaning verification set forth at 454 CMR 22.11(9)(h) are met. Warning signs shall meet the standards set forth at 29 CFR 1926.62(m).

(d) Work Practices for Interior Renovations.

1. Shutdown and Isolation of HVAC Systems. Where the Work Area of the facility being renovated is serviced by a forced air heating, ventilation or air conditioning system (HVAC), said system shall be shut down, and all ducts opening into the Work Area shall be covered with plastic sheeting or other impermeable material to form a dust-tight seal, prior to the commencement of the work.

2. Removal of Movable Objects. All movable objects which may be contaminated by lead dust or debris from the work activity shall be removed from the Work Area.

3. Covering of Non-movable Objects. All non-movable or fixed objects remaining within the Work Area shall be sufficiently covered with plastic sheeting taped down with duct tape to form a dust-tight seal, so as to prevent their contamination.

4. Containment of the Work Area. The Work Area shall be sufficiently isolated from adjacent interior spaces of the dwelling by plastic sheeting, or other appropriate impermeable material, to prevent contamination of said adjacent spaces. The integrity of the containment shall be maintained throughout the course of Renovation Work until such time as the standards for post-renovation cleaning verification set forth at 454 CMR 22.11(9)(h) are met. Work area containments shall not be installed in such a manner as to interfere with occupant or worker egress in the event of an emergency.

5. Doors and Windows. Doors and windows in the Work Area shall be closed and covered with plastic sheeting secured with duct tape to form a dust-tight seal. Doors used as an entrance to the Work Area shall be covered in such a manner as to allow workers to pass through, while confining dust and debris to the Work Area.

6. Covering of Floor Surfaces. The surfaces of floors shall be covered with plastic sheeting in all instances except those where the floor itself is included in the renovation operation. The plastic sheeting shall extend a minimum of six feet beyond the perimeter of surfaces being renovated or a sufficient distance to contain the dust, whichever is greater.

(e) Requirements for Exterior Renovations.

1. Closing of Doors and Windows. Where renovation work involves the disturbance of lead paint, lead-painted structures or lead paint debris on the side of a building, all doors and windows within a horizontal distance of 20 feet from the area where the work is taking place, on the same floor, and on all floors below, shall be closed for the duration of the work.

2. Covering of Plants and Ground. The ground and any plants or shrubs in the area in which exterior lead paint removal or other work which disturbs exterior lead paint or paint debris is taking place shall be covered with a tarpaulin, plastic sheeting or other appropriate impermeable material. Said covering shall extend ten feet from the surfaces undergoing renovation, or a sufficient distance to collect any and all falling paint debris, whichever is greater.

3. Prevention of Remote Contamination. Exterior renovation work shall be conducted so as to confine any generated lead dust or debris to the Work Area, and in no case shall said project be equipped and operated so as to permit the migration of generated lead dust or debris to an abutting property. Barriers, containments and engineering controls may be employed to comply with 454 CMR 22.11(9)(e)3.

4. Material Disposition. Paint chips or other materials containing Dangerous Levels of Lead generated during work operations shall not be allowed to fall distances in excess of forty feet, except where such transfer of lead-containing materials takes place in dust-tight chutes or enclosures.

22.11: continued

(f) Clean-up Requirements. All interior and exterior surfaces which may have become contaminated with lead dust or debris, and all tools and equipment used during work operations, shall be cleaned of all paint chips, dust, debris and other residue at the conclusion of the project. Acceptable cleaning methods shall include HEPA-filtered vacuuming, wet wiping or washing using solutions of tri-sodium phosphate or any general household detergent and other forms of low-disturbance mechanical transfer. Non-HEPA-equipped vacuums shall not be used. Dry sweeping and compressed air release shall not be employed as cleaning methods.

1. When vacuuming carpets and rugs, the HEPA vacuum shall be equipped with a beater bar.
2. Plastic sheeting and other barriers that separate the Work Area from other areas shall remain in place until all other areas of the Work Area have been thoroughly cleaned of all dust and debris.
3. Interior smooth surfaces shall be cleaned by HEPA vacuuming followed by wet wiping or mopping.
4. The Work Area and any other areas exposed to lead dust, paint chips or lead-contaminated debris from the Work Area shall be cleaned of all such visible contamination at the end of each day. All lead-contaminated materials shall be securely contained in the Work Area or disposed of according to applicable EPA and DEP regulations.
5. All equipment used in Renovation Work shall be thoroughly cleaned of visible dust and debris prior to removal from the Work Area.
6. At the conclusion of a Renovation Project, all surfaces within the Work area shall be cleaned to the level of no visible dust and debris using HEPA- vacuuming, mopping, washing or a combination of these methods.

(g) Waste Disposal. The preparation, transportation and disposal of waste material containing lead shall be carried out in accordance with applicable EPA, DOT and DEP regulations. Plastic sheeting used during the Renovation Work shall be disposed of as waste at the conclusion of each Renovation Project. Tarpaulins used to satisfy the requirement for covering of plants and ground at 454 CMR 22.11(9)(e)2. may only be re-used for other exterior work after they are cleaned of all visible dust and debris by HEPA-vacuuming or the use of wet cleaning methods. Said tarpaulins shall not subsequently be used for interior work.

(h) Post Cleaning Verification. At the conclusion of Renovation Work and before plastic sheeting and other barriers that separate the Work Area from other areas are removed, a Certified Lead-safe Renovator-supervisor assigned to the Project shall:

1. Carry out the procedures for post renovation cleaning verification set forth in 454 CMR 22.92: *Appendix 2* and ensure that the Work Area meets the associated standard for cleaning set forth in 454 CMR 22.92: *Appendix 2*; or
2. Ensure that the Work Area passes the Lead Dust Monitoring levels set forth at 105 CMR 460.170. Dust wipe testing as prescribed by 105 CMR 460.170 and associated dust wipe protocols may be used for post clearance verification, in *lieu* of the method set forth in 454 CMR 22.92: *Appendix 2*. Where dust wipe testing is used, it shall be carried out as prescribed by 105 CMR 460.170 and the associated dust wipe protocols of CLPPP, and the Work Area will be considered to have passed clearance when it has met the criteria set forth at 105 CMR 460.170(B).

(i) Activities Conducted After Post-renovation Cleaning Verification. Activities that do not disturb paint, such as applying paint to walls that have already been prepared, are not regulated by 454 CMR 22.11 if they are conducted after post-renovation cleaning verification has been performed and if they do not result in the disturbance of lead-painted surfaces.

22.12: Work Practices and Other Requirements for Deleading Projects

(1) Requirements for Class I Deleading Projects. Persons, firms, corporations or other entities who conduct Class I Deleading Projects and the Deleader-supervisor required to be on-site by 454 CMR 22.12(1)(a)2. shall ensure that said project is arranged, equipped and operated in a manner that complies with the requirements of 454 CMR 22.12, any other applicable section of 454 CMR 22.00, 105 CMR 460.000 and any other applicable Massachusetts regulation.

22.12: continued

(a) General Requirements.

1. Requirement for Performance by Licensed Deleading Contractor. Except as allowed by M.G.L. c. 111, § 197(d), Class I Deleading Projects shall be conducted by Deleading Contractors licensed pursuant to 454 CMR 22.04.

2. Requirement for On-site Deleader-supervisor. A person who is licensed as a Deleader-supervisor pursuant to 454 CMR 22.05 and who is an employee or Responsible Person of the business entity which entered into the Class I Deleading Work shall be physically present at the Work Area and in control of all Deleading Work being performed therein at all times when said Work is in progress.

3. Requirement for Use of Licensed Workers. Persons who perform Class I Deleading Work under the direction of the Deleader-supervisor required to be on-site by 454 CMR 22.12(1)(a)2. shall be employees or Responsible Persons of the business entity which entered into the Class I Deleading Work and licensed as Deleader-supervisors or as Deleader-workers pursuant to 454 CMR 22.05.

4. Required Deleading Notification. No Class I Deleading Work shall take place until notice has been given to the Division and others, as set forth at 454 CMR 22.10.

5. Hygienic Precautions. The Deleading Contractor and Deleader-supervisor shall not permit anyone to eat, drink, smoke, chew gum or tobacco, or apply cosmetics in the Work Area or changing area.

6. Material Disposition. Paint chips or other materials containing Dangerous Levels of Lead generated during Deleading Work shall not be allowed to fall distances in excess of 40 feet, except where such transfer of lead-containing materials takes place in dust-tight chutes or enclosures.

7. Prevention of Remote Contamination. All Deleading Work performed on any structure shall be arranged, equipped and operated in a manner which eliminates the possibility of lead contaminants or lead-contaminated materials escaping from the Work Area.

8. Methods of Paint Removal. Only the methods of paint removal specified by 105 CMR 460.120 shall be permissible for the removal of lead-based paint.

9. Ground Fault Circuit Interrupter (GFCI) Protection. All electrical circuits supplying power tools or equipment used in connection with Deleading Work shall be ground fault circuit interrupter-protected.

10. The Deleading Contractor or other entity carrying out a Class I Deleading Project shall ensure that each person entering or leaving the Work Area individually completes the appropriate entries in a sign in/out log. The sign in/out log shall include: the location of the project; current date; printed name; signed name; Massachusetts License number, where applicable; and the time of each entry or exiting.

(b) Work Area Preparation. Prior to commencing a Class I Deleading Project, the Deleading Contractor and Deleader-supervisor shall ensure that the following steps are taken:

1. Restriction of Access. Access to the Work Area shall be restricted to the Owner, deleaders, licensed lead paint inspectors, representatives of the Commissioner, and any others authorized by the Commissioner. Signs warning that Deleading Work is being conducted shall be posted at all approaches to the Work Area. Such signs shall include the words "WARNING: LEAD PAINT REMOVAL HAZARD" in bold lettering not smaller than two inches tall, with additional language prohibiting entrance to the Work Area by unauthorized personnel. The Deleading Contractor and Deleader-supervisor shall use barriers or other appropriate means as necessary to secure the Work Area.

2. Isolation of Interior Work Areas. Interior Work Areas shall be isolated from other areas of the Residence by sealing all openings, including but not limited to, windows (where they are not to be abated), doors, ventilation openings, drains, grilles and grates with plastic sheeting with a minimum thickness of six mils and duct tape or the equivalent. Entrances to the Work Area shall be sealed by constructing air locks as follows: one sheet of plastic sheeting of sufficient size to fully cover the entrance shall be taped along the upper edge of the top of the entrance and allowed to hang freely. A second sheet of plastic of comparable size shall be taped over the first so as to be outermost from the Work Area with respect to the first. The second sheet shall be taped on all four sides and slit vertically in the middle to allow a person to walk through.

3. Isolation of Forced-air Systems. Forced-air systems which are exposed to the Work Area shall be shut down, locked out and isolated to prevent lead contamination and lead dust dispersal to spaces outside of the Work Area.

22.12: continued

4. Covering/Removal of Objects. All movable objects in the Work Area shall be removed or covered in such a manner as to ensure that the objects are not contaminated by lead dust or other lead contaminated materials. Objects remaining in the Work Area shall be wrapped or covered with plastic sheeting with a minimum thickness of six mils, and shall be sealed with duct tape or the equivalent.

5. Covering of Floors. Except as allowed by 454 CMR 22.12(1)(b)5.a. and b., floors of rooms in the Work Area shall be covered with two layers of plastic sheeting with a minimum thickness of six mils. The edges of said floor coverings shall be securely taped with duct tape or its equivalent, so as to prevent leakage.

a. Where lead paint is to be removed from floor surfaces, the requirement for covering of floor surfaces is exempted.

b. A tarpaulin or another impermeable covering may be used in place of plastic sheeting where the use of the latter would create slipping hazards, *e.g.*, around ladders.

6. Installation and Use of Change Area. A change area which is equipped with separate storage facilities for protective work clothing, equipment, and for street clothes shall be provided and used. The walls and floor of said clean change area shall be covered with plastic sheeting with a minimum thickness of six mils. The changing area shall be adjacent to the Work Area. No person shall exit the changing area to enter the Work Area unless they are equipped in conformance with 454 CMR 22.09. No contaminated person shall exit the Work Area unless such person has removed their deleading clothing, gloves, boot or shoe covers, and respirator, nor shall a person in any other way cause lead contaminants to enter the non-work area.

7. Covering of Doors and Windows. Where exterior lead paint removal is performed, doors and windows on the side of the building being deleaded on the same floor where work is taking place and all floors below, shall be closed and covered with plastic sheeting with a minimum thickness of six mils.

8. Covering of Plants and Ground. The ground and all plants or shrubs in the areas where exterior Deleading Work is performed shall be covered with a tarpaulin or plastic sheeting with a minimum thickness of six mils. Such covering shall cover from the side of the structure to a point at least ten feet away from the structure or a sufficient distance to collect any and all falling paint debris, whichever is greater. The covering shall be taped or otherwise securely attached to the side of the structure.

(c) Clean-up.

1. Interior. The Deleading Contractor and Deleader-supervisor shall ensure that the Work Area and any other areas exposed to lead dust or lead-contaminated debris from the Work Area are cleaned of all such visible contamination at the end of each day. All lead-contaminated materials shall be securely contained in the Work Area or disposed of according to applicable EPA and DEP regulations. The final clean-up shall be performed by the Deleading Contractor no sooner than two hours after the completion of active abatement and/or containment activities, including, without limitation, all sanding and any other dust-generating surface preparation necessary for encapsulation, repainting or sealing. At the end of each Deleading Project the cleaning shall include, but not be limited to:

a. Vacuuming all surfaces with a HEPA- filtered vacuum cleaner;

b. Disposing of all plastic sheeting and debris; and

c. Mopping or washing all surfaces with a solution of tri-sodium phosphate or any general household detergent.

Until the conclusion of the final clean-up, the Deleading Contractor and Deleader-supervisor shall ensure that access to the Work Area is restricted to only those persons to whom access is allowed by 454 CMR 22.12(1)(b)1. and that all Work Area barriers required by 454 CMR 22.12(1)(b)2. remain in place.

2. Equipment. All equipment used in Deleading Work shall be thoroughly cleaned with a solution of tri-sodium phosphate or any other household detergent or vacuumed with a HEPA-filter vacuum prior to removal from the Work Area.

3. Clothing. All clothing used during the Deleading Work shall be secured in leak-proof containers prior to removal from the Work Area.

22.12: continued

4. Exterior. The Work Area shall be cleaned of lead paint chips and other debris generated by the Deleading Work at the end of each work day. Any debris shall be completely removed and disposed of in accordance with applicable EPA and DEP regulations.

(d) Disposal.

1. All dry, lead-contaminated materials without sharp edges shall be containerized in double-thickness plastic bags with a minimum thickness of six mils and then sealed, before being removed from the Work Area. Dry contaminated materials with sharp edges shall be containerized in fiber, plastic or metal drums, or in plastic-lined boxes, in accordance with applicable EPA, DOT and DEP regulations before being removed from the Work Area. Water-saturated, lead-contaminated materials shall be containerized in plastic or metal drums before being removed from the Work Area.

2. Lead-contaminated soil shall be disposed of in accordance with applicable DEP requirements.

(e) Lead Dust Monitoring Requirements. Where lead dust monitoring is required by 105 CMR 460.170, the Deleading Contractor and Deleader-supervisor shall ensure that the Work Area is repeatedly cleaned at the conclusion of the Deleading Work until the lead dust clearance monitoring requirements of 105 CMR 460.170 are met.

(f) Declaration of Performance. Following satisfaction of the lead dust monitoring requirements of 105 CMR 460.170, the Licensed Deleader-supervisor who carried out the work shall submit a signed statement to the Inspector or Risk Assessor who performs the reinspection required by 105 CMR 460.760. Said signed statement, which shall include the Deleader-supervisor license number and its expiration date, the Deleading Contractor license number and its expiration date, a description of the work performed and a statement that the work was performed in accordance with the applicable requirements of 454 CMR 22.00 and 105 CMR 460.000, shall be maintained as a record by the Deleading Contractor pursuant to 454 CMR 22.13(1)(e).

(2) Requirements for Moderate-risk Deleading Projects. Moderate-risk Deleading Work shall be conducted in accordance with the requirements of 454 CMR 22.12(2) and other applicable sections of 454 CMR 22.00 and 105 CMR 460.000.

(a) General Requirements.

1. Requirement for Prior Inspection. Persons carrying out Moderate-risk Deleading Work shall ensure that said work has been inspected and designated eligible for Moderate-risk Deleading by a licensed Inspector or Risk Assessor pursuant to the relevant provisions of 105 CMR 460.000 prior to engaging in said work.

2. Licensing Requirements. Except for Work carried out by Owners and Owners' Agents, who are allowed by M.G.L. c. 111, § 197(d) to perform Deleading Work in accordance with regulations promulgated by the Director of CLPPP without being licensed pursuant to 454 CMR 22.00, all Moderate-risk Deleading Work shall be carried out by Deleading Contractors or Lead-safe Renovation Contractors.

3. Requirement for On-site Supervisor. Persons carrying out Moderate-risk Deleading Work shall ensure that a person who is Licensed as a Deleader-supervisor, or a person who is Certified as a Lead-safe Renovator-supervisor and has received the training specified by 454 CMR 22.03(2) and 454 CMR 22.08(4)(e), and who is an employee or Responsible Person of the business entity which entered into the Moderate-risk Deleading Work, is physically present at the Work Area and in control of all Moderate-risk Deleading Work at all times when said Work is in progress.

4. Requirement for Use of Licensed or Certified Workers. All persons who perform Moderate-risk Deleading Work under the direction of a Deleader-supervisor or a Lead-safe Renovator-supervisor shall be licensed as Deleader-workers or certified as Lead-safe Renovator-supervisors pursuant to 454 CMR 22.05 or 22.06 and shall be employees or Responsible Persons of the business entity which entered into the Moderate-risk Deleading Work.

22.12: continued

5. Restrictions on Presence of Persons in the Work Area. Access to the Work Area shall be restricted to the Owner, licensed deleaders, licensed Inspectors, Lead-safe Renovator-supervisors, representatives of the Commissioner, and any others authorized by the Commissioner. Signs warning that Deleading Work is being conducted shall be posted at all approaches to the Work Area. Such signs shall include the words "WARNING: LEAD PAINT REMOVAL HAZARD" in bold lettering not smaller than two inches tall, with additional language prohibiting entrance to the Work Area by unauthorized personnel. The contractor or supervisor shall use barriers or other appropriate means as necessary to secure the Work Area.

6. Limitations on Scope of Activities. Any Deleading Work, conducted as a Moderate-risk Deleading Project, but which exceeds the scope of the work previously designated as "Moderate-risk Deleading Work" pursuant to 454 CMR 22.12 (2)(a)1. or which is undertaken by persons who are not licensed or certified as required by 454 CMR 22.12(2)(a)2. through 4., shall be considered unauthorized deleading under 454 CMR 22.00 and subject to all the penalties thereof.

7. Required Deleading Notification. No Moderate-risk Deleading Work shall take place until notice has been given to the Division and others, as set forth at 454 CMR 22.10.

8. Sign In/Out Log. The Deleading Contractor or other entity carrying out a Moderate Risk Deleading Project shall ensure that each person entering or leaving the Work Area individually completes the appropriate entries in a sign-in/out log. The sign in/out log shall include: the location of the project; current date; printed name; signed name; Massachusetts License number, where applicable; and the time of each entry or exiting.

(b) Work Practice Requirements.

1. General. Persons or entities undertaking Moderate-risk Deleading Work shall carry out said Work in accordance with the work practices specified at 454 CMR 22.11(9)(a) through (g), the applicable work practices specified at 105 CMR 460.120, 460.130, 460.135 and 460.140, with the exception of the practices specified at 105 CMR 140.120(C), and as otherwise directed by the Director.

2. Hygienic Precautions. No person shall eat, drink, smoke, chew gum or tobacco, or apply cosmetics in any Work Area.

3. Worksite Cleanup Requirements. Following the completion of Moderate-risk Deleading Work, the Deleading Contractor, Lead-safe Renovation Contractor or other person or entity who conducted the work shall clean the worksite of visible dust and debris, in accordance with 454 CMR 22.11(9)(f) and 105 CMR 460.160(D).

4. Lead Dust Monitoring Requirements. Where lead dust monitoring is required by 105 CMR 460.170, the Deleading Contractor, Lead-safe Renovation Contractor or other persons or entities undertaking Moderate-risk Deleading Work shall, at the conclusion of the Work, ensure that the lead dust clearance monitoring requirements of 105 CMR 460.170 are met.

5. Declaration of Performance. Following satisfaction of the lead dust monitoring requirements specified by 454 CMR 22.12(2)(b)4., the Licensed Deleader-supervisor or Certified Lead-safe Renovator Supervisor who carried out the work shall submit a signed statement to the Inspector or Risk Assessor who performs the reinspection required by 105 CMR 460.760. Said signed statement, which shall include the license or certification number of the Deleader-supervisor or Lead-safe Renovator-supervisor and its expiration date, the number of the Deleading Contractor or Lead-safe Renovation Contractor license and its expiration date, a description of the work performed and a statement that the work was performed in accordance with the applicable requirements of 454 CMR 22.00 and 105 CMR 460.000, shall be maintained as a record pursuant to 454 CMR 22.13(1)(e).

(3) Requirements for Low-risk Deleading Projects.

(a) Requirement for Low-risk Designation. Persons who carry out Low-risk Deleading Work shall ensure that said work has been inspected and designated eligible for low-risk "Owner and Owner's Agent Abatement" by a licensed Inspector or Risk Assessor pursuant to 105 CMR 460.175(A) and 460.750 prior to engaging in such work.

(b) Training and Certification Requirements. Low-risk Deleading Work shall only be carried out by persons who have completed the training specified by 105 CMR 460.175(D) and have obtained the certificate of instruction pursuant to 105 CMR 460.175(E).

22.12: continued

(c) Limitations on Scope of Activities. Any abatement and/or containment activities performed by Owners, Owners' Agents, unlicensed contractors and others that exceed the scope of activities authorized by 105 CMR 460.175(A), or which are undertaken by persons who have not completed all training required by M.G.L. c. 111, § 197(d) and 105 CMR 460.175(D) or obtained a certificate of instruction pursuant to 105 CMR 460.175(E), shall be considered unauthorized deleading under 454 CMR 22.00 and subject to all the penalties thereof.

(d) Work Practice and Health and Safety Requirements. Persons or entities undertaking Low-risk Deleading Work shall conduct such work in accordance with the work practice and health and safety requirements specified in the applicable sections of 105 CMR 460.000, including but not limited to .105, .130, .140, .160, .170 and .175 and as otherwise directed by the Director of CLPPP.

22.13: Recordkeeping Requirements

(1) Deleading Projects Carried Out by Deleading Contractors, Including Moderate-risk Deleading Projects Carried Out by Lead-safe Renovation Contractors. Deleading Contractors and Lead-safe Renovation Contractors shall maintain the records listed at 454 CMR 22.13(1)(a) through (e), and shall present such records to the Commissioner, or his or her representative, upon request. Records required to be kept by 454 CMR 22.13(1)(a) through (c) shall be kept on-site. All other records required to be kept by 454 CMR 22.13(1) shall be kept at the principal place of business of the Deleading Contractor or Lead-safe Renovation Contractor. Deleading Contractors and Lead-safe Renovation Contractors whose principal place of business is outside the Commonwealth shall present the records listed at 454 CMR 22.13(1)(d) and (e), or notarized copies of the same, within five business days of the Commissioner's request.

(a) Copies of all Deleading and Lead-safe Renovation Licenses required to be held by said contractor and members of his or her workforce.

(b) Copies of current Training Certificates for all members of his or her deleading workforce.

(c) The sign in/out log required by 454 CMR 22.12(1)(a)10.

(d) Copies of all medical documents required by 454 CMR 22.09 or 29 CFR 1926.62, including physicians' statements, the results of all physical examinations, blood lead level and respirator fit tests and any other medical documentation required by 29 CFR 1926.62.

(e) Copies of all notification forms as required by 454 CMR 22.10, results of tape tests, patch tests, and all personal and environmental air and dust wipe monitoring, all declarations of performance required by 454 CMR 22.12(1)(f) and 22.12(2)(b)5., and a list of the names of all deleaders or renovators who were involved in each operation.

(2) Renovation Projects Carried Out by Lead-safe Renovation Contractors and Deleading Contractors. Lead-safe Renovation Contractors and Deleading Contractors shall maintain the records listed at 454 CMR 22.13(2) and shall present such records to the Commissioner, or his or her representative, upon request. Records required to be maintained by 454 CMR 22.13(2)(a) through (e) shall be kept on-site. All other records required to be kept by 454 CMR 22.13(2) shall be kept at the principal place of business of the Lead-safe Renovation Contractor or Deleading Contractor. Lead-safe Renovation Contractors and Deleading Contractors whose principal place of business is outside the Commonwealth shall present the records listed at 454 CMR 22.13(2)(f) or notarized copies of the same, to the Division, within five business days of the Commissioner's request.

(a) Copies of all Licenses required to be held by said Lead-safe Renovation Contractors and Deleading Contractors, Deleader-supervisors and Deleader Workers carrying out Renovation Work.

(b) Copies of all Certifications (training certificates) required to be held by Lead-safe Renovator-supervisors carrying out Renovation Work.

(c) Records related to lead paint testing. Records shall include, where applicable:

1. All applicable reports of lead testing conducted by Lead Paint Inspectors or Risk Assessors licensed pursuant to 105 CMR 460.000, including all certifications that lead-based paint is not present on the components affected by the Renovation Work, as referenced at 454 CMR 22.11(1)(a).

22.13: continued

2. All results of lead testing conducted by the Certified Lead Safe Renovator-Sspervisor assigned to the project who has used a Recognized Test Kit to determine the presence of lead-based paint or paint debris in or on components that would be disturbed by the Renovation Work, as referenced at 454 CMR 22.11(4)(d). When test kits are used, the Lead-safe Renovation Contractor or Deleading Contractor must, within 30 days of the completion of the renovation, provide information identifying the manufacturer and model of the test kits used, a description of the components that were tested including their locations, and the test kit results to the person who contracted for the renovation.

(d) Records relating to compliance with the lead hazard information distribution requirements specified by 454 CMR 22.11(8) and 40 CFR 745.84, including the applicable records required to be kept by 40 CFR 745.86(b)(2) through (5).

(e) The sign in/out log required by 454 CMR 22.12(3)(a)8.

(f) Records Relating to Compliance with Work Practices.

1. A written certification that a Lead-safe Renovator-supervisor or Deleader-supervisor was assigned to the Project, provided oversight for the work and, where applicable, performed the post-renovation cleaning verification specified by 454 CMR 22.11(9)(h) and 454 CMR 22.92: *Appendix 2*. This documentation shall include a copy of the training certificate of the Lead-safe Renovator-supervisor or the License of the Deleader-supervisor, as applicable.

2. A written certification by the Lead-safe Renovator-supervisor or Deleader-supervisor assigned to the Project that includes the elements specified at 40 CFR 745.86(b)(7)

3. If dust clearance sampling is performed in lieu of cleaning verification as permitted by 454 CMR 22.11(9)(h)2., the Lead-safe Renovation Contractor or Deleading Contractor must retain said results as a record and provide, within 30 days of the completion of the renovation, a copy of the dust sampling report to the person who contracted for the renovation.

4. If the Lead-safe Renovation Contractor or Deleading Contractor was unable to comply with all of the requirements of 454 CMR 22.00 due to the work being carried out as an Emergency Renovation as defined in 454 CMR 22.02, the firm must document the nature of the emergency and the provisions of the rule that were not followed and maintain this documentation as a record.

(3) Licensed Providers of Deleading and Lead-safe Renovation Training. Licensed Training Providers shall establish and maintain the records required by 454 CMR 22.07(5)(c) and shall make such records and documents available to the Commissioner upon request. Licensed Training Providers whose principal place of business is outside Massachusetts shall provide notarized photocopies of such records within ten business days of receipt of a written request from the Commissioner.

(4) Record Retention. Records and documents required by 454 CMR 22.13 shall be retained for a period of 15 years. Entities or persons ceasing to do business shall so notify the Commissioner in writing within 30 calendar days of such event. The Commissioner, on receipt of such notification, may instruct that the records be surrendered to the Division, or may specify a repository for such records.

22.14: Cease-work Orders, Responsibility for Compliance, Penalties

(1) Cease-work Orders. The Commissioner or his or her representative may issue an immediately effective cease-work order to any person whose activities are subject to 454 CMR 22.00 and who violates the terms or conditions of any Certificate or License issued, any work practice required under 454 CMR 22.00 or M.G.L. c. 111, §§ 189A through 199B, or any regulation or order issued thereunder, if such violation will endanger or materially impair the health or well-being of any occupant of a residence, Inspector, deleader or any person employed in performing Renovation or Deleading Work.

(2) Responsibility for Compliance. All business entities, Responsible Persons, Deleading Contractors, Deleader-supervisors, Deleader-workers, Lead-safe Renovation Contractors, Lead-safe Renovator-supervisors, and any other individuals performing work subject to the requirements of 454 CMR 22.00 shall be responsible for compliance with the provisions thereof.

22.14: continued

(3) Penalties. Any entity or person who violates the provisions of 454 CMR 22.00 shall be subject to the administrative sanctions specified in 454 CMR 22.00 and any fines or penalties allowed pursuant to M.G.L. c. 111, § 197B(f) and M.G.L. c. 149, § 6.

22.15: Administrative License and Certification Actions - Denial, Revocation, Suspension or Refusal to Renew a License or Certificate; Civil Administrative Penalties

(1) General Administrative Proceedings. The Commissioner may deny, revoke, suspend or refuse to renew a license or certificate issued pursuant to 454 CMR 22.00 upon finding of sufficient cause. License or certificate applicants or holders shall be advised by the Commissioner in writing of the proposed denial, revocation, suspension or refusal to renew and the reasons therefore. Said parties shall have the right to appeal the Commissioner's determination through an administrative hearing in accordance with the provisions of M.G.L. c. 30A and 801 CMR 1.00 by submitting to the Commissioner a written request for such hearing within 14 calendar days of receiving notice of such administrative action.

(2) Sufficient Cause. The following shall be sufficient cause for the Commissioner's denial, revocation, suspension or refusal to renew a license or certificate issued pursuant to 454 CMR 22.00:

(a) False statements in the application;

(b) Omission or falsification of documentation or information required to be submitted to the Commissioner pursuant to any provisions of 454 CMR 22.00, 105 CMR 460.000 and orders issued by the Commissioner or the Director of CLPPP pursuant to the same;

(c) Failure to comply with the applicable provisions of M.G.L. c. 149 or M.G.L. c. 111F; 454 CMR 22.00; M.G.L. c. 111, §§ 189A through 199B; 105 CMR 460.000; or rules or orders issued thereunder;

(d) Failure to comply with laws, rules and regulations relating to occupational or public safety and health or to environmental protection;

(e) Failure to maintain records required by 454 CMR 22.13 or make them available to the Commissioner upon request;

(f) In the case of Licensed Training Providers, or applicants for Licensed Training Provider status, the following shall also constitute sufficient cause:

1. Failure to demonstrate the ability to provide the training courses for which the applicant seeks to be certified in compliance with the requirements of 454 CMR 22.07;
2. Failure to maintain the standards of training or minimum instruction required by 454 CMR 22.07 and/or 22.08;
3. Failure to report to the Division any change in staff or program which deviates from the information contained in the application; or
4. Failure to comply with the requirements set forth in 454 CMR 22.07(5)(a) through (h) or any other applicable requirements of 454 CMR 22.00; and
5. Any other cause affecting the responsibility of the license or certificate holder which the Commissioner determines to be of such serious and compelling nature as to warrant denial, suspension, revocation or refusal to renew.

(3) Probation. The Commissioner may place the license or certificate holder on probation for sufficient cause for a period of three months or longer.

(4) Suspension Prior to Hearing. The Commissioner may summarily suspend a license or certificate on an emergency basis, if, in his/her determination, the actions of the license or certificate holder show willful disregard for the health, safety or welfare of the public or workers or for the health of the environment. If a license or certificate is summarily suspended, the affected party may appeal the summary action in accordance with 454 CMR 22.15(1). If an appeal is filed, the matter shall be set down for hearing at the earliest possible time. At such hearing the Commissioner must establish that the summary action is factually supported and that there is a substantial likelihood of sustaining the suspension in a full evidentiary hearing. The summary action shall continue against the affected party unless the hearing officer determines that the Commissioner did not meet his/her burden under the standard specified herein. Summary suspensions may be issued in conjunction with license or certificate revocations or refusals to renew.

22.15: continued

(5) Civil Administrative Penalties. In addition to the actions the Commissioner may take under 454 CMR 22.15(1) through (4), the Commissioner may issue Civil Administrative Penalties pursuant to 453 CMR 9.00.

22.91: Appendix 1

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR
DIVISION OF OCCUPATIONAL SAFETY

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Haverhill, MA 01830
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New Bedford Office
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New Bedford, MA 02740
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22.92: Appendix 2

PROCEDURES FOR POST-RENOVATION CLEANING VERIFICATION

I. Interiors.

(i) A Certified Lead-safe Renovator-supervisor or a Licensed Deleader-supervisor must perform a visual inspection to determine whether dust, debris or residue is still present. If dust, debris or residue is present, these conditions must be removed by re-cleaning and another visual inspection must be performed.

(ii) After a successful visual inspection, the Certified Lead-safe Renovator-supervisor or Licensed Deleader-supervisor must:

(A) Verify that each windowsill in the work area has been adequately cleaned, using the following procedure:

(1) Wipe the windowsill with a wet disposable cleaning cloth that is damp to the touch. If the cloth matches or is lighter than the cleaning verification card, the windowsill has been adequately cleaned.

(2) If the cloth does not match and is darker than the cleaning verification card, re-clean the windowsill as directed 454 CMR 22.11(9)(f), then either use a new cloth or fold the used cloth in such a way that an unused surface is exposed, and wipe the surface again. If the cloth matches or is lighter than the cleaning verification card, that windowsill has been adequately cleaned.

(3) If the cloth does not match and is darker than the cleaning verification card, wait for one hour or until the surface has dried completely, whichever is longer.

(4) After waiting for the windowsill to dry, wipe the windowsill with a dry disposable cleaning cloth. After this wipe, the windowsill has been adequately cleaned.

(B) Wipe uncarpeted floors and countertops within the work area with a wet disposable cleaning cloth. Floors must be wiped using an application device with a long handle and a head to which the cloth is attached. The cloth must remain damp at all times while it is being used to wipe the surface for post-renovation cleaning verification. If the surface within the work area is greater than 40 square feet, the surface within the work area must be divided into roughly equal sections that are each less than 40 square feet. Wipe each such section separately with a new wet disposable cleaning cloth. If the cloth used to wipe each section of the surface within the work area matches the cleaning verification card, the surface has been adequately cleaned.

(1) If the cloth used to wipe a particular surface section does not match the cleaning verification card, re-clean that section of the surface as directed at 454 CMR 22.11(9)(f), then use a new wet disposable cleaning cloth to wipe that section again. If the cloth matches the cleaning verification card, that section of the surface has been adequately cleaned.

(2) If the cloth used to wipe a particular surface section does not match the cleaning verification card after the surface has been re-cleaned, wait for one hour or until the entire surface within the work area has dried completely, whichever is longer.

(3) After waiting for the entire surface within the work area to dry, wipe each section of the surface that has not yet achieved post-renovation cleaning verification with a dry disposable cleaning cloth. After this wipe, that section of the surface has been adequately cleaned.

(iii) When the work area passes the post-renovation cleaning verification, remove the warning signs.

II. Exteriors.

(i) A Certified Lead-safe Renovator Supervisor or a Licensed Deleader-supervisor must perform a visual inspection to determine whether dust, debris or residue is still present on surfaces in and below the work area, including windowsills and the ground. If dust, debris or residue is present, these conditions must be eliminated and another visual inspection must be performed. When the area passes the visual inspection, remove the warning signs.

REGULATORY AUTHORITY

454 CMR 22.00: M.G.L. c. 111, §§ 189A through 199B and c. 149, § 6.

NON-TEXT PAGE