

**Frequently Asked Questions for the  
Ohio Administrative Code  
Chapters 3701-32 and 3701-82  
December 2021**

**Ohio**

**Department  
of Health**

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Interpretative Guidance  
For Chapter 3701-32 and 3701-82 of the  
Ohio Administrative Code

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# **Interpretative Guidance For Chapter 3701-32 and 3701-82 of the Ohio Administrative Code**

## **Renovation, Repair and Painting Rule (RRP) Lead-Safe Renovation**

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### **1. What is the U.S. EPA Renovation, Repair and Painting rule (RRP)?**

On April 22, 2008, the U.S. EPA issued a rule requiring the use of lead-safe practices. The RRP rule requires contractors performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities, and schools built before 1978 must be certified and must follow specific work practices to prevent lead contamination.

### **2. Where do I find more information about the RRP rule?**

The U.S. EPA is currently administering and enforcing the RRP rule in Ohio. For specific information, please refer to the [U.S. EPA Renovation, Repair, and Painting program](#) Web page or call 1-800-424-LEAD (5323).

### **3. Can an RRP contractor conduct lead-safe renovation when there is a lead poisoned child living in the residence?**

No. The Ohio Administrative Code (O.A.C.) prohibits persons from performing lead-safe renovation in lieu of abatement or any person from performing lead abatement without a Lead Abatement Contractor or Project Designer's license when a lead poisoned child has been identified.

### **4. Who is enforcing the RRP rule in Ohio?**

The U.S. EPA is currently administering and enforcing the RRP rule in Ohio. For specific information, please refer to the [U.S. EPA Renovation, Repair, and Painting program](#) web page.

### **5. In Ohio, can a certified Renovator take paint chip samples to determine the presence or absence of lead-based paint?**

No. A certified renovator cannot take paint chip samples to determine the presence of lead. Only Ohio licensed Risk Assessors or Inspectors can take paint chip samples. A certified renovator can use a U.S. EPA recognized test kit that does not require the removal of paint to determine the presence of lead. Currently only the LeadCheck® swab fits that criterion.

## Homeowners / Property Owners

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### **6. I own, or am considering purchasing, a home constructed prior to 1978. Should I have the home tested for lead?**

If the home was built prior to 1978, one option is to presume it has lead-based paint, take precautions when renovating and keep paint from becoming deteriorated. A second option is to hire a licensed [Lead Inspector](#) or [Lead Risk Assessor](#) to perform testing.

- A **Lead Inspection** involves testing all the painted surfaces to determine if they contain lead-based paint. The Lead Inspection report lists which surfaces contain lead-based paint. It does not identify lead-based paint hazards or suggest remedies. The testing can be performed either by using an X-Ray Fluorescence instrument (XRF) which uses x-rays to determine if there is lead-based paint without damaging the painted surface, or paint chips can be removed and sent to an Ohio-approved environmental lead laboratory to determine if there is lead-based paint. Collecting lead paint chips damages the painted surface. Only a licensed Lead Inspector or licensed Lead Risk Assessor may perform a lead inspection.
- A **Lead Risk Assessment** involves inspecting the condition of the painted surfaces in the home, determining the occupant's use of the rooms, collecting dust samples to be tested for lead, and testing deteriorated paint (by XRF or paint chip analysis). A Risk Assessment report, which is compiled from this information, indicates the location and severity of lead hazards and suggests remedies for them. Only a licensed Lead Risk Assessor may perform a lead risk assessment.

### **7. I would like to have a paint chip from my home tested for lead. Where should I send the sample?**

You should submit paint chip samples to an [Ohio-approved Environmental Lead Laboratory](#) for analysis.

### **8. I've just found out I have lead-based paint in my home, should I sell it or have all the paint removed?**

Lead-based paint is in many Ohio homes built prior to 1978. Remember the presence of lead-based paint does not mean that it is a hazard. You can live safely in a home that has lead-based paint as long as the paint is maintained in good condition. This can be done by following certain precautions. Contact the [Lead Licensure and Accreditation Program](#) at (614) 466-1450 for more information about lead safe methods, hiring a lead-safe renovator or Lead Abatement Contractor, and protecting your family from lead poisoning when you live in a home that contains lead-based paint.

**9. I know I have lead-based paint on my property. Am I required to use a licensed Lead Abatement Contractor to perform work that disturbs the lead-based paint?**

Not necessarily. You are required to use a licensed Lead Abatement Contractor or Project Designer in these situations:

- To work on a property that has been issued a lead hazard control order (LHCO).
- To prepare specifications for lead abatement.
- For any work where lead abatement is intended - either because federal rules require lead hazards must be abated or lead abatement is preferred by the owner or other funding source.

If none of these apply, you are not required to use a Lead Abatement Contractor or Project Designer and may conduct the work yourself or hire a third party.\* However, lead-safe methods should be used to protect your family from lead poisoning. Call the [Lead Licensure and Accreditation Program](#) at (614) 466-1450 for more information.

- \* Federal law requires that contractors performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities, and schools built before 1978 be RRP certified and follow specific work practices to prevent lead contamination.

For more information on the federal law please refer to the [U.S. EPA Renovation, Repair and Painting](#) website or call the National Lead Information Center at **(800) 424-LEAD [5323]**.

**10. I am planning to hire a contractor or individual to renovate, repair or paint my home. Do I have to be concerned with lead-based paint?**

Lead-based paint was banned for residential use in 1978. If your home was built before 1978 then your home could contain lead-based paint and should be considered during the renovation.

Federal law requires that contractors performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities, and schools built before 1978 to be RRP certified and follow specific work practices to prevent lead contamination.

For more information on the federal law please refer to the [U.S. EPA Renovation, Repair and Painting](#) website or call the National Lead Information Center at **(800) 424-LEAD [5323]**

**11. What pamphlets do I have to give out in my rental property that was built prior to 1978?**

The information that you are required to provide is dependent on the situation.

Before renting, leasing, or selling of a property built prior to 1978, [federal regulations](#) require disclosure of the existence of lead-based paint and distribution of the booklet "[Protect Your Family From Lead in Your Home](#)" to the occupants.

Prior to making paint-disturbing repairs to an occupied space, the entity that conducts the repair work must provide a copy of "[Renovate Right, Important Lead Hazard Information for Families, Child Care Providers and Schools](#)" to the occupants. For further information regarding the U.S. EPA Pre-Renovation Education Rule please visit the [U.S. EPA's Web page](#).

**12. The health department issued a lead hazard control order to the owner of a residential rental property. Must a licensed Lead Abatement Contractor perform the work or can the owner fix things himself?**

The lead abatement required by a lead hazard control order must be performed by a licensed Lead Abatement Contractor. A Lead Abatement Contractor or Project Designer is not required to do the following:

- (1) Removal of mini blinds;
- (2) Flushing of water lines that are used for drinking or cooking; and/or
- (3) Specialized cleaning not associated with lead abatement.
- (4) Covering of lead-contaminated bare soil with an impermanent covering, such as sod, artificial turf, or six inches of gravel or mulch.

## Consumer Products

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### **13. I have a family heirloom toy or furniture. Is it safe for my child to use?**

That is a hard question to answer. There are many aspects to consider such as the condition of the finish or the use of the item. When in doubt, consider having the item tested or call the Lead Licensure and Accreditation Program at (614) 466-1450 for more specific information.

### **14. Where can I find information on consumer products (toys and furniture) that may contain lead?**

Ohio Administrative Code (O.A.C.) 3701-32 regulations pertain to construction type work in residential units, schools and child care facilities. For more information regarding consumer products please refer to the [Consumer Product Safety Commission \(CPSC\)](#).

## Lead Licensure

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**15. What organization regulates lead-based paint activities in the state of Ohio and is responsible for licensing individuals and approval of laboratories, training providers, training classes, and encapsulation products?**

The Ohio Department of Health, [Lead Licensure and Accreditation Program](#) under authority granted by [Chapter 3742](#) of the Ohio Revised Code and Chapters [3701-32](#) and [3701-82](#) of the Ohio Administrative Code.

**16. Who must obtain a lead license?**

Licenses are required for any person who performs a lead activity in a residential unit, child care facility or school.

**17. What is a lead activity?**

Any aspect of a lead inspection, lead risk assessment, lead hazard screen risk assessment, clearance examination, lead abatement, or lead abatement project design.

**18. How do I apply for a lead license?**

Contact the [Lead Licensure and Accreditation Program](#) at (614) 466-1450 to request a license application or visit our Web site at [www.odh.ohio.gov](http://www.odh.ohio.gov). The "Application for Lead Licensure" (HEA 5803) is available through the "Forms" link.

As of August 2015, applicants for lead licensure may utilize the [Online Application](#) system in lieu of completing the paper application forms.

**19. What do I need to include in my application for licensing?**

The following must be submitted to the Lead Licensure and Accreditation Program:

- 1) A completed application with an original signature.
- 2) A copy of the course completion certificate for the license sought or proof that he or she is a registered sanitarian, industrial hygienist, or sanitarian-in-training.
- 3) Documentation of any required experience.
- 4) A check or money order made out to the "Treasurer, State of Ohio" in the amount listed on the application.

- 5) A photograph must be submitted with the licensure application. A recent passport sized color photo shall be attached. In lieu of attaching the photo, the applicant may e-mail a photo to [lead@odh.ohio.gov](mailto:lead@odh.ohio.gov). The photo must be in JPG format and must be labeled with the applicant's last name and the last four digits of his/her social security number (i.e., Smith 5555).

**20. How long does it take to process my application for lead licensure?**

Applications are generally processed within 2-3 weeks. You will be notified by mail when the program approves your application; you also will be notified if your application is incomplete. You may determine the status of your application by searching your name in the lead database or calling the Lead Licensure and Accreditation Program at (614) 466-1450.

**21. What are the licensing and examination fees?**

<b>Discipline</b>	<b>License Fee</b>	<b>Examination Fee</b>
Lead Abatement Contractor*	\$500	\$70
Lead Abatement Project Designer*	\$500	\$70
Lead Risk Assessor	\$250	\$70
Lead Inspector	\$250	\$70
Lead Clearance Technician	\$250	\$70
Lead Abatement Worker	\$50	\$70

\* The Project Designer and Contractor take the same exam.

**22. How long is my license valid?**

A license is valid for two years from the date of issuance.

**23. Where do I take my third-party exam?**

Licensure examinations are given at test sites established by the third-party testing provider. Contact the Lead Licensure and Accreditation Program at (614) 466-1450 for information about the examination procedure.

**24. What training is necessary to be licensed in Ohio?**

Only training from a training provider approved by the State of Ohio, Director of Health is acceptable for licensure in Ohio. A list of [Ohio-approved lead training providers](#) is available on our Web site, [www.odh.ohio.gov](http://www.odh.ohio.gov) and search "Lead Licensure and Accreditation Program" or by contacting the program at (614) 466-1450.

**25. Is anyone exempt from taking Ohio lead training courses?**

Registered sanitarians, sanitarians-in-training, and certified industrial hygienists are not required to take an *initial* training course. However, taking a training course is highly recommended to help prepare for the licensure exam. All licensees must take a *refresher* training course to qualify for renewal of their license within their current two-year licensure period.

**26. Does a licensed Lead Risk Assessor need to be a licensed Lead Inspector also?**

No. A licensed Lead Risk Assessor can perform all the activities of a Lead Inspector.

**27. Will I be notified when it is time to renew my license?**

Yes. Approximately 60 days prior to expiration, a notice of expiration and a license renewal application will be mailed to the address listed in your file. You are required to notify the Lead Licensure and Accreditation Program within two weeks of changing your contact information in order to keep our files current.

**28. Do I need to pass a third-party examination every two years to renew my license?**

No. The examination is only required for initial licensing.

**29. How do I renew my license?**

To renew your license the following must be submitted to the Lead Licensure and Accreditation Program:

- 1) A completed application with an original signature.
- 2) A copy of the refresher course certificate for the license sought.
- 3) A check or money order made out to the "Treasurer, State of Ohio" for the appropriate fee amount according to renewal application submission date:
  - If a renewal application is submitted prior to the license expiration date, then the fee for renewal is the same as the fee outlined in O.A.C. 3701-32-04(A)(3) (see #21 for fee amounts).
  - If a renewal application is submitted during the thirty days following the license expiration, then the fee for renewal is one and a half times the fee outlined in O.A.C. 3701-32-04(A)(3).
  - If a renewal application is submitted after the first thirty days but before the ninety-first day following the license expiration, then

the fee for renewal is two times the fee outlined in O.A.C. 3701-32-04(A)(3).

- If a renewal application is submitted after the ninetieth day following the license expiration, individuals must retake the initial training course and submit the standard renewal fee to renew the license.
- 4) A photograph must be submitted with the licensure application. A recent passport sized color photo shall be attached. In lieu of attaching the photo, the applicant may e-mail a photo to [lead@odh.ohio.gov](mailto:lead@odh.ohio.gov). The photo must be in JPG format and must be labeled with the applicant's last name and the last four digits of his/her social security number (i.e., Smith 5555).
  - 5) Risk Assessors, Inspectors and Clearance Technician licenses cannot be renewed unless all monthly summaries for the previous two-year licensing period have been submitted via electronic submission per O.A.C. 3701-32-15(D) and accepted.

### **30. When must I take a refresher course?**

With the exception of Clearance Technicians, a licensed person must successfully complete the appropriate Ohio-approved refresher course within their current two-year licensure period. If refresher training is not completed within two years, then the initial course must be repeated. Clearance Technicians must take a refresher course every four years.

### **31. What is the time frame for a person to take and pass the required test for initial licensure?**

You have one year from the last day of attendance at the required training course to pass the third-party examination. If you are exempt from the initial training requirements, you have one year from the date the Lead Licensure and Accreditation Program approves your application to take the examination.

### **32. How will license reciprocity be handled?**

The Lead Licensure and Accreditation Program evaluates reciprocity on a case-by-case basis. An individual currently licensed in another state must complete an application for the discipline requested and provide a copy of the *other* state license.

### **33. What is the scope of practice for the lead licensed disciplines in Ohio?**

Clearance Technician scope of practice O.A.C. 3701-32-05.

- 1) A Clearance Technician is licensed to perform clearance examinations on non-abatement lead projects only.

- 2) A Clearance Technician shall not design, perform, prepare, or provide advice on:
  - a) Lead inspections;
  - b) Lead-based paint sampling;
  - c) Lead risk assessments, lead hazard screen assessments, or other lead assessments activities;
  - d) Lead abatement projects;
  - e) Pre-abatement plans for designed abatement projects;
  - f) Specifications for a lead abatement project; or
  - g) Lead abatement activities.
- 3) A Clearance Technician shall not perform a clearance examination at a residential unit, child care facility or school for the purpose of determining compliance with a lead hazard control order issued pursuant to rule 3701-30- 09 of the Administrative Code

Lead Inspector scope of practice O.A.C. 3701-32-06.

- 1) A Lead Inspector is licensed to perform:
  - a) Lead inspections;
  - b) Lead-based paint sampling; and
  - c) Clearance examinations.
- 2) A Lead Inspector shall not:
  - a) Perform lead risk assessments, lead hazard screen risk assessments, or other lead assessment activities;
  - b) Design lead abatement projects;
  - c) Prepare pre-abatement plans; or
  - d) Perform lead abatement.

Lead Risk Assessor application scope of practice O.A.C. 3701-32-07.

- 1) A Lead Risk Assessor is licensed to conduct:

- a) Lead inspections;
- b) Lead-based paint sampling;
- c) Clearance examinations;
- d) Lead risk assessments;
- e) Lead hazard screen risk assessments;
- f) Other lead assessment activities; and
- g) Identify lead hazard control strategies to reduce or eliminate lead exposures.

2) A Lead Risk Assessor shall not:

- a) Design lead abatement projects;
- b) Prepare pre-abatement plans;
- c) Write lead abatement specifications; and
- d) Perform lead abatement.

Lead Abatement Contractor scope of practice O.A.C. 3701-32-08.

1) A Lead Abatement Contractor is licensed to do the following on residential units, child care facilities and schools, or the soil surrounding them, or both:

- a) Conduct lead abatement;
- b) Provide professional advice regarding lead abatement;
- c) Supervise one or more Lead Abatement Workers;
- d) Write pre-abatement plans and lead abatement specifications;  
and
- e) Perform interim controls and paint stabilization.

2) A Lead Abatement Contractor shall not perform or provide advice on:

- a) Lead inspections;
- b) Lead-based paint sampling;

- c) Clearance examinations;
- d) Lead risk assessments;
- e) Other lead assessment activity; or
- f) Lead hazard screen risk assessments.

Lead Abatement Worker scope of practice O.A.C. 3701-32-09.

- 1) A Lead Abatement Worker is licensed to perform lead abatement. In a residential unit, child care facility or school, or the soil surrounding it, or both, a Lead Abatement Worker may perform:
  - a) Lead abatement;
  - b) Interim controls; and
  - c) Paint stabilization.
- 2) A Lead Abatement Worker shall not:
  - a) Supervise lead abatement;
  - b) Perform or provide advice on lead inspections;
  - c) Perform or provide advice on lead-based paint sampling;
  - d) Perform or provide advice on clearance examinations;
  - e) Perform or provide advice lead risk assessments;
  - f) Perform or provide advice on lead hazard screen risk assessments;
  - g) Perform or provide advice on other lead assessment activity;
  - h) Design lead abatement projects; or
  - i) Prepare pre-abatement plans.

Lead Abatement Project Designer scope of practice O.A.C. 3701-32-10.

- 1) A Lead Abatement Project Designer is licensed to do the following on residential units, child care facilities and schools, or the soil surrounding them, or both:

- a) Design lead abatement projects;
  - b) Conduct lead abatement;
  - c) Provide professional advice regarding lead abatement;
  - d) Supervise one or more Lead Abatement Workers;
  - e) Write pre-abatement plans and lead abatement specifications;  
and
  - f) Perform lead abatement, interim controls, and paint stabilization.
- 2) A Lead Abatement Project Designer shall not perform or provide advice on:
- a) Lead inspections;
  - b) Lead-based paint sampling;
  - c) Lead hazard screen risk assessments;
  - d) Other lead assessment activities; or
  - e) Clearance examinations.

**34. Is a lead license required to test water for lead?**

If the water sample is taken during an on-site investigation to determine and report the existence, nature, severity, and location of a lead hazard in a residential unit, child care facility, or school this activity is considered a part of a lead risk assessment and requires a Lead Risk Assessor license.

If a water sample is taken for overall water quality and the test includes other contaminants along with lead this activity is not considered the determination of a lead hazard thus lead licensure is not required. For further information please contact the Lead Licensure and Accreditation Program at (614) 466-1450 or [lead@odh.ohio.gov](mailto:lead@odh.ohio.gov).

**35. Does an individual tasked to conduct water sampling from school drinking water fixtures for the Facilities Construction Commission - Lead Plumbing Fixture Replacement Assistance Grant of 2016 need to be licensed as a lead risk assessor in Ohio?**

For the purposes of sampling water from drinking water fixtures in schools to satisfy the requirements the Facility Construction Commission - Lead Plumbing Fixture Replacement Assistance Grant of 2016, the individual conducting the water sampling from drinking fountains, water coolers, plumbing fixtures, and

any limited connected piping does not need to be licensed as a lead risk assessor under ODH rules.

## **Training Providers**

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### **36. How does an organization become an approved lead training provider?**

The training provider application process is outlined in O.A.C. [3701-82-01](#). A training provider's application must include:

- 1) A separate application for each course for which the training provider is seeking approval.
- 2) Training manuals (preferably based on the EPA model curriculum)
- 3) A course agenda
- 4) A course test and answer key
- 5) Procedures for the hands-on activities
- 6) A recordkeeping and reporting plan
- 7) A quality control plan
- 8) Documentation of each instructor's qualifications
- 9) A course completion certificate

### **37. What are the fees for training course approvals?**

Training providers must submit \$750 for each initial course and \$250 for each refresher course for which they are applying.

### **38. How long is a training provider approval valid?**

Training provider approval is for three years from the date of issuance.

### **39. Is there a difference between a clock hour and a training hour?**

Yes. A clock hour is a 60 minute hour. Classes are taught on a training hour which equals 50 minutes of actual learning. Meaning for each clock hour of class time, 50 minutes must be dedicated to course material.

## **Lead Risk Assessors, Inspectors and Clearance Technicians**

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### **40. Can a Lead Risk Assessor write lead abatement project specifications?**

No. Only a licensed Lead Abatement Contractor or Project Designer may prepare specifications for the pre-abatement plan referenced in O.A.C. [3701-32-08](#). A Lead Risk Assessor can only recommend abatement and non-abatement control options for identified lead hazards and recommend prioritization for addressing each hazard in a risk assessment report.

### **41. Can a licensed Clearance Technician conduct limited testing, screening, surveying, or evaluation for the presence of lead-based paint or lead-based paint hazards?**

No. Clearance Technicians are licensed to perform clearance examinations on non-abatement projects only. They cannot collect samples for limited testing, screening, surveying, or evaluation of a property.

### **42. Can a licensed Lead Inspector or Lead Risk Assessor conduct limited testing, screening, surveying, or evaluation for the presence of lead-based paint or lead-based paint hazards?**

Yes. Partial testing for the presence of lead-based paint or lead-based paint hazards is permitted, if less than a full lead inspection or risk assessment is needed or desired. The report should reflect that testing was less than a full lead risk assessment or lead inspection.

### **43. What activities must be reported to ODH on Monthly Summary form?**

All lead activities including paint testing, environmental sampling and clearance examinations conducted in a residential unit, child care facility or school must be reported to ODH via the [Environmental Abatement Licensing System](#) by the fifteenth day of the following month (i.e., monthly summary for December 2021 shall be submitted by January 15, 2022). This includes all full or partial risk assessments or inspections and all clearance examinations. This does not include section 8 Housing Quality Standard inspections.

### **44. What procedures do I follow for using an X-Ray Fluorescence instrument (XRF) to test for the presence of lead in paint or for performing a lead inspection of a residential unit, child care facility or school?**

You should follow the most current *HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in House*, Chapter 7, *Lead-Based Paint Inspection*. Registration of the XRF is not required in Ohio.

## **Lead Abatement Contractors, Abatement Workers and Project Designers**

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**45. When is a licensed Lead Abatement Contractor or Project Designer required for construction work in residential units, child care facilities, or schools?**

You are required to use a licensed Lead Abatement Contractor or Project Designer in these situations:

- To work on a property that has been issued a lead hazard control order (LHCO).
- To prepare specifications for lead abatement.
- For any work where lead abatement is intended – either because federal rules require lead hazards must be abated or lead abatement is preferred by the owner or other funding source.

**46. If I am licensed as a Project Designer, do I need to be licensed as a Contractor, too?**

No. A licensed Lead Abatement Project Designer can perform all the duties of a Lead Abatement Contractor.

**47. When must a Lead Abatement Contractor or Lead Abatement Project Designer be present at the lead abatement work site?**

- During worksite preparation.
- During post abatement cleanup.
- Any other time lead abatement is conducted, the Lead Abatement Contractor or Project Designer shall be present at the worksite or shall be able to be present at the worksite within two hours. If not present at the worksite, the Lead Abatement Contractor or Project Designer shall be available for immediate consultation by telephone, pager, or answering service.

**48. If I am licensed either as a Lead Abatement Contractor or a Lead Abatement Project Designer, do I also need to be licensed as a Lead Abatement Worker to perform lead abatement?**

No. Licensed Lead Abatement Contractors and Project Designers can perform all of the duties of a Lead Abatement Worker. Additionally, Lead Abatement Contractors and Project Designers can supervise Lead Abatement Workers performing lead abatement.

**49. If I have completed the Lead Abatement Contractor training course, can I be licensed as a Lead Abatement Worker instead?**

Yes. The Lead Abatement Contractor course includes the material covered in the Lead Abatement Worker course.

**50. For abatement involving window replacement, once a licensed person has removed the window, can a non-licensed person, such as a lead-safe renovator, install the new window?**

No. Only licensed individuals may perform the lead abatement duties which include removal and replacement of the leaded components (i.e., windows, sashes, sills, casings, etc.). Clearance for the lead abatement occurs after the project is complete, that is, after removal and replacement of the leaded components has occurred.

**51. For abatement involving installation of exterior siding or soffit, once a licensed person has installed the dust tight barrier (i.e., house wrap or foam board), may a non-licensed person, such as a lead-safe renovator, install the siding?**

Yes. A non-licensed person may install the siding but only after the dust tight barrier has passed a visual clearance performed by a licensed Risk Assessor or Inspector. A final clearance examination must be performed by a licensed Risk Assessor or Inspector after the installation of the siding. If the final clearance fails, the designated Lead Abatement Contractor is responsible for cleanup and subsequent clearance examinations.

**52. Can the 10-day lead abatement prior notification period be waived?**

No. The prior notification period cannot be waived. However, if a prior notification is submitted online through the [Environmental Abatement & Licensing System](#) the notification can be submitted three days prior to commencement of the lead abatement project. Faxed or e-mailed prior notifications do not constitute an online notification submission.

**53. Can a Lead Abatement Contractor revise a prior notification after it has expired?**

Yes. If for some reason a Lead Abatement Contractor must return to a project site after the expiration of the notification, the Contractor may do so within 30 days. The Contractor must submit a revision to the notification. Once the 30-day grace period passes, the Contractor must file a new original prior notification and the project cannot start until the waiting period ends.

#### **54. How often is personal air monitoring required?**

For the purposes of meeting Ohio Administrative Code personal air monitoring requirements; personal air sampling should be performed by each designated Lead Abatement Contractor or Project Designer annually. The designated Lead Abatement Contractor or Project Designer shall sample at least one employee per job classification for the duration of one project. The program suggests that you call the [Occupational Safety and Health Administration \(OSHA\)](#) at (800) 321-6742 for information on these issues.

#### **55. Where can I obtain personal air monitoring equipment?**

Personal air monitoring equipment can be purchased through your local safety supply company.

#### **56. What documentation must be maintained on site?**

The following documents are required to be on site at active lead abatement projects:

- 1) Site specific occupant protection plan
- 2) Site specific written compliance plan
- 3) Company specific respiratory protection plan (to include air sampling data)
- 4) Physicians written opinion for respirator use
- 5) Valid respirator fit tests with dates
- 6) Hazard communication plan
- 7) Daily sign-in log
- 8) Valid ODH lead licenses
- 9) Lead hazard control order if applicable

ODH also suggests that a copy of the risk assessment be maintained at the site.

#### **57. If I intend to demolish a residential unit, child care facility or school that contains or may contain lead, does the work need to be done by licensed lead abatement individuals?**

No. It is not a requirement to have a lead abatement license when demolishing a building since the residential unit, child care facility or school will no longer exist. However, you should check with local, state, and federal agencies for other

requirements. Contact the [Ohio EPA](#) about construction and demolition debris at (614) 644-2621 and [Occupational Safety and Health Administration \(OSHA\)](#) at (800) 321-6742 regarding worker safety issues.

**58. Do I need to be licensed to demolish a home or property that is under a lead hazard control order?**

No. It is not a requirement to be lead licensed when demolishing a building since the residential unit, child care facility or school will no longer exist. However, you should check with local, state and federal agencies for other requirements. Contact the [Ohio EPA](#) about construction and demolition debris at (614) 644-2621 and [Occupational Safety and Health Administration \(OSHA\)](#) at (800) 321-6742 regarding worker safety issues. The Childhood Lead Poisoning Prevention Program (1-877-LEAD-SAFE) must be consulted to determine what must be done to have the orders lifted from a property when the building(s) are demolished.

**59. What are the requirements for disposal of lead-contaminated waste generated at a lead abatement work site?**

The Ohio EPA issued a guidance document in May 2002 regarding the [disposal of residential lead-paint bearing waste](#). Contact the [Ohio Environmental Protection Agency \(OEPA\)](#) for additional information on these issues at (614) 644-2621.

**60. Is a commercial building subject to the lead rules of the Ohio Administrative Code Chapter 3701-32?**

Only the portion of a commercial building that is used or will be used as a residential unit, child care facility or school, is subject to the O.A.C. 3701-32 requirements. This includes all areas being converted to a residential unit, child care facility or school to include common areas such as restrooms, cafeteria, and play areas.

**61. What is a containment area?**

A containment area is the regulated space where work is taking place. In some instances, this may be a small section of a room while in others it could encompass the entire interior of a house/building. Containment areas are demarcated with signage and some type of physical barrier such as poly sheeting or barrier tape. The level of containment that is to be established is based on the type of activities that are being conducted. To determine the appropriate level of containment, refer to Chapter 8 of the HUD Guidelines which details the appropriate levels of containment.

## Clearance Examination Procedures

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**62. Are interior clearance dust sample results required before the work area can be reoccupied?**

Yes. Occupants may NOT reoccupy the work area until the area has been cleaned, passed a visual examination, and dust samples pass clearance.

**63. What protocol must I follow when performing a clearance examination?**

When determining the appropriate clearance examination protocol, a licensed Lead Inspector, Risk Assessor or Clearance Technician shall consult with rule O.A.C. [3701-32-12](#).

**64. In a house, what is necessary for containment of the work area in order to limit the clearance area to just the one room?**

The containment of the work area is largely dependent on the type and amount of abatement work to be done. Chapter 8 of the HUD Guidelines details the appropriate levels of containment. The person conducting the clearance exam is responsible to determine the appropriate clearance category found in [Appendix A](#) (for residential units) or [Appendix B](#) (for child care facilities and schools) of O.A.C. 3701-32-12. The Contractor may provide proof that appropriate containment methods were taken. If there is no evidence of containment available, then the clearance must be conducted as if there was no containment used.

**65. Can containment be set up so window replacement is done as exterior work requiring only a visual clearance to be done after the work is completed?**

No. Window replacement requires collection of dust samples from the floor, window sill and window trough after the work is completed. Even if containment is established with a plastic barrier on the inside of the home at the window, and the window is removed from the outside, dust sampling is still required. A floor dust sample shall be collected within 10 feet of the containment, and window sill and trough samples shall be collected.

**66. How do I conduct clearance sampling after a failed clearance examination?**

Should sampled leaded dust levels exceed the standards in O.A.C. 3701-32-19(F), cleaning of the failed surface (and any surfaces represented by the failed samples) must be repeated until clearance is achieved. The clearance examiner should explain to the client and Contractor exactly what surfaces in what rooms must be re-cleaned. The re-cleaning should be focused on those types of surfaces where the sampling results indicate that the first round of cleaning was inadequate. For example, if the results for floor dust wipe samples are above

the clearance standard, but interior window sill and window trough dust wipe samples are below the clearance standard, only the floors need to be re-cleaned. Therefore, if a dust wipe sample fails, then the failed surface(s) and all the unsampled surfaces the dust wipe sample represents need to be re-cleaned.

#### Example A

Room	Floors ( $\mu\text{g}/\text{ft}^2$ )	Window Sills ( $\mu\text{g}/\text{ft}^2$ )	Window Troughs ( $\mu\text{g}/\text{ft}^2$ )
1	230	50	90
2	375	65	85
3	5	70	14
4	4	40	5
6*	8		

\* Additional dust sample taken outside and within 10 feet of containment area

Example A assumes a four-room clearance area that may come as a result of interior work with dust containment, only the floors in rooms 1 and 2 would require re-cleaning in example A. The entire floor of each of these two rooms must be cleaned, not just the sampled spot. In this example it would only be necessary to sample the floors in rooms 1 and 2 after the re-cleaning.

#### Example B

Room	Floors ( $\mu\text{g}/\text{ft}^2$ )	Window Sills ( $\mu\text{g}/\text{ft}^2$ )	Window Troughs ( $\mu\text{g}/\text{ft}^2$ )
1	230	50	90
2	375	65	85
3	5	70	14
4	4	40	5

Example B assumes a whole house clearance area, consisting of 10 total rooms resulting from interior work with no dust containment. In this instance, the failing floors in rooms 1 and 2, and all the unsampled floors (Rooms 5-10), would need to be re-cleaned. Dust wipe samples would need to be collected from the floors of four of the re-cleaned rooms (most logically from the 2 failing rooms and 2 additional rooms) to determine whether the rooms pass clearance. It is not necessary to resample any of the surfaces that previously passed clearance.

In either case, new floor dust samples would have to be taken to represent the rooms that were re-cleaned. In example A, there are less than four room equivalents re-cleaned so only those re-cleaned were sampled. In example B, more than four rooms are re-cleaned so samples must be taken in a minimum of four separate room equivalents. Sampling of the re-cleaned surfaces is completed to ensure that the re-cleaning was sufficiently effective. In the second round of sampling, the clearance examiner should take wipe samples from floor, sill or trough locations that are different than the specific wipe locations in the initial round of sampling.

**67. Are composite dust wipe samples acceptable for use in Ohio?**

No. O.A.C. 3701-32-03(A)(20) states that no persons shall collect or analyze composite dust wipe samples when a residential unit, child care facility or school is involved.

**68. Does O.A.C. 3701-32-12(E) apply to schools and child care facilities?**

Yes. Schools and child care facilities are included in this paragraph. The paragraph reads:

“Except as provided in paragraphs (G) of this rule, when performing a clearance examination in residential units, schools and child care facilities, the lead risk assessor, the lead inspector, or clearance technician shall do all of the following:”

**69. Can I sample less than four separate room equivalents when interior work with dust contamination is in less than four rooms inside a residential unit?**

Yes. If interior work was done with dust containment in less than four separate room equivalents then a dust sample shall be collected from a floor, and if present window sill and window trough, from each room equivalent within the containment area, and an additional floor dust wipe sample shall also be collected outside and within 10 feet of the containment area.

**70. What documentation must be included in a lead clearance examination report?**

The requirements for lead clearance examinations can be found in [O.A.C. 3701-32-12](#). ODH has created two forms that will assist in providing the required documentation for clearance examination reports:

- 1) [Clearance Examination Report](#)
- 2) [Required Lead Hazard Control Visual Clearance](#)

The Lead Inspector, Risk Assessor or Clearance Technician shall prepare a clearance examination report for each clearance examination performed. The clearance examination report shall be written in a format prescribed by the director and shall comply with [O.A.C. 3701-32-15](#) and contain the following:

- 1) The address of the residential unit, child care facility or school and, if only part of a property is affected, the specific dwelling units and common areas affected;
- 2) Name, address, and telephone number of the owner and manager of the residential unit, child care facility or the name, address and telephone number of the school principal;

- 3) Information on the lead abatement or non-abatement activity for which the clearance examination was performed, including:
  - a) Start and completion dates of the lead abatement or non-abatement activity for which the clearance examination was performed;
  - b) Name, address, and telephone number of the designated Lead Abatement Contractor or Lead Abatement Project Designer, or persons performing non-abatement activity; and
  - c) A detailed written description of all lead abatement, interim controls, and paint stabilization locations where the activity was performed and suggested monitoring schedule of encapsulants, enclosures, and non-abatement lead activities to maintain sufficient control of lead hazards;
  
- 4) The following information on the clearance examination:
  - a) Date of all clearance examinations;
  - b) Name, address, license number and signature of each person performing the clearance examination;
  - c) For a clearance examination following lead abatement on a property under a Lead Hazard Control Order (LHCO) in accordance with rule 3701-30-09 of the Ohio Administrative Code: A statement indicating whether all the lead hazards identified in the LHCO have been sufficiently eliminated or controlled, based on comparison of the LHCO with the work performed;
  - d) Findings of each visual assessment on a form prescribed by the director;
  - e) A diagram of the floor plan of the residential unit, child care facility or school illustrating the location of each environmental sample collected;
  - f) Sample location and result of each dust sample analysis in micrograms per square foot;
  - g) Sample location and result of each soil sample analysis in parts per million or percent lead by weight;
  - h) Sample location, type, and result of each water sample analysis in parts per billion; and

- i) Name, address, telephone and approval number of each lead analytical laboratory conducting the analysis of any environmental sample and a copy of the laboratory results.

**71. Can X-Ray Fluorescence instrument (XRF) analysis of clearance dust wipes be used to allow occupants to reoccupy the property after lead hazard control work (abatement or lead safe renovation)?**

No. Clearance dust wipes must be analyzed by an Ohio approved laboratory and pass clearance prior to the occupants reoccupying the property. There is no process in place for an XRF to become an approved Ohio Environmental Analytical Laboratory.

**72. Can occupants remain in the home during window replacement?**

The occupants may remain in the home only if containment can be established to protect them from dust and to prohibit access to the work area. Occupants must have bathroom and kitchen access if they remain in the home but may not enter the contained work area. They must also have an entry way to/from the home that is outside the work area, free from dust, debris, and other hazards.

Occupants may NOT reoccupy the work area until the area has been cleaned, passed a visual examination, and dust samples pass clearance.

**73. When must occupants be relocated during lead hazard reduction (lead abatement) work?**

Occupants shall not be permitted to enter the work area (the area where lead hazard reduction work is being performed) and any containment area associated with lead hazard reduction activities. Occupants shall be relocated before and during lead hazard reduction work unless:

- Lead hazard reduction work will not disturb lead-based paint, dust-lead hazards, or soil-lead hazards.
- Only the exterior of the dwelling is treated, and windows, doors, ventilation intakes and other openings in or near the work area are sealed during lead hazard reduction work and cleaned afterward, and entry free of dust-lead hazards, soil-lead hazards, and debris is provided.
- Treatment of the interior will be completed in one 8-hour period, and the work area is contained to prevent the release of leaded dust and debris into other areas, and treatment does not create any other safety, health, or environmental hazards.
- Lead hazard reduction work in the interior will be completed in five calendar days, the work area is contained to prevent the release of

leaded dust and debris into other areas, treatment does not create other safety, health, or environmental hazards; and at the end of each work day, the work area and the area within at least 10 feet of the containment area is cleaned to remove any visible dust or debris, and occupants have safe access to sleeping areas, and bathroom and kitchen facilities.

Occupants may NOT reoccupy the work area until it has been cleaned, passed a visual examination, and dust samples pass clearance.

**74. Lead abatement is being done on a 10-unit apartment building that has some units occupied. Must the occupants be relocated during the abatement?**

The occupants may remain only if:

- The work area is contained to prevent the release of leaded dust and debris into other areas and prohibit access to the work area.
- Treatment does not create other safety, health, or environmental hazards.
- At the end of each workday, the work area and the area within at least 10 feet of the containment area is cleaned to remove any visible dust or debris.
- Occupants have safe access to sleeping areas, and bathroom and kitchen facilities.

If there is only one common area entryway to the individual apartment units, this entryway will be part of the work area and the occupants must be relocated.

Occupants may NOT reoccupy the work area until it has been cleaned, passed a visual examination, and dust samples pass clearance.

## **Environmental Lead Laboratory Approval**

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### **75. When is it necessary to be approved as an Ohio Environmental Lead Laboratory?**

Any person or a laboratory providing or offering to provide lead analysis in air, dust, soil, paint film where the samples have been collected from a residential unit, child care facility or school, must be approved by the director of health.

### **76. How do I apply for Environmental Lead Analytical Laboratory Approval?**

The application procedure is outlined in O.A.C. 3701-82-02(B). The laboratory seeking approval must submit all of the following:

- 1) The applicant submits a complete application.
- 2) The applicant demonstrates successful quarterly performance in the "Environmental Lead Proficiency Analytical Testing" (ELPAT) program and is currently accredited by an accrediting organization that participates in the "National Lead Laboratory Accreditation Program" (NLLAP) as provided for in the "Housing and Community Development Act of 1992," 106 Stat. 3672, 42 U.S.C., 15 U.S.C. 2601 et seq, 15 U.S.C. 2681 et seq, and 15 U.S.C 2683.
- 3) The applicant demonstrates compliance with the record-keeping and reporting requirements of rule O.A.C. 3701-32-14.
- 4) The applicant certifies that the laboratory will comply with all the requirements of its NLLAP recognition.
- 5) A check or money order made payable in the amount of \$300 to the Treasurer, State of Ohio.

As of August 2015, applicants for Laboratory approval may utilize the [Online Application](#) system in lieu of completing the paper application forms.

### **77. How long is an Environmental Lead Analytical Laboratory Approval valid?**

Environmental Lead Laboratory approval is for one year from the date of issuance.

### **78. What is the renewal procedure for Environmental Lead Analytical Laboratory Approval?**

The laboratory renewal procedure is the same as for initial approval.

## **Clinical Lead Laboratory Approval**

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### **79. When is it necessary to be approved as an Ohio Clinical Lead Laboratory?**

Any analysis for lead content of blood or urine samples, taken from Ohio residents, must be performed by an Ohio Approved Clinical Lead Laboratory.

### **80. If I use any Lead Care Analyzer manufactured by Magellan Instruments, do I still need approval as an Ohio Clinical Lead Laboratory Approval?**

Yes. A laboratory using a "Clinical Laboratory Improvement Amendments of 1988" (CLIA) waived procedure for blood lead analysis must perform blood lead proficiency testing at least twice annually and provide a copy of the results to ODH within five days of receiving the results as an additional requirement of laboratory approval.

### **81. How do I apply for Clinical Lead Laboratory Approval?**

The application procedure for clinical lead analytical laboratory approval is outlined in O.A.C. [3701-82-02\(E\)](#). The laboratory seeking approval should submit all of the following:

- 1) The applicant submits a complete application for approval as a clinical laboratory in accordance with paragraph (L) of this rule;
- 2) The applicant demonstrates possession of a current CLIA certification or certificate of waiver by the U.S. Department of Health and Human Services as set forth in P.L. 100-578 to perform blood lead testing;
- 3) The applicant demonstrates compliance with the record-keeping and reporting requirements set forth in rules 3701-30-05 and 3701-32-14 of the Ohio Administrative Code;
- 4) The applicant certifies that the laboratory will comply with all the requirements of its CLIA accreditation by signing the application; and
- 5) An applicant that analyzes blood for lead content under a CLIA certificate of waiver must successfully participate in a proficiency testing program that is also acceptable for CLIA non-waived blood lead analysis procedures.
- 6) A check or money order in the amount of \$300 made out to the Treasurer, State of Ohio.

As of August 2015, applicants for Laboratory approval may utilize the [Online application](#) system in lieu of completing the paper application forms.

**82. How long is a Clinical Lead Laboratory Approval valid?**

Clinical Lead Laboratory approval is valid for one year from the date of issuance.

**83. What is the renewal procedure for Clinical Lead Laboratory Approval?**

The laboratory renewal procedure is the same as for initial approval.

**84. Can blood lead test data be reported on paper to ODH?**

No. O.A.C. 3701-32-14(C) requires this data can only be reported via electronic transfer.

**85. Who do I contact about electronic data report?**

Contact the Ohio Department of Health, Ohio Healthy Homes and Lead Poisoning Prevention Program at (614) 728-6816 for electronic data reporting requirements.