

**2019 Technical Meeting
American Society of Safety
Professionals
Southwest Chapter**

Texas Mold Assessment & Remediation Rule

Texas Asbestos Health Protection Rule

Texas Environmental Lead Reduction Rule

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TEXAS MOLD ASSESSMENT & REMEDIATION RULE TMARR

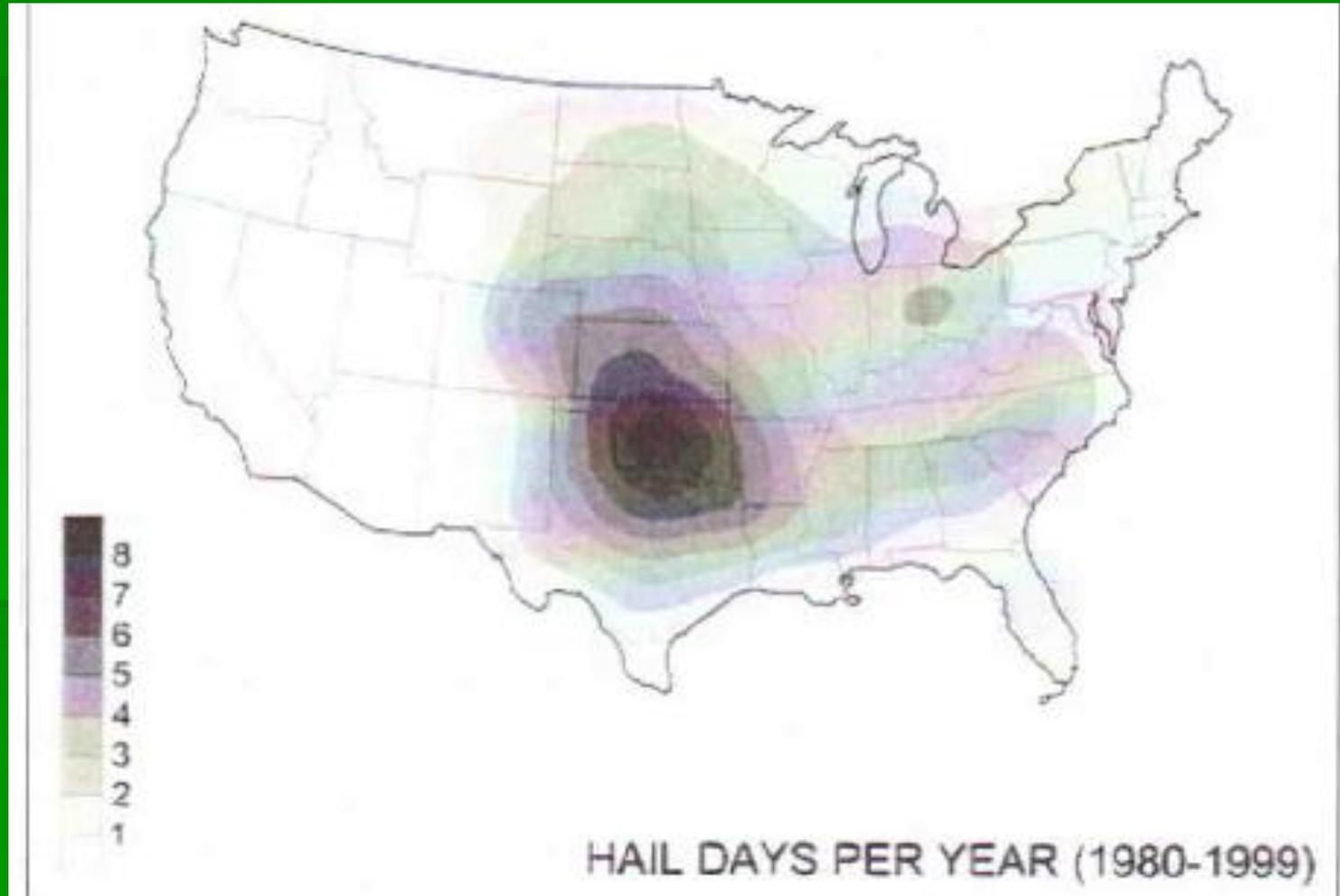
WHY have Mold regulations?!?!

- Health Based?
- Economic based?
- Insurance based?
- Consumer protection?
- Protection from whom?
 - Insurance companies?
 - “Evil” Mold Contractors?
 - (They just wanna “make a buck”)

Home Insurance

- Cost of living in Texas
- Data from 2003-04 showed that:
 - Texas ranked #1 (highest cost) in Home owner insurance premiums
- Why so expensive?
 - Hurricanes, floods, hail, wind
 - Large state

Home Insurance



Fiess Case

- No.04-1104 IN THE SUPREME COURT OF TEXAS
- RICHARD FIESS and STEPHANIE FIESS, *Plaintiffs-Appellants* v. STATE FARM LLOYDS *Defendant-Appellee*
- On a Question of Law Certified by the U.S. Court of Appeals for the Fifth Circuit Cause No. 03-20778
- National Assoc. of Mutual Insurance Companies published a newsletter: “stressed that most mold claims were covered as an ensuing loss from the accidental water discharge peril provision within each policy.”
- ... **“this Court should answer the certified question in the affirmative, holding that in 2001, HO-B policies covered mold damage when it was the result of a covered water loss.”**

Ballard Case

- Ballard v. Fire Insurance Exchange
- **Case Number:** 99-05252 **Date:** 12-17-2001

Court: District Court, Travis County, Texas

Description: Bad faith breach of insurance contract and Deceptive Trade Practices Act - Plaintiffs filed a claim for damages they sustained when their home became contaminated with a life-threatening mold. Fire Insurance Exchange asserted that the claim was not covered by the insurance Ms. Ballard purchased on her home from the defendant. The Stachybotrys mold which invaded the home after the wood floor in the 22-room home got wet in 1998. Plaintiffs claimed that the only way to deal with the problem was to demolish the structure.

Ballard Case

- **Outcome:** Plaintiff's verdict for \$32 million. Reduced on Appeal amount not know.
- **In 2001, "Farmers registered more than 12,000 mold claims, up from 12 in 1999.** Allstate says its monthly tally of such claims in Texas climbed to 1,000 in the first three months of this year, up from 40 a year ago." *Harsh Policies: Hit With Big Losses, Insurers Put Squeeze on Homeowners*, Wall Street Journal, May 14, 2002, at A1.

Indoor Environmental Connections Magazine

Dec. 2008, Page 10 “*Industry Views: The Best and Worst of EQ in 2008*”

“In my opinion, there is no doubt that the fundamental intent of the mold legislation in Texas was to curb the consulting and remedial extremism amplified through lawsuits in, what I refer to as, the Texas Mold/Insurance Wars of 2001-2004.”

Larry Robertson, Tech. Director
Indoor Environmental Consultants
Jewett, Texas

Purpose

- Regulations for *mold assessors and remediators conducting mold related activities* in regulated buildings *that affect the indoor air quality*.
- Requirements for licensing, registration and accreditation of assessment and remediation individuals and companies.
- License duration is 2 years.

Exceptions and Exemptions

- **Tasks not conducted for purposes of mold assessment or mold remediation:**
 - **Routine cleaning**
 - **Diagnosis, repair or replacement of utilities or HVAC**
 - **Repair, replacement or cleaning of construction materials**
 - **Incidental discovery**
 - **Emergency situations**
 - **Custodial or preventative maintenance**
 - **Routine assessment of government property**
 - **Pest control inspection**
 - **Residential or commercial real estate inspections**

Exceptions and Exemptions

- Total surface area less than 25 contiguous square feet affected total surface area
- Owner, managing agents or employee of residential property with fewer than 10 residential dwelling units regardless of total square feet in the residential property, except if engaged in assessment and remediation for the public.

Mold Assessment, Management, & Remediation

- **Inspection, investigation, or survey origin of mold growth**
- **Assessment and collection or analysis of samples**
- **Assessment Report, Management Plan (guidance for prevention) or Remediation Protocol**
- **Mold Remediation Protocol estimates quantities and location of materials, proposed remediation methods, and clearance criteria**

Mold Assessment Work Practices

- **Determine source, location, and extent of mold growth**
 - **Enable a Mold Assessment Consultant to develop a Mold Remediation Protocol or a Mold Management Plan**
- **Determine water or moisture source**
- **PPE is recommended**
- **Sampling and data collection by nationally accepted methods**
- **Proper sample documentation with COC**
- **Prepare Mold Remediation Protocol**

Mold Remediation Protocol

- **Must Specify:**
 - **Demarcate Room or Area of Mold Remediation**
 - **Estimated quantities of materials to be removed or cleaned**
 - **Remediation Methods employed**
 - **Containment Requirement**
 - **Proposed PPE**
 - **Clearance Procedures and clearance criteria for each area and for each remediation process**

Mold Remediation Protocol

- Consider whether building owner should inform building occupants of extent and nature of the remediation work
- Containment must be used, if more than 25 contiguous sq. ft
 - When constructed and operated under normal work conditions prevents the spread of mold to areas outside the work area
- Walk-in containment requires:
 - Lower pressure within containment compared to adjacent building areas
 - HVAC supply and return registers sealed
- Biocides must be used in strict accordance with EPA registered intended use, and consistent with manufacturers labeling instructions
 - Consider potential occupant sensitivities and adverse reactions to biocides

Mold Remediation Work Practices

- Contractor shall prepare remediation work plan addressing specifics from the remediation protocol
- PPE recommended N95 respirator > 25 sq .ft.
- Notice signs required
 - “NOTICE: Mold Remediation Project in Progress”
 - 8 x 10 inches
 - Black Lettering on Yellow Background
 - Text visible from 10 feet
- Containment in place until passed clearance criteria is met. Walk-in containment must remain in place until the MRC receives a written statement of passed clearance from the MAC.
- Biocide applicator must be licensed with Structural Pest Control Board

Notifications

- Remediation contractor or company shall notify TDSHS of project more than 25 sq.ft.
- Indicate Start date and Stop Date for project
- No less than 5 days prior to start
- Notify department of changes
- Emergencies, notify as soon as practicable
- Notification fee \$25
- Contractor shall remit payment.

Post Remediation Assessment and Clearance

- **Conducted by a Mold Assessment Consultant using visual, procedural, and analytical methods**
 - Free from all visible mold growth and wood rot
 - Work completed in compliance protocol and work plan
 - Determine to the extent feasible that the underlying cause of the mold has been remediated, and
 - Reasonably certain the mold will not return
 - Clearance Criteria includes “underlying cause of mold”

Post Remediation Assessment and Clearance

- **Use nationally recognized analytical methods which were specified for determination within each remediated area**
- **Prepare a Clearance Report or Final Status Report**
 - **Description of worksite observations**
 - **Type and location of measurements and sample collection areas, and relevant site data**
 - **Results of analytical data evaluation**
 - **Copies of all Photographs**
 - **Clear statement of passing clearance**

Photographs, CMDR, Duty of Property Owner

- MRC will provide to Property Owner copies of before and after remediation photographs within 10 days of stop date
- MRC will provide a copy of the CMDR-01 within 10 days of stop date signed by the MAC and MRC.
- Copies of CMDR's issued kept for 3 years
- Property Owners must give a copy of all CMDR's issued in the 5 years preceding the sale of that property to buyer.

Licenses

- **Complete required training**
 - **Accredited Training after January, 2005**
- **Exam requirements:**
 - **Must pass state administered exam with 70%**
 - **\$60.00 exam fee**

Insurance Requirements

- Must have at a minimum 1 Million of commercial general liability with insurance companies authorized to do business in Texas
- Self-insured Government is exempt
- Self-insured business or private need department approval
- Must name TDLR Environmental and Sanitation Licensing Group as additional Certificate holder with 10 days notification of material change or cancellation.
- Must provide proof on application of license.
Individuals need proof of insurance

Mold Assessment Technician

- Provide Consumer Mold Information Sheet
- Visual observations, and measurements during pre and post remediation assessment
- Collect baseline samples
- Prepare mold assessment report
- Collect Post Remediation Assessment sampling under direction of an onsite Mold Assessment Consultant
- High School diploma or GED
- Pass course and State licensing exam (50 questions)
- 24 hour of training or MAC course
- \$150 for 2 year license

Mold Remediation Contractor

- Provide Consumer Mold Information Sheet
- Provide Mold Remediation Work Olan to client
- Develop a Mold Remediation Work Plan based on Protocol or SOPs.
- Prerequisite:
 - BS and 1 year of experience or
 - 60 hours of college credits and 3 years experience
 - High School diploma and 5 years of experience
 - or CIH, CSP, PE, registered sanitarian, registered architect with 1 year of experience, and
 - 40 hours of accredited course work
- Pass course and exam (100 questions)
- \$450 for 2 year license

Mold Remediation Company

- **Company with two or more individuals required to be licensed (consultant or technician)**
- **Designate a licensed MAC to be the “Responsible Person”**
- **Physical address in Texas**
- **Notify TDSHS of changes of responsible person and 10% ownership within 10 days**
- **Maintain office in Texas**
- **\$850 for 2 year license**

Mold Assessment Consultant

- Provide Consumer Mold Information Sheet
- Provide Mold Remediation Protocol to client
- Plan survey and sampling, develop a mold management plan, mold remediation protocol, certify that underlining cause has been remediated, complete mold remediation certificate
- Prerequisite:
 - BS and 1 year of experience or
 - 60 hours of college credits and 3 years experience
 - High School diploma and 5 years of experience
 - or CIH, CSP, PE, registered sanitarian, registered architect with 1 year of experience, and
 - 40 hours of accredited course work
- Pass course and exam (100 questions)
- \$500 for 2 year license

Mold Assessment Company

- **Company with two or more individuals required to be licensed (consultant or technician)**
- **Designate a licensed MAC to be the “Responsible Person”**
- **Physical address in Texas**
- **Notify TDSHS of changes of responsible person and 10% ownership within 10 days**
- **Maintain office in Texas**
- **\$850 for 2 year license**

Civil Liability Exemption

- (a) A property owner is not liable for damages related to mold remediation on a property if a Certificate of Mold Damage Remediation has been issued under this title (relating to Photographs; Certificate of Mold Damage Remediation; Duty of Property Owner) for that property and the damages accrued on or before the date of the issuance of the Certificate of Mold Damage Remediation.
- (b) A person is not liable in a civil lawsuit for damages related to a decision to allow occupancy of a property after mold remediation has been performed on the property if a Certificate of Mold Damage Remediation has been issued under this title for the property, the property is owned or occupied by a governmental entity, including a school, and the decision was made by the owner, the occupier, or any person authorized by the owner or occupier to make the decision.

TEXAS ASBESTOS HEALTH PROTECTION REGULATION (TAHPR)

Website

- TDSHS Asbestos Program
 - <http://www.dshs.state.tx.us/asbestos/default.shtm>

- TAHPR
 - [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=5&ti=25&pt=1&ch=295&sch=C&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=5&ti=25&pt=1&ch=295&sch=C&rl=Y)

295.55(a) (5) Necessary qualifications:

- (A) Individuals not eligible for employment in the United States will not be licensed.
- (B) Eligibility for refresher training courses is dependent on the effective date of the initial training
- (C) Certain asbestos training courses require the successful completion of other training courses as a condition for admission

295.64(a) (4) Valid training courses performed in other states...

- In the last 12 months...
- By EPA approved training providers shall be accepted...
- Provided the applicants have completed an approved course in Texas asbestos law and rules...
- *Must take state exam*

295.64(a) (5) The one-year period of validity...

- Following the effective date of a required asbestos course may be extended by completing the appropriate annual refresher training. Failure to complete annual refresher training within two years of the most recent training shall require that the original course be repeated.

295.64(h) Texas Law and Rules

- Persons seeking an asbestos license or worker registration with the department who submits out-of-state training as a means of qualification must successfully complete an approved three-hour course on Texas asbestos health protection law which shall be conducted by a training sponsor licensed by the department. This requirement shall be completed prior to commencing any licensed asbestos activity within the state.

Application and Purpose

- “Protect Human health in “Public Buildings”.
- “Bipolar Disorder”?
 - Public Building (Post Office in a Strip Mall)
 - “Non-Public” (Post Office Downtown)
 - “Non-Public” is usually called a “NESHAP Project”

Important Sections in TAPHR

- **§295.32, (79) Public building**--The interior space of a building used or to be used for purposes that provide for public access or occupancy, including schools, hospitals, prisons and similar buildings. Interior space includes exterior hallways connecting buildings, porticos, and mechanical systems used to condition interior space. The term includes any such interior space during a period of vacancy, including the period during preparations prior to actual demolition. **The term does not include:**
 - (A) an industrial facility to which access is limited principally to employees of the facility because of processes or functions that are hazardous to human safety or health;
 - **(B) a federal building or installation (civilian or military);**
 - **(C) a private residence;**
 - **(D) an apartment building with no more than four dwelling units;**
 - (E) a manufacturing facility or building that is limited to workers and invited guests under controlled conditions;
 - (F) a building, facility, or any portion of which, prior to demolition, has been determined to be structurally unsound and **in danger of imminent collapse by a professional engineer, registered architect, or a city, county, or state government official;** or
 - (G) the portion of a building which has become structurally unsound **due to demolition.**

§295.34 Asbestos Management in Facilities and Public Buildings

- “(c) Conditions requiring a mandatory asbestos survey for ACBM. Prior to any renovation or dismantling within a public building, commercial building, or facility, including preparations for partial or complete demolition, as required by 40 CFR, §61.145, owners must have a thorough survey performed. The work area and all immediately surrounding areas which could foreseeably be disturbed by the actions necessary to perform the project must be inspected and sampled as applicable prior to renovations or demolition. A copy of the survey report must be produced upon request by the Texas Department of Health (department). If a survey cannot be performed before demolition or renovation is started due to the building being structurally unsound and unsafe to enter, all material must be presumed to contain asbestos and must be treated as ACBM.”

§295.34 Asbestos Management in Facilities and Public Buildings

- (g) Mandatory abatement project design. A project design, with respect to friable ACM, must be prepared by either a licensed consultant (for a school or public building) or an accredited project designer (for a commercial building) for all projects which involve any of the following activities:
 - (1) A response action other than a SSSD activity,
 - (2) a maintenance activity that disturbs friable ACM other than a SSSD activity, or
 - (3) a response action for a major fiber release episode. Abatement projects which have a combined amount of non-friable asbestos exceeding 160 square feet of surface area, or 260 linear feet of pipe length, or 35 cubic feet of material to be removed from a public building shall require that the project be designed by a licensed asbestos consultant. The exception to this requirement is for floor tile removed in accordance with §295.36 In a commercial building, non-friable material does not require a design but must be treated in accordance with 40 CFR Part 61, Subpart M.

§295.34 Asbestos Management in Facilities and Public Buildings

- (f) Mandatory notification. Notification is required in accordance with §295.61 of this title (relating to Operations: Notifications) under the following conditions.
- (1) Notification is required for any demolition of a facility or public building, whether or not asbestos has been identified.
- (2) In a **public building**, a notification to **abate any amount of asbestos** must be submitted to the Texas Department of Health (department) by the public building owner and/or operator. In a **facility**, a notification to abate **amounts described in NESHAP** must be submitted to the department by the facility owner and/or operator.

§295.34 Asbestos Management in Facilities and Public Buildings

- “(i) A person may not install building materials or replacement parts as stated in subsection (j) of this section, in a public building unless:
- (1) the person obtains a required MSDS showing that the materials or replacement parts contain 1.0% or less of asbestos; or
- (2) the materials or replacement parts, according to the MSDS, contain more than 1.0% asbestos but there is no alternative material or part as demonstrated by the building owner or contractor.” (2003)

§295.34 Asbestos Management in Facilities and Public Buildings

- “(l) Survey Required.
- (1) In this section, "permit" means a license, certificate, approval, registration, consent, permit, or other form of authorization that a person is required by law, rule, regulation, order, or ordinance to obtain to perform an action, or to initiate, continue, or complete a project, for which the authorization is sought.
- (2) A municipality that requires a person to obtain a permit before renovating or demolishing a public or commercial building may not issue the permit unless the applicant provides:
 - (A) evidence acceptable to the municipality that an asbestos survey, as required by this Act, of all parts of the building affected by the planned renovation or demolition has been completed by a person licensed under this Act to perform a survey; or
 - (B) a certification from a licensed engineer or architect, stating that:
 - (i) the engineer or architect has reviewed the material safety data sheets for the materials used in the original construction, the subsequent renovations or alterations of all parts of the building affected by the planned renovation or demolition, and any asbestos surveys of the building previously conducted in accordance with this Act; and
 - (ii) in the engineer's or architect's professional opinion, all parts of the building affected by the planned renovation or demolition do not contain asbestos.

§295.58 Operations: General Requirements for Public Buildings

- (h) Sampling for asbestos. **Building materials that have not been surveyed in accordance with this subsection and are suspect asbestos-containing material shall be treated as asbestos-containing material.** At a minimum, three samples from each homogeneous area must be analyzed to rebut the presence of ACM for abatement or operations and maintenance (O&M) activities, regardless of the protocol used. A survey performed by a licensed asbestos inspector must use accepted standards such as the Asbestos Hazard Emergency Response Act (AHERA) protocol specified in 40 CFR §§763.85-763.88. Only laboratories licensed by the State of Texas may be used to evaluate samples taken from within public buildings in Texas. **Building materials that have not been surveyed in accordance with this subsection and are suspect asbestos-containing material shall be treated as containing asbestos.**

§295.58 Operations: General Requirements for Public Buildings

- (i) Project monitoring. The asbestos consultant shall specify the protocol for monitoring the project. This will include the duties and responsibilities of the project manager and the air monitoring requirements. Only one cassette may be placed on a pump at a time.
 - (1) Baseline
 - (2) Ambient
 - (3) Clearance.

§295.60 Operations: Abatement Practices and Procedures for Public Buildings

- (a) (1) Federal work practices for asbestos abatement are referenced in 40 Code of Federal Regulations (CFR) §61.145, Environmental Protection Agency (EPA) titled "Standard for Demolition and Renovation," as amended.
- (2) An asbestos project consultant, who is licensed under §295.47 of this title (relating to Licensure: Individual Asbestos Consultant), may specify work practices that vary from the requirements of this section as long as the work practices specified are at least as protective of public health and are clearly described in the project notification submitted to the Texas Department of Health (department). The burden of proof for establishing equivalent protection rests with the asbestos consultant. Alternative control methods as referred to in 29 CFR §1926.1101(g)(6), such as dry removal or no negative air, shall be reviewed and certified in writing as at least as protective of the public health as the standard method described in this section by a Certified Industrial Hygienist (CIH) or a Professional Engineer (PE) licensed in Texas and shall be approved in writing by the Chief of the Asbestos Programs Branch, Toxic Substances Control Division, prior to the start of abatement. An applicant should allow 30 days from the date of submitting an alternative control method until final department approval or denial is issued.

§295.60 Operations: Abatement Practices and Procedures for Public Buildings

- (d) Floor and wall preparation. Floor sheeting shall completely cover all floor surfaces and consist of a minimum of two layers of sheeting with at least a dart impact of 270 grams and tear resistance of machine direction (M.D.) 512 grams and transverse direction (T.D.) of 2067 grams or at least six-mil true thickness.

- (m) Safety requirements. The following safety requirements shall be in effect for an abatement project:
 - (1) Fire safety. A minimum of one fire extinguisher with a minimum National Fire Protection Association rating of 10BC (dry chemical) shall be placed within each abatement project containment for every 3,000 square feet, or fraction thereof, of containment area. Each fire extinguisher shall be maintained in a fully charged and operable condition.

§295.61 Operations: Notifications

- (a) General provision. The Texas Department of Health (department) shall be notified on a form specified by the department of any asbestos abatement activity, renovation or operations and maintenance (O&M) activity affecting asbestos-containing building materials (ACBM), or any demolition in facilities or public buildings.
- (1) Public buildings. The department shall be notified of any demolition of a public building whether or not asbestos has been identified. The department shall be notified of other abatement projects, disturbances, or renovations involving the abatement of any amount of asbestos within a public building.
- (2) Facilities. For all facilities which are not otherwise subject to this title as public buildings, the department shall be notified of any demolition of a facility, whether or not asbestos has been identified. The department shall be notified of any abatement project, disturbance, or renovation involving the abatement of asbestos within a facility, as required by and in accordance with NESHAP.

§295.70 Compliance: Administrative

Penalty (f)

- **(1) Critical violation.... NTE \$10,000 per day, per violation. Examples...**
- **(A) failure to establish effective containment during abatement of friable material;**
- **(B) permitting disposal of friable asbestos-containing building material (ACBM) at uncontrolled sites;**
- **(C) working without a license or with improper (forged, altered, etc.) license;**
- **(D) failure to adequately prevent public entry to potentially contaminated areas;**
- **(E) failure to maintain material in an adequately wet condition;**
- **(F) submitting a forged or altered training certificate in order to obtain a training provider or other license; ...**

§295.70 Compliance: Administrative

Penalty (f)

- **(2) Serious violation. ...NTE\$1,000 per day, per violation.**
Examples ...
 - **(A) working with a lapsed or suspended license;**
 - **(B) submitting an improper notification;**
 - **(C) a training provider failing to conduct a training course for the specified time period.**
 - **(D) training with a lapsed training provider license.**
- **(3) Significant violation. ...NTE \$100 per day, per violation.**
Examples.
 - **(A) failure to properly complete the notification form;**
 - **(B) failure to post required documents listed in §295.**
 - **(C) failure to have worker certificate on a job site;**
 - **(D) failure of a training provider to submit information to the department regarding training course schedules.**

§295.70 Compliance: Administrative Penalty

- **(e) A person is subject to double the initial penalty on second finding of violation of any provision of the act or rules. Third and subsequent violations of a provision are subject to five times the initial penalty.**

**TEXAS
ENVIRONMENTAL
LEAD REDUCTION
RULE
TELRR**

- Impact of the Lead Repair, Renovation and Repainting Rule in Texas.
 - DSHS Lead Program did not accept the LRRP requirements in the State. EPA retains responsibility for enforcement of the LRRP in Texas.
 - TELRR does extend some of the HUD rules into COFs by state rules. The impact to the LRRP enforcement or portions has yet to be determined.
 - TELRR is a combination of the EPA 745 rule and the HUD 24 CFR 35.

Texas Environmental Lead Reduction Rules

- Purpose: to establish the means to control and minimize public exposure to lead by regulating LBP activities in target housing and child occupied facilities

Definitions

- (76)Target housing - Constructed prior to 1978, except housing for the elderly or person with disabilities (unless any child who is 6 years of age or younger resides or is expected to reside in such housing) or any zero-bedroom dwelling

Texas Environmental Lead Reduction Rules

- Child occupied facility: constructed before 1978, including but not limited to , a day-care center, preschool, or kindergarten classroom, that is visited regularly by the same child, 6 years of age or younger, at least two day in any calendar week if the visits are for at least
 - Three hours each day; and
 - 60 hours each year

T-1

295.202 (52)Lead Abatement (B) Excludes

- (i) renovation, remodeling, or landscaping activities, which are not designed to permanently eliminate LBP hazards, but instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of LBP hazards
- (ii) interim controls, O&M...
- Demolition of target housing buildings or COF

T-2

Lead Inspector: Certification Requirements

- TELRR 295.206 (a) a person must be certified by the department as a lead inspector to engage in lead inspection of target housing & child-occupied facilities.
- Certifications issued by the department prior to 1-1-2005, are valid for a period of three years from the date of issue, provided that the appropriate fee is paid on time each year.
- Certifications issued by the department on or after 1-1-2005, are valid for a period of two years from the date of issue.

Requirements (Risk Assessor)

295.207

- Training course (Inspector and RA)
- Pass state certification examination (RA) 70%
- Additional education and/or experience
 - Bachelor's degree and 1 year experience in a related field.
 - Associate's degree and 2 years exp. In a rf.
 - H.S. diploma and 3 years exp. In a rf.
 - Certification as an IH, PE, Public health nurse, professional registered sanitarian, certified safety professional, registered architect or environmental scientist.

Requirements (RA) [continued]

- Submit application
- Pay fee within six months of passing examination
- Required to engage in lead risk assessment or lead hazard screens of target housing and child-occupied facilities

T-9 and T-10

Certification renewal

- 295.207(e)
 - Application for certification renewal. To become re-certified, the certified RA must successfully complete lead inspector & lead risk assessor refresher training courses from a department-accredited training program provider no sooner than 180 days prior to the RA's certification expiration date

T-10

295.208

- Lead Supervisor
 - 32 training hour course
 - Certification “License” two year term
 - Complete course
 - Pass exam with 70%
 - Experience
 - One year as a certified abatement worker
 - Two years experience in a related field

T-10

295.208

- Lead Supervisor Responsibilities:
 - Id course of action to eliminate hazards
 - Supply PPE, train employees
 - Ensure activities conducted in accordance with standards
 - Prepare written report
 - Develop OPP
 - Be available
 - Assume duties of workers
 - Cooperate with Dept. personnel
 - Maintain standards of operation (EPA & OSHA)
 - Ensure workers have id on site

TELRR Requirements for a PD

- Supervisor course
- PD course
- Additional
 - Bachelor degree in engineering, architecture, or a related profession, and 1 year of experience in building construction and design or a related field
 - 4 years experience in building construction & design or a related field
- Submit an application

T-11

295.212(a) Inspection (2)

- (A) For every residential dwelling and COF, each interior component with a distinct painting history, and each exterior component with a distinct painting history shall be tested for LBP, **except those components that the Inspector or RA determines to have been replaced after 1978, or to not contain LBP.**

T-13

Preparation of a final risk assessment report

- 295.212 (b)(5) Hazard screen report
 - Information required in risk assessment report
 - Recommendations concerning the desirability for follow-up risk assessments
 - Retained for minimum of three years

T-14

Risk Assessment

- 295.212(c)
 - Visual inspection for RA the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of the deterioration and other potential sources of lbp hazards. If deteriorated paint or other potential sources of LBP hazards are present each surface with deteriorated paint or each painted surface which is potential LBP hazard shall be tested using **approved documented methodologies...**

Risk Assessment

- 295.212(c)
 - The following surfaces which are determined, using **approved documented methodologies** to have a distinct painting history, shall be tested for the presence of lead
 - Each friction surface or impact surface with visibly deteriorated paint
 - All other surfaces with visibly deteriorated paint

Risk Assessment

- 295.212 (c) (9) Any paint, dust, or soil sampling or testing shall be conducted using **approved documented methodologies** that incorporate adequate quality control procedures

T-14

TDH letter

- “... the audited reports were generally lacking laboratory sample analysis results from laboratories accredited under the National Lead Laboratory Accreditation Program and/or verifiable XRF test results in the form of device downloads containing adequate quality control information.”

295.212

- Abatement (d)
 - (5) A written occupant protection plan shall be developed...
 - (A) To protect the public from exposure to any lbp hazards
 - (B) A certified supervisor or project designer shall prepare and sign the opp
 - (C) Opp must be kept at the work site
 - (6) Unless presumed lead, a copy of the lead inspection or lead ra report shall be kept at the worksite

295.212 (d)(9)

- Post-abatement clearance
 - (D) Dust samples for clearance purposes shall be taken a minimum of one hour after completion of final post-abatement cleanup activities.
 - (E) (i) After conducting an abatement with containment between abated and unabated areas, one dust sample shall be taken from one interior window sill and from one window trough (if present) and one dust sample shall be taken from the floors of each of no less than four rooms, hallways or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are less than four rooms, hallways or stairwells in the containment areas, then all rooms, hallways or stairwell shall be sampled

295.212 (d)(9)

- Post-abatement clearance
- (E) (ii) Abatement with no containment, two dust samples shall be taken from each of no less than four rooms, hallways or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one interior window sill and window trough (if present) and one dust sample shall be taken from the floor of each room, hallway or stairwell selected. If there are less than four rooms, hallways or stairwells within the residential dwelling or COF than all rooms, hallways or stairwells shall be sampled.

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295.212 (d)(12)

- Abatement
 - Written abatement report shall be prepared by a supervisor or pd
 - Completed within 60 days of the stop-date and include:
 - Start & completion dates
 - Name and address of each firm conducting abatement and name of each supervisor
 - opp
 - RA or inspector info
 - Copy of Lab reports
 - Waste disposal site
 - Person completing reports info

295.212(d)(13) T-15

Surface/Carpet	Level of lead in dust
Floors	< 40 $\mu\text{g}/\text{ft}^2$
Window sills	< 250 $\mu\text{g}/\text{ft}^2$
Window wells	< 400 $\mu\text{g}/\text{ft}^2$

(h) Recordkeeping

- All reports plans required... shall be maintained by the certified firm or individual contractor, who prepared the report, for no less than three years.

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295.213

- Rules don't apply when treating paint-lead hazards less than:
 - 2 square feet of deteriorated lbp per room
 - 20 square feet of deteriorated lbp on the exterior
 - 10 percent of the total surface area of deteriorated paint on an interior or exterior type of component with a small surface area

295.214

- Notification
 - ELNS (Environmental Lead Notification Section)
 - Hand-delivered, express-mailed, or postmarked at least 7 working days before the start
 - Regional
 - Hand-delivered, express-mailed, e-mail, or faxed

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THANK YOU!

