

Frequently Asked Questions for the
Ohio Administrative Code
Chapters 3701-32 and 3701-82
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**Interpretative Guidance
For Chapter 3701-32 and 3701-82 of the
Ohio Administrative Code**

Table of Contents

Homeowners/ Property owners.....	3
Lead Licensure.....	4
Training Providers.....	7
Lead Risk Assessors/Inspectors/Clearance Technicians.....	8
Lead Abatement Contractors/Workers/Project Designers.....	9
Clearance Examination Procedures.....	12
Occupant Relocation.....	13
Environmental Lead Laboratory Approval.....	14
Clinical Lead Laboratory Approval.....	15

**Interpretative Guidance
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Homeowners/Property owners

1. 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. The testing can be performed either by using an XRF (X-Ray Fluorescence instrument) 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, but this damages the painted surface. Either 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.

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

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

3. 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. You can live safely in a home that has lead-based paint as long as certain precautions are taken.

Contact the [Lead Poisoning Prevention Program](#) at (877) NOT-LEAD for more information about lead safe methods, hiring a [Lead Abatement Contractor](#), and protecting your family from lead poisoning when you live in a home that contains lead-based paint.

4. If I know I have lead-based paint on my property, am I required to use someone licensed 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.
- 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 may perform the work yourself or hire someone not licensed, however, lead-safe methods should be used to protect your family from lead poisoning. Call the [Lead poisoning Prevention Program](#) at (877) NOT-LEAD for more information.

5. 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?

When a lead hazard control has been issued on a property, all the lead hazard control work must be performed by a licensed lead abatement contractor. Ohio Administrative Code rule 3701-32-03(13) specifically states, "No person shall... perform lead hazard control on a property at which a lead poisoned child has been identified, without holding a valid lead abatement contractor license, valid lead abatement project designer license, or valid lead abatement worker license."

6. As a landlord, I am required to distribute the pamphlet "[Protect Your Family From Lead in Your Home](#)." and have the tenant sign a contract. Where can I obtain copies of this pamphlet?

You should contact the Government Printing office at (202) 512-1800 to order copies of the pamphlet, "[Protect Your Family From Lead in Your Home](#)". The pamphlets are sold in packets of 50. You may also visit [U.S. EPA's Web site](#) to download a copy for free. The law allows black and white copies to be distributed in addition to an original printed pamphlet.

Lead Licensure

7. 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, Division of Quality Assurance, [Lead Poisoning Prevention Program](#) under authority granted by [Chapter 3742](#) of the Ohio Revised Code and Chapters [3701-32](#) and [3701-82](#) of the Ohio Administrative Code.

8. Who must obtain a lead license?

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

9. What is a lead activity?

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

10. How do I apply for a lead license?

Contact the [Lead Poisoning Prevention Program](#) at (877) 668-5323 or (614) 466-1450 and request an application or visit our Web site at the following link: www.odh.ohio.gov and search for "Lead Poisoning Prevention." "Application for Lead Licensure" (HEA 5803) is available under "Forms."

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

The following must be submitted to the Lead Poisoning Prevention 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, sanitarian-in-training, or industrial hygienist-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.

12. 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 call the program to determine the status of your application at (877) 668-5323 or (614) 466-1450.

13. What are the licensing and examination fees?

Discipline	License Fee	Examination Fee
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	\$50

*The Project Designer and Contractor take the same exam.

14. How long is my license valid?

A license is valid for two years from the date of issuance with the exception of renewal applications received after the expiration date, which shall have a renewal date of two years from the expiration date of the previous license.

15. 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 Poisoning Prevention Program at (877) 668-5323 or (614) 466-1450 for information about the examination procedure.

16. 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 and search for "Lead Poisoning Prevention", or by contacting the program at (877) 668-5323 or (614) 466-1450.

17. Is anyone exempt from taking Ohio lead training courses?

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

18. 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.

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

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

20. 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.

21. How do I renew my license?

To renew your license, you must submit an application with an original signature, a copy of the refresher course completion certificate appropriate to that license, and the application fee.

22. When must I take a refresher course?

With the exception of clearance technicians, a licensed person must take a refresher course within the second year of the two-year licensing period to avoid lapse in licensure. A clearance technician must take a refresher course every four years.

23. What is the time frame for a person to take and pass the required test for 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 Poisoning Prevention Program approves your application to pass the examination.

24. How will license reciprocity be handled?

The Lead Poisoning Prevention 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.

Training Providers

25. How does an organization become an approved lead training provider?

The training provider application process is outlined in Ohio Administrative Code rule [3701-82-01](#) and [3701-32-16](#). A training provider's application must include:

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

26. What are the fees for training course approvals?

Training providers must submit \$750 for the core course, \$750 for each initial course and \$250 for each refresher course for which they are applying. Non-profit organizations are exempt from the application fee.

27. How long is a training provider approval valid?

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

28. 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.

Lead Risk Assessors, Lead Inspectors and Lead Clearance Technicians

29. Can a lead risk assessor write lead abatement project specifications?

No. Only a licensed lead abatement contractor or licensed lead abatement project designer may prepare specifications for the pre-abatement plan referenced in Ohio Administrative Code [3701-32-08](#) (I)(4). A lead risk assessor recommends abatement options for identified lead hazards and recommends prioritization for addressing each hazard in a risk assessment report.

30. 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.

31. 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. Their report should reflect that testing was less than a full lead risk assessment or lead inspection.

32. What activities must be reported to ODH on the Lead Inspection/Risk Assessment/Clearance Examination Monthly Summary form?

All paint testing, environmental sampling and clearance examinations conducted in a residential unit, child daycare facility or school is to be reported on the Monthly Summary form. This includes all full or partial risk assessments or inspections and all clearance examinations. This does not include section 8 Housing Quality Standard inspections.

33. What procedure do I follow for using an X-ray fluorescence analyzer to test for the presence of lead in paint, or for performing a lead inspection of a residential unit, child day care facility or school?

You should follow the most current *HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing*, Chapter 7, *Lead-Based Paint Inspection*.

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

Single-surface sampling techniques shall be used, unless the lead risk assessor or lead inspector can provide quality control data from an Ohio approved environmental lead analytical laboratory indicating proficiency for composite dust samples and the lab is able to achieve a minimum detection limit of 20 micrograms per square foot of sample area.

Lead Abatement Contractors/Workers/Project Designers

35. When is a licensed lead abatement contractor or project designer required for construction work in residential, child day care facilities, or schools?

- For work on a property with a lead hazard control order.
- For persons who prepare specifications for lead abatement.
- For any work where lead abatement is intended - either because federal rules require abatement of lead hazards or lead abatement is preferred by the owner or other funding source.

36. 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.

37. When must a lead abatement contractor or lead abatement project designer be present at the lead abatement work site?

- During work site preparation.
- During post abatement cleanup.
- At any other time lead abatement is conducted, the designated contractor or project designer shall be present at the worksite or shall be able to become present at the worksite within two hours. If not present at the worksite, the designated contractor or designer shall be available for immediate consultation by telephone, pager, or answering service.

38. 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 lead abatement project designers can perform lead abatement, as well as supervise lead abatement workers performing lead abatement.

39. 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.

40. 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, sill, casings, etc. Clearance for the lead abatement occurs after the project is complete, that is, after removal and replacement of the leaded window and/or components.

41. For abatement involving installation of exterior siding, 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, 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 after the installation of the siding. If the final clearance fails, the designated lead abatement contractor is responsible for clean up and subsequent clearance examinations.

42. Can the 10 day prior notification period be waived?

No. Division (A)(4) of section 3742.07 of the Ohio Revised Code requires the ten calendar day prior notification period before beginning a lead abatement project.

43. How must I notify ODH to change the designated lead abatement contractor or lead abatement project designer for a lead abatement project?

The prior notification for the original contractor or project designer must be ended by submitting a revision with the completion date showing the last date this contractor will be responsible for this project. An original prior notification for the new contractor or project designer must be submitted picking up where the other contractor left off. A phone call to our office should also be made to let us know this is what is being done.

44. Can a lead abatement contractor revise a prior notification after it has expired?

Yes. A lead abatement contractor has a 30-day grace period to file a revision once a prior notification expires (the completion date listed on the last prior notification submitted is the expiration date). Once the 30-day grace period passes, the contractor must file a new ten day original prior notification and the project cannot start until the ten-day waiting period ends.

45. How often is personal air monitoring required?

The program suggests that you call the [Occupational Safety and Health Administration](#) (OSHA) at (800) 582-1708 for information on these issues. However, for the purposes of meeting Ohio Administrative Code personal air monitoring requirements; personal air sampling should be performed by each designated lead abatement contractor annually. The designated lead abatement contractor shall sample at least one employee per job classification for the duration of one project.

46. Where can I obtain personal air monitoring equipment?

Personal air monitoring equipment can be purchased through your local safety supply company. Also, ODH has an air monitoring equipment loaner program available to licensed lead abatement contractors at no cost. For more information concerning the loaner program, contact program staff at (877) 668-5323.

47. If I intend to totally demolish a residential unit, child daycare facility or school that contains or may contain lead, does the work need to be done by licensed individuals?

No, the workers and their supervisor are not required to be lead licensed when demolishing a building since the residential unit, child daycare 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)728-3890.

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

No, the workers and their supervisor are not required to be lead licensed when demolishing a building since the residential unit, child daycare facility or school will no longer exist. However, you should check with local, state and federal agencies for other requirements. The Childhood Lead Poisoning Prevention Program must be consulted with to determine what needs to be done to have the orders lifted from a property when the building(s) will be demolished.

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

Contact the Ohio Environmental Protection Agency (OEPA) for information on these issues. The phone number for the OEPA, Division of Solid Waste, is (614) 644-2621.

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

The portion of a commercial building that is used or will be used as a residential unit, child daycare facility or school, is subject to the OAC 3701-32 requirements. This includes all areas being converted to a residential unit, child daycare facility or school.

Clearance Examination Procedures

51. 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 should consult with rule 3701-32-12 of the Ohio Administrative Code.

52. What is necessary for containment of the work area in order to limit the clearance area to just the one room?

Containment of a work area to limit the clearance area includes laying a minimum of one layer of 6 mil plastic in the immediate area of the lead work, covering belongings, as

necessary, and providing a vertical dust barrier by sealing doors, windows and vents to prohibit dust from leaving the work area. "Mini containment" can be used around small work areas, and plastic "zip doors" or door flaps can be used to contain the work area.

53. 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.

Occupant Relocation

54. Can 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.

55. 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.

56. When must occupants be relocated during lead hazard reduction (lead abatement or lead-safe renovation) 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 activities unless:

- Treatment 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.
- Treatment of 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.

57. 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 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.
- 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.

58. Is there error with the required Lead Disclosure language found in the Ohio Administrative Code (OAC) 3701-32-15 (E)? The Lead Disclosure language is required on all reports concerning lead based paint and lead hazards.

Yes, the second paragraph in OAC 3701-32-15 (E) should read "Ohio law (section 5302.30 of the Revised Code) requires ..." This corrected language shall be displayed at the top of any clearance examination, lead inspection, lead-based paint sampling, lead risk assessment, lead hazard screen risk assessment, other lead assessment activity, or lead abatement project report prepared for a residential unit.

Environmental Lead Laboratory Approval

59. 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 day care facility or school, must be approved by the director of health.

60. How do I apply for Environmental Lead Analytical Laboratory Approval?

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

- A completed application.
- Proof of accreditation from an accrediting laboratory that participates in the National Lead

- Laboratory Accreditation Program, such as the American Industrial Hygiene Association or the American Association for Laboratory Accreditation.
- A check or money order made payable in the amount of \$300, to the Treasurer, State of Ohio.

61. How long is an Environmental Lead Analytical Laboratory Approval valid?

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

62. 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

63. 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.

64. How do I apply for Clinical Lead Laboratory Approval?

The application procedure for clinical lead analytical laboratory approval is outlined in Ohio Administrative Code rule 3701-82-02. The laboratory seeking approval should submit all of the following:

- A completed Application for Clinical Lead Laboratory Approval.
- Proof of current "Clinical Laboratory Improvement Amendments of 1988" (CLIA) certification by the U.S. Department of Health and Human Services to perform blood lead testing.
- Certification that laboratory employees at least meet CLIA personnel qualification requirements.
- A check or money order in the amount of \$300, made out to the Treasurer, State of Ohio.

65. How long is a Clinical Lead Laboratory Approval valid?

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

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

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

67. Who do I contact about electronic data reporting?

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