

(v) A statement in the cover letter accompanying the notification that the notification should be directed to the group in the Department responsible for oversight of hazardous waste management; and

(b) Submit the notification required by §C(2)(a) of this regulation by the later of the following deadlines:

(i) Within 90 days after the effective date of this regulation; or

(ii) Before the date universal waste is first accepted from off site.

(4) The notification requirement of §C(3) of this regulation does not apply if either of the following conditions is met:

(a) The site where universal waste is accepted from off site has been issued an EPA identification number; or

(b) The amount of universal waste at the location that is accepting universal waste from off site never exceeds 500 kilograms.

ROBERT M. SUMMERS, Ph.D.
Secretary of the Environment

Subtitle 16 LEAD

26.16.01 Accreditation and Training for Lead Paint Abatement Services

Authority: §§1-404; 6-818; 6-851; 6-852; 6-1001—6-1005; 7-206—7-208;
Environment Article, Annotated Code of Maryland

Notice of Proposed Action [15-070-P]

The Secretary of the Environment proposes to amend Regulations .01—.05 and .07—.20 under **COMAR 26.16.01 Accreditation and Training for Lead Paint Abatement Services**.

Statement of Purpose

The purpose of this action is to incorporate accreditation and training standards consistent with the federal Lead-Based Paint Renovation, Repair, and Painting Rule (RRP), which was adopted by the EPA in 2008. (40 CFR Part 745, Subpart E.) The RRP rule addresses renovation, repair, and painting of residential and child-occupied facilities built before 1978. In 2012, Chapter 387 of 2012 amended the definition of “abatement” in Environment Article, §6-1001, Annotated Code of Maryland, to include renovation, repair, and painting of lead-containing substances in a residential, public, or commercial building built before 1978. The same legislation also authorized the Department to adopt regulations that include “[s]tandards and procedures for abatement involving the renovation, repair, and painting of lead-containing substances, including a requirement for lead-dust testing.” The action revises the existing training and accreditation regulations to address these activities in a manner consistent with the federal RRP rule. This includes, for example, the addition of notice, clean-up, and post-renovation clearance required under the federal regulation.

The action also extends the expiration date for various accreditations to perform lead paint abatement services from either 1 or 2 years to 3 years and changes the application fees for various types of accreditation.

The action makes other clarifying edits and updates references.

Comparison to Federal Standards

In compliance with Executive Order 01.01.1996.03, this proposed regulation is more restrictive or stringent than corresponding federal standards as follows:

(1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:

COMAR 26.16.01.10D(1)(a) and 40 CFR §745.225(c)(6)(vi). Under the proposed regulations, a lead paint maintenance and repainting supervisor must have an initial training course that provides at least 14 hours of instructional time over two days. The renewal course must last seven hours. Under the federal RRP, a renovator (analogous to Maryland’s lead paint maintenance and repainting supervisor) must have a training course that lasts a minimum of eight training hours. The renewal course must last four hours.

COMAR 26.16.01.10, .17, and .18 and 40 CFR §§745.90 and 745.225. Supervisors must apply and be accredited by MDE under the proposed regulations, with renewal every three years. Under the federal RRP, renovators (equivalent to Maryland’s “supervisors”) must be trained, but the course certification form automatically confers certification on the renovator (no application to EPA required). The training must be renewed only every five years. Under the proposed regulations, a training provider must apply for separate accreditation for each training course provided and must renew accreditation every 3 years. Instructors must also be accredited every 3 years. Under the federal rule, instructors are not required to be certified. The training program must be accredited, including each course to be offered, but the reaccreditation is only every 4 years.

COMAR 26.16.01.09G and 40 CFR §745.89(b). Under the proposed regulations, lead paint abatement services contractors (which include “firms” providing RRP services under the federal rule), are required to be reaccredited every 3 years. Under the federal RRP, firms must be certified by EPA, with recertification required only every 5 years.

COMAR 26.16.01.03E and 40 CFR §745.83. Under the proposed regulations, persons performing renovation, repair, and painting work involving three square feet or less of surface area in a room (except for window removal or replacement) are not subject to most of the requirements, including pre-work notifications, preparation of the work area, and detailed clean-up requirements. Under the federal RRP rule, minor heating, ventilation, or air conditioning work, electrical work, and plumbing that disrupt six square feet or less of surface per room for interior activities are not considered renovation and are not subject to the RRP rule.

COMAR 26.16.01.11C and 40 CFR §745.85. The work practices for contractors and supervisors under the proposed regulations include some minor additional or more specific requirements compared to the work practice standards under the federal RRP rule. This is because the proposed regulation incorporates RRP requirements together with existing Maryland requirements that already apply to other types of abatement. These are primarily minor differences. For example:

- The RRP rule requires all objects to be removed from the work area or covered with plastic sheeting or other impermeable material. The proposed regulation requires that all movable objects be moved outside the room or to a distance at least 3 feet from the surface on which the work is to be performed and covered with plastic sheeting.

- Under the proposed regulations, warning signs posted to define the work area must have lettering at least 2 inches high and contain a specific warning (“Caution, Lead Hazard, Keep Out”), while the RRP rule does not include these specific requirements (though the signs must “clearly define the work area” and remain “readable”).

- The proposed regulations specify that the supervisor must be on-site or available by telephone and able to be present within two hours during the work, while the RRP does not include the 2-hour availability requirement.

- The proposed regulations require the supervisor to ensure that all surfaces except carpeted surfaces are wiped with damp cloth and detergent after the work is finished; the RRP rule requires only wiping with a damp cloth (not the detergent).

- The proposed regulations specify that all waste from painted surfaces must be removed before a vacant property is reoccupied or no later than 72 hours after completion in an occupied property. The RRP rule specifies no time-frame.

COMAR 26.16.01.11C(9) and D and 40 CFR 745.85(b) and (c). Clearance dust testing after renovation is not required by the federal RRP rule, but may be performed if any of the parties to the renovation require it. Both the clearance dust testing and cleaning verification are acceptable for renovation work in all pre-1978 residential properties. The proposed regulations adopt the cleaning verification wipe method currently required by the RRP rule, with an alternative dust sampling clearance upon request. However, under the proposed regulations, cleaning verification or clearance dust testing is not permissible for the purpose of issuing a lead risk reduction certificate on an Affected Property or in any licensed child day care facility as defined in COMAR 13A. This is an existing requirement under State law.

COMAR 26.16.01.02B(7) and 40 CFR §745.82(a)(1). Under the proposed regulations, “lead-containing substance” is defined as paint, plaster, or other surface encapsulation containing more than 0.50 percent lead by weight calculated as lead metal in the dried solid, or more than 0.7 milligram per square centimeter. The applicability of the RRP rule is determined by whether the components have been certified free of lead paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or 0.5% by weight.

(2) Benefit to the public health, safety or welfare, or the environment:

The longer training course for supervisors (relative to EPA’s renovator course) benefits public health by allowing for more in-depth coverage of safe work practices. The supervisor training requires coverage of over ten topics; the Department believes that the scope of the necessary supervisor training is better suited to a two-day course. Also, since supervisors will provide on-the-job training to lead paint maintenance and painting workers, more in-depth training also allows supervisors to provide more effective training to those workers.

More frequent accreditation renewals for supervisors, training providers, and contractors, and the requirement for instructor accreditation allows the Department to maintain better oversight of persons providing the services covered under the RRP rule. This ensures that service providers continue compliance with the training and accreditation requirements, which benefits public health.

The smaller square footage exemption benefits public health by subjecting more renovation, repair, and painting projects to the work practices. This ensures that services are provided in a manner that protects occupants from exposure to lead risks.

The minor variations in the work practices between the proposed regulations and the RRP rule may yield benefits to public health by ensuring occupants are notified of lead risks during the work, ensuring the trained supervisor is available for on-site management if needed within a reasonable period of time, and strengthening post-work cleaning and disposal practices.

The requirement for clearance dust testing for work on Affected Properties and licensed child care centers provides a higher level of protection for a subset of properties by further reducing the risk of lead exposure of occupants after work has been completed. This is also an existing requirement under State law.

The lower threshold for defining whether a substance is a “lead-based substance” is more protective of human health because it requires safe work practices for work disturbing a broader set of substances.

(3) Analysis of additional burden or cost on the regulated person:

Requiring a two-day instead of a one-day training course for lead paint maintenance and repainting supervisors may increase burdens

to those supervisors by requiring them to miss one additional work-day for training. However, existing supervisors or EPA renovators would only be required to take a one-day refresher course to come into compliance with the requirement. Requiring more frequent renewal of accreditations would burden some service providers marginally by increasing the frequency of the administrative tasks related to applying for accreditation. More frequent training for lead paint maintenance and repainting supervisors would also increase time demands and expense to take the renewal course more frequently.

The smaller square footage exemption would require additional projects to be conducted by an accredited service provider according to the required work practices. This may place additional burden on contractors of having to staff these projects with accredited supervisors and on supervisors to provide on-the-job training to workers. However, it may also benefit contractors and individuals that are accredited by increasing the number of jobs requiring their services.

The minor changes in work practices will likely have an insignificant effect on regulated service providers. Supervisors would need to learn about the changes in requirements. Any service providers that provide types of abatement services other than those covered under the federal RRP rule would already be familiar with the requirements included in existing Maryland regulations.

The lower threshold for defining whether a substance is a “lead-based substance” may require additional projects to be conducted by an accredited service provider according to the required work practices. This may place an additional burden on contractors of having to staff these projects with accredited supervisors and to supervisors to provide on-the-job training to workers. However, it may also benefit contractors and individuals that are accredited by increasing the number of jobs requiring their services.

(4) Justification for the need for more restrictive standards:

(a) The benefit from the more restrictive standard exceeds the burden or cost of the more restrictive standard on the regulated person or business;

As discussed above, the areas in which the proposed regulations are more stringent than the federal requirements will better protect occupants from exposure to lead risks during and after renovation of pre-1978 residential and child-occupied facilities. While there are some associated burdens to regulated service providers, the Department believes these are minor relative to the public health and environmental benefit.

(b) Conditions or circumstances specific or special to Maryland require that Maryland enact a more restrictive standard;

Unlike many states that have simply adopted the federal RRP rule by reference, Maryland already has work practice, training and accreditation regulations similar to the RRP. Before the expansion in MDE’s authority in 2012, these requirements only applied to lead paint removal and work being performed to meet the Maryland risk reduction standard in an Affected Property. The RRP (and MDE’s expanded authority conferred by Chapter 387 of 2012) applies to all pre-1978 residential properties and child-occupied facilities. Rather than create entirely separate regulatory requirements to cover the new scope of properties, the Department has combined the federal RRP requirements with existing requirements. This applies some more stringent existing requirements to projects covered under the federal RRP rule, but will reduce confusion and avoid the need for service providers to learn and meet different standards for work at different types of properties.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed revisions will increase revenue to the Department from additional accreditation fees and will increase expenditures by the Department for implementation

and outreach. The proposed revisions will have both positive and negative impacts on regulated industries. The magnitude of these economic impacts cannot be determined but are described below.

| II. Types of Economic Impact. | Revenue (R+/R-) | Magnitude |
|---|-------------------------|----------------|
| | Expenditure (E+/E-) | |
| <hr/> | | |
| A. On issuing agency: | | |
| (1) Accreditation fee revenue | (R+) | Indeterminable |
| (2) Implementation and outreach | (E+) | Indeterminable |
| B. On other State agencies: | NONE | |
| C. On local governments: | NONE | |
| | Benefit (+) Cost (-) | Magnitude |
| <hr/> | | |
| D. On regulated industries or trade groups: | | |
| (1) Extended accreditation duration | (+) | Indeterminable |
| (2) Shorter accreditation (relative to EPA) | (-) | Indeterminable |
| (3) Costs to training providers | (-) | Indeterminable |
| (4) Benefits to training providers | (+) | Indeterminable |
| (5) Benefits to workers | (+) | Indeterminable |
| (6) Third-party examination fees | (-) | Indeterminable |
| E. On other industries or trade groups: | NONE | |
| F. Direct and indirect effects on public: | NONE | |

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A(1). With the incorporation of the federal RRP rule, the Department will receive additional accreditation fee revenue for service providers that were previously covered under the federal training and certification rules. It is expected that the number of Maryland-accredited service providers will increase from roughly 4,500 to at least 9,000. However, this increase will not translate into immediate increases in revenue, because contractors and firms that hold a current EPA accreditation or certification for RRP work will be grandfathered for a period under the regulations. These existing contractors and firms will be required to submit an application and proof of EPA accreditation to MDE within 180 days of the effective date of the regulations. The fees for training providers and third party examinations are increasing under the proposed regulations, which will also generate additional fee revenue for the Department. All other fee rates were adjusted to maintain the same levels on a per-year basis.

A(2). The Department will experience an increase in the number of service providers that must receive State accreditation and oversight, and the Department will need to ensure compliance with the federal RRP requirements newly incorporated into State regulations. The number of properties the Department would have to provide oversight on would increase to include 535,000 owner-occupied properties and an additional 318,000 rental properties. Additionally, the Department would also regulate remodeling activities at child-occupied facilities (e.g. day care centers, schools).

This will result in an additional workload for the Department and the need for outreach to the regulated community. Some of this additional workload will be offset by the lengthening of the accreditation durations to three years.

D(1). Certain service providers conducting work that was covered under the accreditation and training requirements in the existing regulations will have the duration of their accreditation extended from two to three years (supervisors, contractors, lead paint inspector technicians, lead paint visual inspectors, and lead paint risk assessors). Instructors and training providers will have the duration of their accreditations extended from one to three years. This reduces the administrative burden and, where training is required, the missed working time associated with maintaining accreditation. Note that all fees, except those for training provider accreditations and third-party examinations (discussed in D.3), were adjusted to preserve the per-year cost.

D(2). For certain service providers currently conducting work under the federal RRP rule, the duration of accreditation will be reduced. This is because EPA's certification and training requirements require renewal only every five years (for renovator training and firm certifications) or four years (for training programs), while all State accreditations will be renewed every three years. This impact will not be immediate because of phasing in of the regulations for existing EPA-certified service providers. In addition, lead paint maintenance and repainting supervisors that were formerly EPA renovators will be required to obtain both training and accreditation, while EPA certifies renovators automatically upon training. This would require payment of the accreditation fee (\$187.50) in addition to the cost for the private training course. EPA renovators only need to pay for the course.

D(3). Training providers will no longer provide training courses to lead paint maintenance and repainting workers under the proposed regulations because MDE is adopting the RRP rule's on-the-job training for these workers. This may negatively impact training providers by eliminating demand for that type of course. In addition, the fees for accreditation of training providers are increasing from \$300 (for a one-year accreditation period) to \$1,200 (for a three-year accreditation period), which increases the per-year cost from \$300 to \$400.

D(4). Overall, the number of people that will require training from Maryland-accredited training providers will increase to include those service providers previously covered under EPA training and certification under the RRP rule.

D(5). Lead paint maintenance and repainting workers covered under the existing regulations will no longer require a formal two-day training course, but will instead receive on-the-job training. This will reduce burdens on these workers, including missed workdays.

D(6). Third party examination fees increase in the proposed regulations from a one-time fee of \$35 to \$50. However, this affects only removal and demolition supervisors, inspector technicians, and risk assessors.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

Small Business Analysis Worksheet

This worksheet is designed to assist the agency in determining if and how the proposal impacts small businesses. Quantify the number of affected small businesses and estimates of costs and benefits to small businesses if possible. State Government Article, §2-1505.2, includes the following definitions which are relevant to the analysis:

“Economic impact analysis” means an estimate of the cost or the economic benefit to small businesses that may be affected by a regulation proposed by an agency pursuant to Title 10, Subtitle 1 of this article.

“Small business” means a corporation, partnership, sole proprietorship, or other business entity, including its affiliates, that: (i) is independently owned and operated; (ii) is not dominant in its field; and (iii) employs 50 or fewer full-time employees.

1a. Intended Beneficiaries. Who are the intended beneficiaries of the proposed regulation? Are these intended beneficiaries primarily households or businesses?

The intended beneficiaries of the proposed regulations are occupants of pre-1978 residential properties and child care facilities. These beneficiaries are primarily households and children who attend child care facilities. The proposed regulations may also have some indirect benefits to businesses involved in renovations and other work on residential properties and child care facilities, but these are not the primary intended beneficiaries.

1b. Intended Beneficiaries: Households. If households are the primary intended beneficiaries, will the proposal affect their income or purchasing power such that the volume or patterns of their consumer spending will change? If so, what directions of change would you anticipate? Will these expected spending changes have a disproportionate impact on small businesses? Can you descriptively identify the industries or types of business activities that are impacted?

For renovation of pre-1978, owner-occupied residential properties, service providers would newly be required to be accredited by Maryland and follow Maryland regulations, including work practices. Any additional costs to service providers to comply with the proposed regulations could be passed, wholly or partly, to the homeowners. If significant, these additional costs may reduce remaining disposable income, which could affect consumer spending or purchasing power. However, because the federal Lead-Based Paint Renovation, Repair, and Painting Rule (RRP) currently applies to this type of work and is generally similar to the proposed regulations, any impact on households due to this change is expected to be minimal. If they exist, these impacts would not have a disproportionate impact on small businesses.

1c. Intended Beneficiaries: Businesses. If businesses are the intended beneficiaries, identify the businesses by industry or by types of business activities. How will businesses be impacted? Are these Maryland establishments disproportionately small businesses? If so, how will these Maryland small businesses be affected? Can you identify or estimate the present number of small businesses affected? Can you estimate the present total payroll or total employment of small businesses affected?

N/A – Businesses are not the intended beneficiaries.

2a. Other Direct or Indirect Impacts: Adverse. Businesses may not be the intended beneficiaries of the proposal. Instead, the proposal may direct or otherwise cause businesses to incur additional expenses of doing business in Maryland. Does this proposal require Maryland businesses to respond in such a fashion that they will incur additional work-time costs or monetary costs in order to comply? Describe how Maryland establishments may be adversely affected. Will Maryland small businesses bear a disproportionate financial burden or suffer

consequences that affect their ability to compete? Can you estimate the possible number of Maryland small businesses adversely affected? (Note that small business compliance costs in the area of regulation are the sum of out-of-pocket (cash) costs plus time costs — usually expressed as payroll, akin to calculations for legislative fiscal notes. Precise compliance costs may be difficult to estimate, but the general nature of procedures that businesses must accomplish to comply can be described.)

The proposed regulations affect providers of lead paint abatement services. Some lead paint abatement services contractors are likely to be small businesses, but the Department does not have information on the number or proportion of small businesses.

The proposed regulations would have both negative and positive impacts on service providers. Some service providers previously covered under the federal RRP rule would be subject instead to Maryland’s accreditation and training requirements; to the extent that these are more stringent or costly than the federal RRP, there may be negative effects on these service providers. For example, under the federal RRP, renovators are required to undergo an eight-hour training course, with a four-hour refresher course every five years. In contrast, Maryland’s analogous lead paint maintenance and painting supervisors must undergo a 14-hour initial training course, with a seven-hour renewal course every three years. In addition, Maryland lead paint maintenance and painting supervisors must apply for State accreditation and pay a fee of \$187.50, while under the federal RRP certification is automatic upon completion of the course. (For a full discussion of the relative stringency of the federal RRP and the proposed regulations, see Comparison to Federal Standards.)

In contrast, service providers already operating under the State regulations would benefit from some of the changes. All lead paint maintenance and painting workers can undergo on-the-job training instead of a formal course. Supervisors, contractors, lead paint inspector technicians, lead paint visual inspectors, and lead paint risk assessors will only need to renew accreditations every three years (as opposed to the current two years). Training providers and instructors would have the duration of their accreditations extended from one to three years. For service providers required to complete refresher courses at each reaccreditation, this change would reduce the frequency of that training, reducing associated costs. For all service providers, the less frequent reaccreditation would reduce paperwork.

Training providers may see changes in demand for their services as a result of the proposed regulations. The elimination of the required lead paint maintenance and painting worker training in favor of on-the-job training would reduce demand for this type of course. However, the number of service providers subject to State standards is expected to increase from approximately 4,500 to at least 9,000 due to adoption of the RRP rule. While it is anticipated that this increased demand for Maryland-based training would exceed the reduction in demand for lead paint maintenance and painting worker training, the exact impact is unknown. The fees for accreditation of training providers will increase from \$300 to \$400 on a per-year basis.

For removal and demolition supervisors, inspector technicians, and risk assessors, the third-party certification examination fee is increased from \$35 to \$50.

2b. Other Direct or Indirect Impacts: Positive. Maryland businesses may positively benefit by means other than or in addition to changed consumer spending patterns. How may Maryland businesses be positively impacted by this initiative? Will Maryland small businesses share proportionately or disproportionately in these gains? Can you estimate the possible number of Maryland small businesses positively affected?

See response to question 2a.

3. Long-Term Impacts. There are instances where the longer run economic impact effect from regulations differ significantly from

immediate impact. For example, regulations may impose immediate burdens on Maryland small businesses to comply, but the overall restructuring of the industry as a consequence of monitoring and compliance may provide offsetting benefits to the affected small businesses in subsequent years. Can you identify any long run economic impact effects on Maryland small businesses that over time (a) may compound or further aggravate the initial economic impact described above, or (b) may mitigate or offset the initial economic impact described above?

No.

4. Estimates of Economic Impact. State Government Article, §2-1505.2 requires that an agency include estimates, as appropriate, directly relating to: (1) cost of providing goods and services; (2) effect on the work force; (3) effect on the cost of housing; (4) efficiency in production and marketing; (5) capital investment, taxation, competition, and economic development; and (6) consumer choice.

(1) Cost of providing lead paint abatement services: See responses to questions 1b and 2a. The Department has insufficient information to quantify net impacts to the cost of providing these services.

(2) Effect on the work force: While the total number of service providers subject to training requirements under Maryland regulations would increase, lead paint maintenance and repainting workers would receive on-the-job training rather than formal training courses. To the extent that there is a net increase to demand for training from Maryland-based training providers, the proposed regulations could support additional employment.

(3) Effect on the cost of housing: See response to question 1b. In rental housing, it is conceivable that any changes in the cost of lead paint abatement services as a result of these regulations could be passed to the consumer in the form of higher rent. However, given that the changes from the current regulations and the federal RRP rule are limited, this impact is not expected to be significant.

(4) Effect on efficiency in production and marketing: none expected.

(5) Capital investment, taxation, competition, and economic development: none expected.

(6) Consumer choice: none expected.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Paula Montgomery, Program Manager, Lead Poisoning Prevention Program, Maryland Department of the Environment, 1800 Washington Blvd., Suite 610, or call 410-537-3825, or email to Paula.Montgomery@Maryland.gov, or fax to (410) 537- 3156 . Comments will be accepted through February 23, 2015. A public hearing has not been scheduled.

.01 Scope.

This chapter establishes:

A. Requirements and standards for the accreditation of contractors, supervisors, inspectors[, project designers], *risk assessors, instructors*, and trainers providing lead paint abatement services for residential, public, or commercial buildings, bridges, or other structures or superstructures;

B.—C. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) “Abatement” means a set of measures [designed to] *that* eliminate or reduce lead-based paint hazards in residential, public, or commercial buildings, bridges, or other structures or superstructures

in accordance with standards established by the Department, which may include:

(a) The removal of lead-based paint and lead-contaminated dust, the containment or encapsulation of lead-based paint, the replacement or demolition of lead-painted surfaces or fixtures, and the removal or covering of lead-contaminated soil; [and]

(b) All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with these measures[.]; *and*

(c) *The renovation, repair, and painting of a lead-containing substance in a residential, public, or commercial building built before 1978.*

(2) “Accreditation” means recognition by the Department that a contractor, supervisor, inspector, risk assessor, *instructor*, or training provider is in compliance with the applicable requirements of this chapter.

(3) “Child care center” means:

(a) [a] A child care center as defined under COMAR [07.04.02] 13A.16.01.02[.]; *or*

(b) A *child-occupied facility* as defined in 40 CFR §745.83.

(4) (text unchanged)

(4-1) “EPA” means the U.S. Environmental Protection Agency.

(4-2) “Informational pamphlet” means the U.S. Environmental Protection Agency pamphlet required to be distributed under 40 CFR §745.84.

(5)—(11) (text unchanged)

(12) “Lead paint maintenance and repainting” means in-place management or interim control of a lead-containing substance including, but not limited to, the following activities:

(a) Removal of loose, chipping, or peeling paint;

(b) Limited replacement or repair of defective components or other substrates;

(c) The removal and replacement of windows and related trim; [or]

(d) *Renovation, repair, and painting of a lead-containing substance in a residential, public, or commercial building built before 1978; or*

(e) Other measures to prepare lead paint for recoating with a lead-free product, encapsulation, or enclosure.

(13)—(14) (text unchanged)

(15) “Lead paint visual inspector” means an individual who conducts visual inspections and collects dust samples for analysis to:

(a) [verify] *Verify* conformance with the lead risk reduction standards of Environment Article, §6-815 or 6-819, Annotated Code of Maryland[.]; *or*

(b) *Determine the presence of lead dust hazards following the performance of abatement measures as defined in §B(1)(c) of this regulation, except at child care centers subject to COMAR 13A.15.05.02, 13A.16.05.05, 13A.17.05.05 or 13A.18.05.05.*

(16)—(27) (text unchanged)

.02-1 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated.

(1) 40 CFR §745.225(d) and (e) ([2003] 2013)[.];

(2) 40 CFR §745.227([2003] 2013)[.]; *and*

(3) 40 CFR Part 745, Subpart E (2013).

.03 Applicability of this Chapter.

A. The presence of a lead-containing substance is presumed in any residential building or *child care center* constructed before [1950] 1978 unless a person determines that all painted surfaces are lead-free in accordance with §B of this regulation.

B. Determination of lead content in paint *for the purposes of this chapter* shall be based on:

(1) Use of an XRF by an accredited person;

(2) Analysis by a qualified laboratory of paint samples from surfaces to be disturbed during the project;

(3) A specific knowledge of the painting history of the structure; [or]

(4) *For renovations, repairs and painting in structures subject to this chapter, other than Affected Properties, as defined by Environment Article, § 6-801(b), Annotated Code of Maryland, an EPA recognized test kit, as defined in 40 CFR §745.83; or*

[(4)] (5) Other procedures approved on a case-by-case basis by the Department.

C. (text unchanged)

[D. Except as provided in §§E and F of this regulation, performance of maintenance, repair, or renovation work involving the disturbance of a lead-containing substance in a residential building constructed before 1950 is subject to Regulation .11C(2) and (3), and (5)—(8) of this chapter.]

[E.] D. Except for [§G] §F of this regulation and Regulation .11C(5) and (12) of this chapter, performance of maintenance, repair, or renovation work that results in [disturbances] *the disturbance* of a lead-containing substance is excluded from the regulations of this chapter as follows:

(1)—(2) (text unchanged)

[F.] E. The following activities are not subject to the regulations of this chapter:

(1) (text unchanged)

(2) A person performing maintenance, repair, or renovation work in an owner-occupied dwelling unit *for which no compensation is received.*

[G.] F. The use of open flame burning for the removal of a lead-containing substance is prohibited in residential and public buildings and child care centers.

.04 Accreditation.

A.—D. (text unchanged)

E. Representatives of the Commissioner of Labor and Industry who provide occupational safety and health inspection, consultation, and training services for the Commissioner are recognized, under Environment Article, [§6-1003(b)(5)] §6-1002(a), Annotated Code of Maryland, as accredited to perform these services.

F.—H. (text unchanged)

I. An individual or firm certified under 40 CFR §745.89 or .90 to perform renovation, repair, and painting of a lead-containing substance in a residential, public, or commercial building built before 1978, before the implementation of this regulation, that has satisfied the training requirements under this chapter, may be accredited by the Department if the individual or firm:

(1) *Provides documentation to the Department establishing their training and certification by EPA; and*

(2) *Submits an application for accreditation to the Department within 180 days of the effective date of this regulation;*

J. An individual or firm accredited by the Department under §I of this regulation shall not perform any lead paint abatement services other than renovation, repair, and painting of a lead-containing substance in a residential, public, or commercial building built before 1978, as set forth in Regulation .02B(1)(c) of this chapter.

K. An individual or firm accredited by the Department under §I of this regulation is not subject to Regulation .20 of this chapter during the duration of their certification under 40 CFR §745.89 or .90.

[I.] L. (text unchanged)

.05 General Training Requirements.

A. (text unchanged)

B. The curriculum for each training course shall be developed by the training provider in conformance with standards included in this chapter, including all applicable topics set forth in 40 CFR §745.225[(d) and (e)], and subject to approval by the Department.

C. (text unchanged)

D. Each training course shall include the following core topics:

(1)—(8) (text unchanged)

(9) Regulatory standards established by the:

(a)—(b) (text unchanged)

(c) [Federal Environmental Protection Agency] EPA, and

(d) (text unchanged)

E.—F. (text unchanged)

G. [Identification Card] *Documentation of Training.*

(1) An individual trained to provide a lead paint abatement service shall carry, while engaged in the lead paint abatement service, an identification card issued by a training provider or by the Department, *or documentation of on-the-job training received under Regulation .07B of this chapter.*

(2) (text unchanged)

.07 Lead Paint Abatement Worker Training Requirements [for Residential, Commercial, and Public Buildings].

A. [General Requirements] *Training Requirements for Lead Paint Abatement Workers and Lead Paint Removal and Demolition Workers.*

(1) *This section applies to lead paint abatement workers performing work under COMAR 26.02.07 and to lead paint removal and demolition workers.*

(2) A lead paint abatement worker *or lead paint removal and demolition worker* shall have:

(a)—(c) (text unchanged)

[(2)] (3) A lead paint abatement worker *or lead paint removal and demolition worker* shall have a current valid identification card, issued by the training provider, in the worker's possession at all times when performing lead paint abatement.

[(3)] (4) (text unchanged)

[B. Training Requirements.]

[(1)] (5) Initial Lead Paint Abatement Worker *or Lead Paint Removal and Demolition Worker* Course.

(a) The initial [lead paint abatement worker] course *required under this section* shall:

(i)—(ii) (text unchanged)

(b) An individual who has successfully completed the initial [lead paint abatement worker] course *required under this section* is considered to have completed the core topics and 7 hours of the training required for any of the lead paint abatement supervisor courses under Regulation .10 of this chapter.

(c) (text unchanged)

[(d)] An individual who has successfully completed a worker training course approved by the Department under provisions of COMAR 26.02.07.11 has satisfied the training requirements of this regulation, except that the individual's training certification shall expire 36 months from completion of the approved worker training course.]

[(2)] (6) *Lead Paint Abatement Worker or Lead Paint Removal and Demolition Worker Review Course.* The [lead paint abatement worker] review course *required under this section* shall:

(a)—(b) (text unchanged)

B. *Lead Paint Maintenance and Repainting Workers.*

(1) A lead paint maintenance and repainting worker shall receive documented *on-the-job* training from a lead paint maintenance and repainting supervisor or lead paint demolition and removal supervisor.

(2) A lead paint maintenance and repainting supervisor shall ensure that the worker has received documented *on-the-job* training, including instruction on all core topics listed in Regulation .05D of this chapter, before the worker performs lead paint maintenance and repainting services.

.08 Project Designer Accreditation Requirements.

A. General Requirements. A project designer shall have:

(1)—(2) (text unchanged)

(3) Completed the specified review course[,] and passed the examination designated for that course[, and applied for renewal of accreditation before the certificate expiration date, which is when the project designer's accreditation expires]; and

(4) Responsibility for oversight of a large scale lead paint abatement project and shall ensure completion of the abatement project in compliance with the applicable requirements of this chapter, COMAR 26.02.07, and COMAR 26.16.01[; and

(5) Applied and submitted a fee to the Department for the lead paint project designer category of accreditation under COMAR 26.16.01.20].

B.—D. (text unchanged)

.09 Lead Paint Abatement Services Contractor Accreditation Requirements.

A.—E. (text unchanged)

F. A contractor providing inspection or lead paint risk assessor services:

(1) Shall comply with all work practice standards set forth in 40 CFR §§745.227 and 745.85 and COMAR 26.16.05 for the performance of inspections and collection of paint and dust samples;

(2)—(3) (text unchanged)

G. The Department may issue a certificate with an expiration date which is [24] 36 months following the date of issuance to a contractor who meets the accreditation requirements of this regulation.

H.—I. (text unchanged)

.10 Supervisor Accreditation Requirements [for Residential, Commercial, and Public Buildings].

A. General Requirements.

(1) A lead paint abatement supervisor shall have:

(a) (text unchanged)

(b) Received, as proof of training and accreditation, an identification card and a certificate indicating an expiration date which is [24] 36 months following the accreditation date.

(2)—(5) (text unchanged)

B.—C. (text unchanged)

D. Lead Paint Maintenance and Repainting Supervisor Training Requirements.

(1) Initial Course.

(a) (text unchanged)

(b) The initial lead paint maintenance and repainting supervisor course shall cover the following topics:

(i)—(ii) (text unchanged)

(iii) Pertinent regulations established by the Department of the Environment; [and]

(iv) Topics required under 40 CFR §745.225(d)(6); and

(v) Management of worker safety and health programs, including respiratory protection and worker right-to-know programs.

(2) (text unchanged)

E. Lead paint maintenance and repainting supervisors and lead paint removal and demolition supervisors certified under this regulation or a renovator certified under 40 CFR §745.90 by the effective date of this regulation shall satisfy the initial training requirement by completing the lead paint maintenance and repainting supervisor review course.

.11 Contractor/Supervisor Performance Standards for Residential Buildings and Child Care Centers.

A. Except for performance of lead hazard reduction treatments, renovations, repairs and painting activities, persons performing lead paint abatement services shall ensure that the provision of lead paint

abatement services involving residential buildings and child care centers conforms to COMAR 26.02.07.

A-1. Notice of Lead Abatement Projects at Residential Buildings. [At least 24 hours but not more than 10 days before beginning lead paint abatement projects for residential buildings, the contractor or supervisor shall notify the Department of the location and anticipated start and completion dates for the projects.]

(1) No more than 60 days before beginning a lead abatement project at a residential building, the contractor or supervisor shall provide the owner of the unit with a copy of the informational pamphlet.

(2) The contractor or supervisor shall:

(a) Obtain from the owner a written acknowledgement that the owner has received the informational pamphlet; or

(b) Obtain a certificate of mailing of the informational pamphlet at least 7 days before beginning work.

(3) In addition to the requirements under §A-1(1) and (2) of this regulation, if the owner does not occupy the residential unit where the work will take place, the contractor or supervisor shall, no earlier than 60 days before beginning the lead abatement project, provide an adult occupant of the unit with a copy of the informational pamphlet.

(4) The contractor or supervisor shall obtain proof of delivery of the informational pamphlet to the occupant, if required under §A-1(3) of this regulation, by:

(a) Obtaining a certificate of mailing of the informational pamphlet at least 7 days before beginning work;

(b) Obtaining a written acknowledgement from an adult occupant of receipt of the informational pamphlet; or

(c) Completing a written certification that includes:

(i) A statement that the contractor or supervisor was unsuccessful in obtaining a written acknowledgement from an adult occupant;

(ii) The address of the unit;

(iii) The date and method of delivery of the informational pamphlet;

(iv) The name of the person delivering the informational pamphlet;

(v) The reason for lack of acknowledgement;

(vi) The signature of the supervisor or a representative of the contractor; and

(vii) The date of the signature.

(5) In addition to the requirements under §A-1(1) and (2) of this regulation, if the abatement project will take place in a common area of a multi-unit residential building, the supervisor or contractor shall:

(a) Distribute written notice to each impacted unit, including:

(i) The general nature and locations of the planned abatement project;

(ii) The expected starting and ending dates; and

(iii) A statement of how occupants can review a copy of the informational pamphlet; or

(b) While the work is ongoing, post informational signs:

(i) Describing the general nature and locations of the work;

(ii) Stating the anticipated completion date; and

(iii) Posting a copy of the informational pamphlet or information on how occupants may review a copy of the pamphlet at no cost.

A-2. Notice of Lead Abatement Projects at Child Care Centers.

(1) No earlier than 60 days before beginning a lead abatement project at a child care center, the contractor or supervisor shall provide the owner of the unit with a copy of the informational pamphlet.

(2) *The contractor or supervisor shall:*

(a) *Obtain from the owner a written acknowledgement that the owner has received the informational pamphlet; or*

(b) *Obtain a certificate of mailing of the informational pamphlet at least 7 days before beginning work.*

(3) *In addition to the requirements under §A-2(1) and (2) of this regulation, if the child care center is not the building owner, the contractor or supervisor shall, no earlier than 60 days before beginning the lead abatement project, provide an adult representative of the child care center with a copy of the informational pamphlet.*

(4) *The contractor or supervisor shall obtain proof of delivery of the informational pamphlet to the occupant, if required under §A-2(3) of this regulation, by:*

(a) *Obtaining a certificate of mailing of the informational pamphlet at least 7 days before beginning work;*

(b) *Obtaining a written acknowledgement from an adult representative of receipt of the informational pamphlet; or*

(c) *Completing a written certification that:*

(i) *Certifies that the contractor or supervisor was unsuccessful in obtaining a written acknowledgement from an adult representative;*

(ii) *Includes address of the unit;*

(iii) *Includes the date and method of delivery of the pamphlet;*

(iv) *Lists name of the person delivering the informational pamphlet;*

(v) *States the reason for lack of acknowledgement;*

(vi) *Includes the signature of the supervisor or a representative of the contractor; and*

(vii) *Lists the date of the signature.*

(5) *The contractor or supervisor shall provide the parents and guardians of children using the child care center with the informational pamphlet, information on the general nature and locations of the work, and the anticipated completion date of the work, by:*

(a) *Mailing or hand-delivering the informational pamphlet and information to each parent or guardian of a child using the child care center; or*

(b) *While the work is ongoing, post informational signs:*

(i) *Describing the general nature and locations of the work;*

(ii) *Stating the anticipated completion date; and*

(iii) *Posting a copy of the informational pamphlet or information on how occupants may review a copy of the informational pamphlet at no cost.*

(6) *At least 24 hours but not more than 10 days before beginning a lead paint abatement project at a child care center, the contractor or supervisor shall notify the Department of the location and anticipated start and completion dates for the project.*

B. (text unchanged)

C. [Risk Reduction] Work Practices.

(1) Notwithstanding the provisions of COMAR 26.02.07, lead hazard reduction treatments, renovations, repairs or painting activities, shall be performed in conformance with this section.

(2) A person [conducting lead hazard reduction treatments] may not use methods that are prohibited under COMAR 26.02.07.03.

(3) A person [conducting lead hazard reduction treatments] may use any of the following methods:

(a)—(b) (text unchanged)

(4) Except for window removal or replacement, disturbance of a lead-containing substance involving 3 square feet or less of surface area in a room [during the performance of lead hazard reduction treatments] is exempt from §C(2), (3), (6), (7), and (12) of this regulation.

(5) Whenever repairs or maintenance work will disturb the paint on interior surfaces of [an affected] a property, the owner and supervisor shall make reasonable efforts to ensure that individuals not performing work are not present in the work area and that persons at risk are removed from the [affected] property when the work is performed.

(6) If lead hazard reduction treatments involve the disturbance of paint on more than 3 square feet of surface area within a room, or involve window removal or replacement, the supervisor shall ensure that:

(a) All movable objects are moved:

(i) (text unchanged)

(ii) To a distance of at least 3 feet from the surface on which the work is to be performed, and covered with plastic sheeting [at least 4 mils thick,] with all seams and edges taped or otherwise sealed;

(b) [Caution signs, with the words, “Caution, Lead Hazard, Keep Out” in bold lettering at least 2 inches high, are posted in a clearly visible location at each entrance to the work area,] Before beginning work, caution signs are posted that:

(i) Contain the warning “Caution, Lead Hazard, Keep Out” in bold lettering at least 2 inches high;

(ii) Are in a clearly visible location at each entrance to the work area;

(iii) Clearly define the work area;

(iv) Are in the primary language of the occupants, to the extent possible;

(v) Include the anticipated completion date of the work;

(vi) Identify the contractor and supervisor;

(vii) Include a telephone number for the contractor or supervisor; and

(viii) Remain in place and readable until the work is completed;

(c)—(d) (text unchanged)

(e) A person not subject to 29 CFR §1926.62, [with Maryland amendments to it under] as incorporated under COMAR 09.12.31, [shall] wears, when present in the work area, a half-mask air purifying respirator equipped with HEPA filters when a heat gun or sander is in use;

(f) Before beginning work, the work area is [In an occupied dwelling unit, the work area shall be] sealed from all other portions of the unit, so that no dust or debris leaves the work area while the work is being performed;

(g) In an occupied dwelling unit, if the work area includes the kitchen, storage areas for food, dishes, and utensils, [shall be] these areas are protected [so that] from dust [does not reach the interior];

(h) In an unoccupied dwelling unit, the interior of storage areas for food, dishes, and utensils [shall be] are washed and vacuumed as provided in §C(8) of this regulation;

(i) Nonmovable objects, such as radiators, refrigerators, stoves, and bookcases, [shall be] are covered with plastic sheeting [at least 4 mils thick secured in place] with all seams and edges taped or otherwise sealed;

(j) Floors in [the] interior work areas [shall be] are covered with plastic sheeting [at least 4 mils thick] that:

(i) Is secured in place; and

(ii) Covers an area extending the greater of 6 feet beyond the perimeter of surfaces undergoing work or a sufficient distance to contain the dust;

(k) The ground in exterior work areas is covered with plastic sheeting that:

(i) Is secured in place; and

(ii) Covers an area extending the greatest of 10 feet beyond the perimeter of surfaces undergoing work, a sufficient

distance to collect falling paint debris, or to the edge of the property line, including vertical containment if necessary to prevent paint debris from leaving the property;

(l) Doors within work areas are covered with plastic sheeting; and

[(k)] (m) All forced air ventilation in the work area [shall be] is shut down and exhaust and intake points in the work area [shall be] are sealed.

(7) Wall-to-Wall Carpeting.

(a) During the conduct of work specified in §C(6) of this regulation, wall-to-wall carpeting which remains in a room shall be protected from lead contamination by at least one layer of plastic sheeting, [at least 4 mils thick,] secured in place.

(b) If[, during the performance of the lead hazard reduction treatments,] the plastic sheeting is torn or punctured, the plastic sheeting shall be immediately repaired or replaced.

(c) Dust and debris [generated during the performance of lead hazard reduction treatments] may be wrapped in the plastic sheeting and prepared for disposal, as required under [§C(9)] §C(10) of this regulation.

(d)—(e) (text unchanged)

(8) Cleanup of Work Area. After completion of [lead hazard reduction treatments and other] activities that may disturb lead paint in a work area, but before applying paint or other surface coatings, the contractor or supervisor shall:

(a) Deposit all waste from painted surfaces in plastic bags[, at least 4 mils thick,] and seal the bags;

(b) Vacuum dust from all surfaces in the work area[, except ceilings,] with a HEPA vacuum;

(c) After HEPA vacuum cleaning, as required in §C(8)(b) of this regulation[,];

(i) Mop uncarpeted floors thoroughly, using detergent and a mopping method that keeps wash water separate from the rinse water, such as the two-bucket mopping method, or using a wet mopping method;

(ii) [wash] Wipe all other surfaces and objects, except [the ceiling, walls, and] carpeted surfaces, with a damp cloth and detergent, changing the wash water at frequent enough intervals to assure adequate cleaning; and

(d) (text unchanged)

(9) *Post Renovation, Repair and Painting Cleaning Verification. Except for properties subject to COMAR 13A.15.05.02, 13A.16.05.05, 13A.17.05.05, or 13A.18.05.05, after completion of renovation, repairs or painting that may disturb lead paint, the contractor or supervisor shall verify the work area has been properly cleaned in accordance with 40 CFR §745.85(b).*

[(9)] (10) Waste Disposal.

(a) Waste from painted surfaces shall be removed before a vacant [dwelling unit] property is reoccupied, or not later than 72 hours after the cleanup has been completed in an occupied [dwelling unit] property.

(b) (text unchanged)

[(10)] Alternative Procedures.

(a) The Department may, on a case-by-case basis, allow an alternative procedure for the performance of lead hazard reduction treatments or modified lead hazard reduction treatments, if the contractor or supervisor submits a written description of the alternative procedure to the Department which demonstrates to the satisfaction of the Department that the proposed alternative procedures provide equivalent protection of human health and the environment.

(b) In all cases in which the Department allows the use of an alternative procedure under §C(11)(a) of this regulation, the Department shall have access to the work area for a 1-year period

following completion of the work to determine the continued effectiveness of the alternative procedure.]

(11) Disposal.

(a) The contractor or supervisor shall ensure compliance with applicable hazardous waste regulations under COMAR 26.13.

(b) Liquid waste shall be contained at the work site and managed in accordance with federal, State, and local regulations.

[(11)] (12) Cleanup after Disturbance of a Lead-Containing Substance. A person performing maintenance, repair, or renovation work in a residential building constructed before [1950] 1978, that results in a disturbance of a lead-containing substance that involves 3 square feet or less of surface area in a room, shall remove all visible debris created as a result of that work before the person leaves the affected property.

D. Optional Post-Renovation Dust Testing.

(1) *This section applies to the renovation, repair, and painting of a lead-containing substance in a residential, public, or commercial building built before 1978 that is not subject to COMAR 13A.15.05.02, 13A.16.05.05, 13A.17.05.05 or 13A.18.05.05.*

(2) *At the conclusion of work described under §D(1) of this regulation, the contractor or supervisor need not perform the cleaning procedures required by §C(9) of the regulation, if the contract between the contractor or supervisor and the person contracting for the work requires post renovation dust testing.*

(3) *Dust test sampling shall be performed in accordance with COMAR 26.16.05.09E by an accredited:*

(a) Visual inspector;

(b) Inspector technician; or

(c) Risk assessor.

(4) *The contractor or supervisor shall ensure that the work area is re-cleaned until the dust sample results are below the lead contaminated dust levels set forth in COMAR 26.16.02.02B(6).*

E. Recordkeeping.

(1) *A contractor or supervisor shall retain the following records for a minimum of 5 years:*

(a) Acknowledgements of receipt, certificates of mailing, written certifications, and informational pamphlets required under §§A-1 and A-2 of this regulation;

(b) Documentation that an accredited supervisor was assigned to the project;

(c) For lead paint removal and demolition, documentation that workers used for the project fulfilled the training requirements required under Regulation .07B of this chapter;

(d) For lead paint maintenance and repainting, documentation of on-the-job training provided to workers used for the project and the topics of training provided to each worker;

(e) A certification by the supervisor assigned to the project that the supervisor conducted or directed workers who conducted the work practices required under §C of this regulation;

(f) The results of any testing performed under §D of this regulation;

(g) Documentation of the on-site inspections required under §B(1) of this regulation; and

(h) The results of any testing done to determine lead content in paint under Regulation .03B of this chapter.

(2) *Upon request by the Department, a property owner shall provide the Department with copies of the records required in §E(1) of this regulation.*

.12 Contractor/Supervisor Performance Standards for Commercial and Public Buildings.

A.—D. (text unchanged)

E. Control of Emissions and Dust.

(1) In interior areas, before beginning any activity which may generate lead-containing dust or debris, the supervisor shall remove or cover all furnishings in the work area, and shall securely cover floors and nonmovable objects with plastic sheeting [at least 4 mils thick].

(2) (text unchanged)

F. Cleanup.

(1) Cleaning procedures in interior areas shall employ the use of a vacuum cleaner with an HEPA filtration system and *thorough mopping using detergent and a mopping method that keeps wash water separate from rinse water, such as the two-bucket mopping method, or using a wet mopping method* [wet cleaning with a solution containing at least 1 ounce of 5 percent trisodium phosphate to each gallon of water].

(2)—(4) (text unchanged)

G. (text unchanged)

[H. Alternative Procedures.

(1) The Department may, on a case-by-case basis, allow an alternative procedure for abatement of a lead paint hazard if the owner, contractor, or supervisor who uses this procedure submits a written description of the alternative procedure to the Department which demonstrates to the satisfaction of the Department that the proposed alternative procedure provides an equivalent or improved abatement result.

(2) In all cases in which the Department allows the use of an alternative procedure under §G(1) of this regulation, the owner shall, for a 2-year period after completion of the lead paint abatement project, permit the Department to enter the area where the abatement occurred in order to determine the continued effectiveness of the allowed alternative procedure.]

.13 Structural Steel Lead Paint Abatement Training and Accreditation Requirements.

A. (text unchanged)

B. Structural Steel Supervisor Accreditation Requirements.

(1) General Requirements.

(a) (text unchanged)

(b) A structural steel lead paint abatement supervisor shall have received, as proof of training, a certificate and identification card indicating an expiration date which is [24] 36 months following the accreditation date.

(c)—(e) (text unchanged)

(2) (text unchanged)

C. (text unchanged)

.14 Lead Paint Inspector Technician Accreditation Requirements.

A. General Requirements.

(1) (text unchanged)

(2) A lead paint inspector technician shall have received, as proof of training and accreditation, an identification card and a certificate indicating an expiration date which is [24] 36 months following the accreditation date.

(3)—(4) (text unchanged)

B. (text unchanged)

.15 Lead Paint Visual Inspector Accreditation Requirements.

A. General Requirements. A lead paint visual inspector shall have:

(1) (text unchanged)

(2) Received, as proof of training, a certificate and identification card indicating an expiration date which is [24] 36 months following the accreditation date; and

(3) (text unchanged)

B. (text unchanged)

.16 Lead Paint Risk Assessor Accreditation Requirements.

A. General Requirements.

(1) A lead paint risk assessor shall have:

(a) (text unchanged)

(b) Received, as proof of training and accreditation, an identification card and a certificate indicating an expiration date which is [24] 36 months following the accreditation date.

(2)—(3) (text unchanged)

B. (text unchanged)

C. Experience.

(1) A lead paint risk assessor shall have:

(a) (text unchanged)

(b) Satisfied one of the following:

(i) (text unchanged)

(ii) Conducted at least five lead-based paint inspections under COMAR [26.16.05.09] 26.16.05.06 and .10 and 15 lead dust inspections from at least 15 separate residential units, public buildings, or commercial properties.

(2)—(3) (text unchanged)

.17 Training Provider Accreditation Requirements.

A.—B. (text unchanged)

C. Requirements for Training Course Accreditation Renewal.

(1) A training provider shall submit to the Department, [within 1 year] *at least 6 months* [of] *before the expiration of* the training course accreditation [date] or most recent renewal, a written request for training course accreditation renewal.

(2) (text unchanged)

(3) Unless the Department approves the written request for accreditation renewal and approves an audit of a training class conducted by the training provider implementing the curriculum with changes as indicated in the request for accreditation renewal, the training provider's accreditation expires after [1] 3 years.

D.—E. (text unchanged)

.18 Lead Abatement Instructor Requirements.

A. Accreditation.

(1) (text unchanged)

(2) The Department may issue a certificate to an instructor who meets the qualifications specified in this regulation. The certificate shall:

(a) (text unchanged)

(b) Indicate an expiration date which is [12] 36 months following the date of the instructor accreditation examination or examinations.

(3)—(6) (text unchanged)

[(7) An individual who has served as an instructor in a worker training course approved by the Department under COMAR 26.02.07.11 satisfies the training and experience required by §A(6) of this regulation to serve as an instructor for a lead paint abatement worker training course.]

B. (text unchanged)

C. Instructor accreditation under this regulation is not required for an accredited lead paint maintenance and repainting supervisor to provide documented on-the-job training to a worker under Regulation .07 of this chapter.

.18-1 Stop Work Orders.

A. *The Department may issue a stop work order when it determines that a lead abatement project is being performed in violation of any provision of this chapter or other applicable regulatory requirement.*

B. *A stop work order shall be in writing, signed by an authorized representative of the Department, and shall contain the following:*

(1) *Name of the violator;*

(2) *Factual findings of the Department;*

(3) *Description of the location of the violation;*
 (4) *Statute or regulation that the Department believes to have been violated;*

(5) *Description of the remedial measures to be taken and a time limit including a schedule for interim steps; and*

(6) *Notice of the opportunity for a hearing.*

C. Upon issuance of a stop work order, the violator shall immediately cease all lead abatement activities as specified in the order and shall immediately take steps to abate the violation or violations.

D. A stop work order shall remain in effect until the violation has been corrected and until the Department has modified or terminated the stop work order in writing.

E. By written notice, the Department may modify or terminate a stop work order for good cause shown.

F. The Department may terminate a stop work order in writing when it determines that all violations in the stop work order have been corrected and that the lead abatement project is in compliance with this chapter or other regulatory requirements.

G. Termination of the stop work order does not preclude legal action by the State relating to the present or a subsequent violation.

.19 Suspension or Revocation of Accreditation or Training Identification Card.

A. The Department may suspend or revoke the accreditation or training identification card of a person accredited or trained under provisions of this chapter if the person:

(1)—(6) (text unchanged)

(7) Performs an activity at a job site, requiring accreditation or training, without being in physical possession of a current accreditation certificate, [or] training identification card, or documentation of on-the-job training.

B.—C. (text unchanged)

.20 Fees.

A.—C. (text unchanged)

D. An applicant for accreditation to provide a lead paint abatement service shall submit an application fee in accordance with the following schedule:

| Service | Application Fee |
|--|-----------------|
| (1) Lead paint abatement services contractor— | [\$250] \$375; |
| (2) Lead paint removal and demolition supervisor— | [150] \$225; |
| (3) Lead paint maintenance and repainting supervisor— | [125] \$187.50; |
| (4) Lead paint inspector technician— | [125] \$187.50; |
| (5) Lead paint visual inspector— | [125] \$187.50; |
| (6) Lead paint risk assessor— | [200] \$300; |
| [(7) Project designer— | 150]; |
| [(8)] (7) Structural steel supervisor— | [150] \$225; |
| [(9)] (8) Training provider— | [300] \$1,200; |
| [(10)] (9) Third-party certification examination fee * | [35] \$50. |

*Only applies to removal and demolition supervisors, inspector technicians, and risk assessors.

E.—F. (text unchanged)

ROBERT M. SUMMERS, Ph.D.
 Secretary of the Environment

Title 29 DEPARTMENT OF STATE POLICE

Subtitle 01 OFFICE OF THE SECRETARY

29.01.05 Petition for Declaratory Ruling

Authority: State Government Article, §§10-301—10-305, Annotated Code of Maryland

Notice of Proposed Action

[15-072-P]

The Secretary of State Police proposes to adopt new Regulations .01—.05 under a new chapter, **COMAR 29.01.05 Petition for Declaratory Ruling.**

Statement of Purpose

The purpose of this action is to establish regulations for a person to submit a petition for a declaratory ruling to the Secretary of the Department of State Police.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Thomas L. Vondersmith, Jr., Administrator, Department of State Police, 1201 Reisterstown Road, Pikesville, MD 21208, or call 410-653-4253, or email to thomas.vondersmith@maryland.gov, or fax to 410-653-4250. Comments will be accepted through February 23, 2015. A public hearing has not been scheduled.

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Declaratory ruling” means a ruling made by a promulgating authority with respect to the manner in which the promulgating authority would apply a regulation or order of the promulgating authority, or a statute that the promulgating authority enforces, to a person or a property based on a given set of facts.

(2) “Department” means the Department of State Police.

(3) “Person” means:

(a) An individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind;

(b) A partnership, firm, association, corporation, or other entity; and

(c) A political subdivision of the State or an instrumentality of a political subdivision.

(4) “Promulgating authority” means the promulgating authority’s designee or an officer or unit of the Department that is authorized by law to adopt regulations subject to State Government Article, §§10-101—10-139, Annotated Code of Maryland, or