

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 16 LEAD

Chapter 01 Accreditation and Training for Lead Paint Abatement Services

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

.02 Definitions.

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

B. Terms Defined.

(1) "Abatement" means a set of measures designed to 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.

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

(3) "Child care center" has the meaning stated in COMAR 13A.16.01.02B.

(4) Contractor.

(a) "Contractor" means a company, partnership, corporation, sole proprietorship, association, self-employed individual, or other business entity.

(b) "Contractor" includes a public or municipal corporation, or an agency, bureau, department, or instrumentality of federal, state, or local government.

(5) Inspector.

(a) "Inspector" means an individual who provides a service as a lead paint inspector technician, or lead paint visual inspector.

(b) "Inspector" does not include an individual who conducts personal air monitoring or collects other samples to be used solely for the assessment of worker exposures to lead.

(6) "HEPA" or "high efficiency particulate air" means a filtering system capable of trapping and retaining at least 99.97 percent of all monodispersed particles of 0.3 micron in diameter or larger.

(7) "Lead-containing substance" means any paint, plaster, or other surface encapsulation material 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.

(8) "Lead hazard reduction treatment" means any work that disturbs a lead-containing substance in an Affected Property as defined in Environment Article, §6-801, Annotated Code of Maryland.

(9) "Lead paint abatement services" means the risk assessment, inspection, or abatement of lead-containing substances.

(10) "Lead paint inspection contractor" means a contractor that serves as, or employs, an inspector or lead paint risk assessor.

(11) "Lead paint inspector technician" means an individual who, as a service, determines the presence of a lead-containing substance through the following techniques:

(a) Use of a portable XRF analyzer;

(b) Collection of paint samples for submission to a laboratory for analysis;

(c) Collection of dust samples for submission to a laboratory for analysis;

(d) Use of chemical tests, such as sodium sulphide and sodium rhodizonate; and

(e) Any other accepted field method or technique for determining the lead content in paint.

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

(13) “Lead paint removal and demolition” means a service that involves the stripping or other removal of a lead-containing substance from a coated surface, or the removal or demolition of components coated with a lead-containing substance, excluding steel structures.

(14) “Lead paint risk assessor” means an individual who conducts inspections, interprets information regarding the presence and condition of lead-containing substances, and prepares reports characterizing hazards associated with identified lead-containing substances.

(15) “Lead paint visual inspector” means an individual who conducts visual inspections and collects dust samples for analysis to verify conformance with the lead risk reduction standards of Environment Article, §6-815 or 6-819, Annotated Code of Maryland.

(16) “Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity.

(17) “Person at risk” means a child under 6 years old or a pregnant woman who resides or regularly spends at least 24 hours per week in an affected property.

(18) “Project designer” means a person who develops specialized work plans for lead paint abatement for residential properties.

(19) “Provide lead paint abatement services” means to engage in the risk assessment, inspection, or abatement of lead-containing substances.

(20) “Residential building” means a privately or publicly owned structure, including a house, apartment building, rooming house, hotel, motel, or hospital, which may serve as a permanent or temporary domicile.

(21) “Structural steel” means the metallic and related structural components of an industrial, commercial, or public structure or superstructure.

(22) “Supervisor” means an individual responsible for oversight of lead paint abatement and lead hazard reduction treatments.

(22-1) “Third party examination” means a test required by EPA that is administered by the Department to a student who successfully completes initial training for any of the following lead paint abatement services:

- (a) Lead paint removal and demolition supervisor;
- (b) Lead paint inspector technician; or
- (c) Lead paint risk assessor.

(23) “Training course” means a category of training conducted by a training provider.

(24) Training Provider.

- (a) “Training provider” means a person who conducts lead paint abatement training courses.
- (b) “Training provider” does not include an individual providing instruction as an employee of a training provider.

(25) “Work area” means an area designated by a supervisor within which lead paint abatement services are performed and within which lead dust and debris are contained in accordance with Regulation .11, .12, or .13 of this chapter, as applicable.

(26) “Worker” means an individual who, under the oversight of a supervisor, works on a lead paint abatement.

(27) “XRF” means an X-ray fluorescence analyzer which measures the lead content in paint and other materials.