

**NORTH CAROLINA ADMINISTRATIVE CODE
CHAPTER 10A
SUBCHAPTER 41C – OCCUPATIONAL HEALTH**

**SECTION .0900 - LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM FOR
RENOVATION, REPAIR AND PAINTING**

10A NCAC 41C .0901 GENERAL

(a) In addition to the definitions found in 40 CFR Part 745 Subpart E and Subpart L and G.S. 130A-453.22 the following definitions apply throughout this Section:

- (1) "Accredited training course" means a lead training course accredited by the Program.
- (2) "Accredited training provider" means a training provider who is accredited by the Program, and who provides accredited training courses.
- (3) "Program" means the Lead-Based Paint Hazard Management Program for Renovation, Repair and Painting within the Division of Public Health.
- (4) "Training hour" means at least 50 minutes of actual learning, including time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and hands-on experience.
- (5) "Working day" means Monday through Friday. Holidays falling on any of these days are included in the definition.

(b) Residential Property Renovation and Lead-Based Paint Activities, 40 CFR Part 745 Subpart E and Subpart L, is hereby incorporated by reference, including any subsequent amendments and editions. This document is available for inspection at the Division of Public Health, 1915 Mail Service Center, Raleigh, North Carolina 27499-1915. A copy of this document may be obtained in writing from the US Government Printing Office, P.O. Box 979050, St Louis, MO 63197-9000, at a cost of sixty-one dollars (\$61.00).

*History Note: Authority G.S. 130A-22; 130A-453-31;
Temporary Adoption Eff. January 1, 2010;
Eff. November 1, 2010.*

10A NCAC 41C .0902 CERTIFICATION OF INDIVIDUALS

(a) No person shall perform lead-based paint renovation activities for compensation in target housing and child-occupied facilities until that person has been certified by the Program in the applicable certification category. Certification is not required for a trained renovation worker as defined by G.S. 130A-453.22(b)(7).

(b) An applicant for certification shall successfully complete applicable, discipline specific training courses accredited by the Program pursuant to Rule .0904 of this Section. Successful completion includes attendance of at least 95 percent of the course, passing the course exam with a minimum score of 70 percent, and successful completion of the hands-on skills assessment pursuant to 40 CFR 745, Subpart L. An applicant for initial certification shall also meet the applicable, discipline-specific, certification requirements in Paragraphs (c) and (d) of this Rule:

(c) To obtain dust sampling technician certification or renewal of certification, the applicant shall meet the following:

- (1) An applicant for initial certification shall have successfully completed an accredited initial dust sampling technician training course within the 12 months immediately preceding application. If initial training was completed more than 12 months prior to application, the applicant shall have successfully completed an accredited dust sampling technician training

course at least every 60 months from the date of the last training, and within 12 months immediately preceding the application.

- (2) An applicant shall submit a completed dust sampling technician certification application with the following information to the Program:
 - (A) full name of the applicant;
 - (B) address, including city, state, zip code, and telephone number;
 - (C) date of birth, sex, height, and weight;
 - (D) name, address, including city, state, zip code, and telephone number of certified renovation firm;
 - (E) name of training provider;
 - (F) name of training course completed;
 - (G) dates of course attended;
 - (H) one color photograph of the applicant; and
 - (I) confirmation of completion of accredited initial and refresher training courses, as applicable, from the training provider. The confirmation shall be in the form of an original certificate of completion of the accredited training course, or an original letter from the training provider, on training provider letterhead, including the information in Parts (A) through (G) of this Subparagraph, confirming completion of the course.
- (3) Initial dust sampling technician certification expires on the last day of the 12 month after training was taken.
- (4) An applicant for renewal of dust sampling technician certification shall have successfully completed an accredited initial or refresher training course within 48 months prior to applying for certification renewal, and shall meet the requirements of Paragraphs (b) and (c) of this Rule. All renewal certifications expire on the last day of the 12th month from the date of certification. If a person fails to obtain the required training within 48 calendar months of the date of last training, that person may renew certification only by successful completion of an accredited dust sampling technician course and by meeting the requirements of Paragraphs (b) and (c) of the Rule. If a person fails to obtain the required training within 60 calendar months of the date of last training, that person may renew certification only by successful completion of an accredited initial dust sampling technician course and by meeting the requirements of Paragraphs (b) and (c) of this Rule.

(d) To obtain certification as a certified renovator or to renew certification, the applicant shall meet the following:

- (1) An applicant for renovator certification shall have successfully completed an accredited initial renovator training course prior to application. If initial training was completed more than 60 months prior to application, the applicant shall have successfully completed an accredited refresher course for the specific discipline at least every 60 months from the date of completion of initial training.
- (2) An applicant shall submit a completed renovator certification application with the following information to the Program:
 - (A) full name of the applicant;
 - (B) address, including city, state, zip code, and telephone number;
 - (C) date of birth and sex;
 - (D) name, address, including city, state, zip code, and telephone number of certified renovation firm;
 - (E) name, address, including city, state, zip code, and telephone number of training provider that provided the training;
 - (F) name of training course completed and language in which it was taught;
 - (G) date(s) of course completion and exam;

- (H) confirmation of completion of accredited initial and refresher training courses, as applicable from the training provider. The confirmation shall be in the form of a copy of an original certificate of completion of the accredited training course, or an original letter from the training provider, on training provider letterhead, including the information in Parts (A) through (G) of this Subparagraph, and confirming completion of the course; and
 - (I) one color photograph of the applicant.
- (3) An applicant for renewal of renovator certification shall have successfully completed the required accredited refresher training course no more than 60 months prior to applying for certification renewal, and shall meet the requirements of Paragraphs (b) and (d) of this Rule. If a person fails to obtain the required training within 60 calendar months of the date of last training, that person may renew certification only by successful completion of an accredited initial renovator course and by meeting the requirements of Paragraphs (b) and (d) of this Rule.
- (e) All certified persons shall be assigned a unique certification number by the Program.
- (f) A person whose certification or certification renewal is revoked, suspended or denied because of misrepresentations or because of violations that create a public health threat as defined in G.S. 130A-475(d), shall not reapply for certification or certification renewal before 12 months after the effective date of the revocation, suspension, or denial and shall repeat the initial training course and other requirements as set out in Paragraphs (b), (c), and (d) of this Rule.
- (g) The Program may revoke, suspend or deny certification or certification renewal upon a finding that the certified person has violated any requirement referenced in the following provisions with regard to renovation activities, as determined by the agencies which administer these Rules:
- (1) Department of Labor Rules found at Chapter 7, Title 13 of the North Carolina Administrative Code;
 - (2) Department of Transportation Rules found at Title 19A of the North Carolina Administrative Code;
 - (3) Solid Waste Management Rules found at Chapter 13, Title 15A of the North Carolina Administrative Code; and
 - (4) NC Childhood Lead Poisoning Prevention Program requirements found at G.S. 130A, Article 5, Part 4.

History Note: Authority G.S. 130A-453.24; 130A-453.25; 130A-453.31; 130A-23; Temporary Adoption Eff. January 1, 2010; Eff. November 1, 2010.

10A NCAC 41C .0903 CERTIFICATION OF RENOVATION FIRMS

- (a) The Program shall issue a certificate of approval to firms meeting the requirements in Paragraphs (b) and (c) of this Rule.
- (b) A firm applying for certification shall submit a completed firm certification application provided by the Program for evaluation. The application shall include:
- (1) The name, address, including city, state, and zip code, and telephone number of the firm;
 - (2) A statement that attests that all individuals to be used by the firm as renovators and dust sampling technicians are certified by the Program;
 - (3) A statement that attests that the firm will perform lead-based paint renovation activities in accordance with the rules of this Section and all applicable local, State, and Federal requirements, including all applicable record keeping, record retention, information distribution, and reporting requirements;

- (4) A disclosure of any action by US EPA or a US EPA authorized program involving violations, suspension, revocations, or modifications of a firm's activities or the activities of employees performing a renovation on behalf of a firm;
 - (5) A list of renovators and dust sampling technicians employed by the firm to perform lead-based paint renovation activities, and their Program certification numbers; and
 - (6) The original signature, title, and printed name of an official of the firm.
- (c) All certifications may be renewed annually by submitting a completed application provided by the Program for evaluation.
- (d) A firm whose certification is revoked, suspended or denied because of misrepresentations or because of violations that create a public health threat as defined in G.S. 130A-475(d) shall not reapply for certification or renewal of certification before 12 months after the effective date of the revocation, suspension, or denial and shall comply with the requirements for firm certification as set out in Paragraphs (a), (b), and (c) of this Rule. The Program may revoke, suspend or deny certification or certification renewal upon a finding that a certified firm, or an individual performing a renovation on behalf of the firm, has violated any requirement referenced in Rule .0902(g) of this Section. Firm certification may be revoked, suspended or denied upon revocation of certification by US EPA or a US EPA authorized program.

*History Note: Authority G.S. 130A-453.24; 130A-453.25; 130A-453.22; 130A-23;
Temporary Adoption Eff. January 1, 2010.
Eff. November 1, 2010.*

10A NCAC 41C .0904 ACCREDITATION OF TRAINING COURSES

- (a) Pursuant to Rule .0902 of this Section, applicants for certification and certification renewal are required to successfully complete training courses accredited by the Program. Training courses:
- (1) Taught in locations other than North Carolina and accredited by US EPA or by a state with a US EPA authorized program shall be deemed accredited for certification purposes of the Program;
 - (2) Taught in North Carolina and accredited by a state, tribe, or territory that has a written reciprocating agreement with the Program shall meet the requirements of Paragraphs (b), (c), (e), (g), and (h) of this Rule to be accredited by the Program;
 - (3) Taught in North Carolina, other than those covered in Subparagraphs (2) and (4) of this Paragraph, shall meet the requirements of this Rule;
 - (4) Taught in North Carolina prior to August 1, 2010, and accredited by US EPA or by a state with a US EPA authorized program shall be deemed accredited for certification purposes of the Program.
- (b) A training provider may apply for initial and refresher training course accreditation for the following disciplines: renovator and dust sampling technician. Training providers applying for course accreditation shall submit a completed training course application to the Program for review and evaluation, pursuant to Paragraph (e) of this Rule. Once a training course is accredited, any changes in curriculum, hands-on exercises, examination, training manual or materials, or quality control plan from the original course accreditation application shall be submitted and approved by the Program prior to implementation.
- (c) For all courses, the training provider shall administer a closed book examination. Initial courses shall include a hands-on skills assessment. Initial and refresher course examinations shall consist of a minimum of 25 multiple choice questions.
- (d) Training courses shall be evaluated for accreditation purposes by the Program for course administration, course length, curriculum, training methods, instructors' teaching effectiveness, technical accuracy of written materials and instruction, examination, and training certificate. The evaluation shall be conducted using 40 CFR Part 745 Subpart L.
- (e) Training course providers shall submit the following for evaluation by the Program:

- (1) A completed application on a form provided by the Program, along with supporting documentation. The form and supporting documentation shall include the following:
 - (A) name, address including city, state, and zip code, and telephone number of the training provider, and name and signature of the contact person, training manager, and principal instructor;
 - (B) course title, location, and the language in which the course is to be taught;
 - (C) course agenda;
 - (D) a copy of all written instructional material to be used;
 - (E) learning or performance objectives for each topic to be taught;
 - (F) a copy or description of all audio/visual materials to be used;
 - (G) a description of each hands-on training activity and skills assessment, including criteria for determining student proficiency;
 - (H) a description of instructional facilities and equipment;
 - (I) a copy of a sample exam with correct answers marked and exam blueprint; and
 - (J) a written policy for administration of oral exams.
 - (2) A sample course certificate with the following information:
 - (A) name and address, including city, state, and zip code of the student;
 - (B) training course title specifying "initial" or "refresher" of training course completed;
 - (C) inclusive dates of course and applicable examination;
 - (D) a statement that the student successfully completed the course and hands-on skills assessment and passed the required examination;
 - (E) unique certificate number;
 - (F) student photo;
 - (G) printed name and signature of the training course manager and printed name of the principal instructor;
 - (H) name, address including city, state, and zip code, and telephone number of the training provider;
 - (I) training course location; and
 - (J) for training courses taught in languages other than English, the certificate shall indicate the language of the course;
 - (3) A list of accredited lead training courses being offered for certification;
 - (4) A list of instructors who will teach in North Carolina and their qualifications in accordance with 40 CFR 745 Subpart L Subsection .225(c)(2); and
 - (5) A copy of the course quality control plan that meets the requirements of 40 CFR 745 Subpart L Subsection .225(c)(9).
- (f) An application for course accreditation by the Program shall be processed as follows:
- (1) The Program shall review the application and supporting documentation and advise the applicant of any deficiencies. If the deficiencies are not corrected within 12 months from the date of application, the application and any supporting documentation shall be returned to the applicant and the applicant shall re-submit a completed application. Approval of submitted documentation does not constitute course accreditation;
 - (2) If the submitted documentation meets all applicable requirements of this Rule, the Program shall notify the applicant of this and also advise the applicant that it may contact the Program to schedule an on-site audit. The on-site audit shall be of a class of at least two student attendees and taught in North Carolina;
 - (3) If the Program determines, as a result of the on-site audit, that the training course meets all applicable requirements of this Rule, it shall issue course accreditation. If the course does not meet these requirements, the Program shall notify the applicant of the deficiencies and advise the applicant that it may request one additional on-site audit, which shall be held no more than six months from the date of the first audit; and

- (4) If the Program determines, as the result of the second audit, that the training course meets all applicable requirements of this Rule, it shall issue course accreditation. If the course does not meet all these requirements, the Program shall notify the applicant of the deficiencies, return all the application materials, and advise the applicant that it may not reapply for course accreditation for the audited course for a period of six months from the date of the last audit.
- (g) Training course providers shall perform the following in order to maintain accreditation of all initial and refresher courses:
- (1) Issue a certificate of training meeting the requirements of Subparagraph (e)(2) of this Rule to any student who successfully completes the required training and the hands-on skills assessment, and passes the applicable examination;
 - (2) Submit to the Program written notice of intention to conduct a training course for North Carolina lead certification purposes, if the course is to be taught in North Carolina. Notices for training courses shall be postmarked or received 10 working days before the training course begins. If the training course is canceled or there is a change of instructors or course location, the training course provider shall notify the Program at least two working days prior to the scheduled start date. Notification of intent to conduct a training course shall be made using a form provided by the Program and shall include the following:
 - (A) training provider name, address including city, state, and zip code, telephone number, and contact person;
 - (B) training course title;
 - (C) inclusive dates of course and applicable exam;
 - (D) start and completion times;
 - (E) location of the course facility and directions to the course facility;
 - (F) language in which the course is taught; and
 - (G) signature of the training manager;
 - (3) Notify the Program, in writing, at least 10 working days prior to the scheduled course start date, of any changes to course length, training methods, training certificate, or training course manager;
 - (4) Submit to the Program information and documentation for any course accredited pursuant to this Rule if requested by the Program;
 - (5) Ensure that all training courses covered under this Rule meet the requirements of 40 CFR Part 745 Subpart L, Subsection .225(c), (d), and (e) and the following requirements:
 - (A) the instructor must follow the curriculum that was approved by the Program, US EPA, or a state, tribe, or territory with whom the Program has a reciprocity agreement. The schedule may be adjusted, but all curriculum elements shall be covered;
 - (B) all initial and refresher training courses shall have a maximum of 30 students;
 - (C) a day of training shall include at least eight training hours;
 - (D) a training course shall be completed within a two-week period;
 - (E) instructor ratio for hands-on training shall be no more than 10 students per instructor;
 - (F) all course materials shall be in the language in which the course is being taught;
 - (G) each training course shall be discipline specific;
 - (H) students shall be allowed to take an examination no more than twice for each course. The exam used for retesting shall be different from the previous exam. After two failures, the student shall retake the full course before being allowed to retest; and
 - (I) training providers shall provide examination security to prevent student access to the examination materials before and after the exam. Training providers shall take

measures to preclude cheating during the exam, such as providing space between students, prohibiting talking, and monitoring students throughout the exam.

- (6) Verify, by photo identification, the identity of any student requesting training;
 - (7) Submit a completed renewal application on a form provided by the Program for each course accredited by the Program, and taught in North Carolina, for which the training provider is seeking renewal;
 - (8) Conduct work practice and worker protection demonstrations and hands-on exercises presented in all training courses covered under this Rule in accordance with Rule .0906 of this Section and 29 CFR 1926.62, which is hereby incorporated by reference, including any subsequent amendments and editions; and
 - (9) Teach the course at least once every five years in North Carolina.
- (h) Training course providers shall permit Program representatives to attend, evaluate and monitor any training course, take the course examination, and have access to records of training courses without charge or hindrance to the Program for the purpose of evaluating compliance with these Rules. The Program shall perform periodic and unannounced on-site audits of training courses.
- (i) In accordance with G.S. 130A-23, the Program may suspend, revoke, or deny accreditation for a training course for any violation of G.S. 130A, Article 19B or the Rules of this Section and shall revoke accreditation upon revocation of accreditation by the US EPA or by any state with a US EPA authorized accreditation program. The Program shall also revoke course accreditation for all courses taught by a training provider upon a finding that the training course provider has issued one or more certificates to an individual who did not actually attend the course, successfully complete the hands-on exercises, and pass the examination. When course accreditation is revoked for improper issuance of certificates, the training course provider is not eligible for reaccreditation for a period of 36 months from the date of revocation.

*History Note: Authority G.S. 130A-453.26; 130A-453.31; 130A-23;
Temporary Adoption Eff. January 1, 2010;
Eff. November 1, 2010.*

10A NCAC 41C .0905 ACCREDITATION OF TRAINING PROVIDERS

- (a) To become accredited, training providers shall meet the following requirements:
- (1) Submit a completed application on a form provided by the Program including:
 - (A) the name, address including city, state and zip code, and telephone number of the training provider;
 - (B) a statement that all courses taught in North Carolina for certification will comply with all of the requirements of the rules in this Section;
 - (C) a statement that the training provider is responsible for maintaining the validity and integrity of the hands-on skills assessment to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with the course topics;
 - (D) a statement that the training provider is responsible for maintaining the validity and integrity of the course examination to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics;
 - (E) documentation for the training manager, pursuant to Rule .0904 of this Section; and
 - (F) the original signature, title, and printed name of an official of the training provider.
 - (2) Training Providers accredited by US EPA or by a state with a US EPA authorized program shall submit documentation of their accreditation to the Program.
- (b) In accordance with G.S. 130A-23, the Program may suspend, revoke, or deny accreditation of a training provider for any violation of G.S. 130A, Article 19B or the rules of this Section and shall revoke accreditation upon revocation of accreditation by the US EPA or by any state with a US EPA authorized accreditation program. A training provider whose course accreditation has been revoked by the Program is

not eligible for accreditation for a period of 12 months from the date of revocation. The Program shall also revoke a training provider's accreditation upon a finding that the training course provider has falsified training documents or issued one or more certificates to an individual who did not actually attend the course, complete the hands-on exercises, and pass the examination. When accreditation is revoked for falsification of documents or improper issuance of certificates, the training course provider shall not be eligible for reaccreditation for a period of 36 months from the date of revocation.

*History Note: Authority G.S. 130A-453.26; 130A-453.31; 130A-23;
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10A NCAC 41C .0906 STANDARDS FOR CONDUCTING LEAD-BASED PAINT RENOVATION ACTIVITIES

- (a) All lead-based paint renovation activities performed for compensation in target housing and child-occupied facilities shall be conducted in accordance with 40 CFR 745 Subpart E, Subsections .85 and .90.
- (b) The following shall be maintained on site during renovation activities and be available for review by the Program:
- (1) A copy of the Program issued firm certification;
 - (2) A copy of the Program issued certification letter for the certified renovator assigned to the project; and
 - (3) Photo-identification cards issued by the Department for inspectors, risk assessors and dust sampling technicians performing dust wipe sampling or clearance sampling as applicable.

*History Note: Authority G.S. 130A-453.28; 130A-453.31;
Temporary Adoption Eff. January 1, 2010;
Eff. November 1, 2010.*

10A NCAC 41C .0907 STANDARDS FOR RECORDS RETENTION, INFORMATION DISTRIBUTION, AND REPORTING REQUIREMENTS

- (a) All certified renovation firms shall comply with the records retention, information distribution, and reporting requirements related to lead-based paint renovation activities, in accordance with 40 CFR 745 Subpart E, Subsections .84 and .86.
- (b) All certified renovation firms using USEPA-recognized test kits prior to conducting renovation activities in target housing and child-occupied facilities must provide in writing to the person who contracted for the renovation the identifying information as to the manufacturer and model of the test kits used, a description of the components that were tested including their locations, and the test kit results. This information must be provided prior to the start of the renovation activities.
- (c) All accredited training providers shall comply with the training program recordkeeping requirements in accordance with 40 CFR 745 Subpart L, Subsection .225(i).

*History Note: Authority G.S. 130A-453.29; 130A-453.31;
Temporary Adoption Eff. January 1, 2010;
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