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Ohio Administrative Code

Rule 3701-32-10 Lead abatement project designer scope of practice and standards of conduct.

Effective: August 4, 2014

(A) A lead abatement project designer is licensed to do the following on residential units, child care facilities and schools, or the soil surrounding them, or both:

(1) Design lead abatement projects;

(2) Conduct lead abatement;

(3) Provide professional advice regarding lead abatement;

(4) Supervise one or more lead abatement workers;

(5) Write pre-abatement plans and lead abatement specifications; and

(6) Perform lead abatement, essential maintenance practices, interim controls, lead-safe renovation and paint stabilization.

(B) A lead abatement project designer shall not perform or provide advice on:

(1) Lead inspections;

(2) Lead-based paint sampling;

(3) Lead hazard screen risk assessments;

(4) Other lead assessment activities; or

(5) Clearance examinations.

(C) To apply for a license as a lead abatement project designer, an individual shall comply with the applicable provisions of rule 3701-32-04 of the Administrative Code.

(D) A lead abatement contractor or lead abatement project designer shall be designated for each lead abatement project.

(E) The designated lead abatement contractor or lead abatement project designer shall be present at the worksite during worksite preparation and during the post-abatement clean-up of the work areas. At any other time lead abatement is conducted, the designated contractor or lead abatement project designer shall be present at the worksite or shall be able to be present at the worksite within two hours. If not present at the worksite, the designated contractor or lead abatement project designer shall be available for immediate consultation by telephone, pager, or answering service. The designated lead abatement contractor or lead project designer shall do the following:

(1) Prior to engaging in any lead abatement project, prepare a written respiratory protection plan in accordance with 29 C.F.R. 1910.134 (2012) and make the plan available to the director and all lead abatement workers at the project site upon request;

(2) Be responsible for ensuring all lead abatement is conducted in accordance with current and accepted methodologies, including, but not limited to, the procedures in Chapters 8, 9, 11, 12, and 13 of the HUD guidelines;

(3) Notify the director, on a form prescribed by the director, at least ten calendar days, or three calendar days if using the online notification system, prior to the commencement of a project, of the date and place a lead abatement project will commence. The designated lead abatement contractor or lead abatement project designer shall immediately notify the director in writing of any changes rendering the notice inaccurate;

(4) Prepare a written pre-abatement plan prior to conducting a lead abatement project. The plan shall be unique to each project and shall be maintained at the work site during the lead abatement. The plan shall contain the following components:

(a) A written occupant protection plan describing protection measures and management procedures

that will be taken to protect individuals from exposure to lead hazards. All measures undertaken shall comply with the procedures Chapter 8 of the HUD guidelines;

(b) A written compliance plan describing measures and management procedures that will be taken to protect lead abatement personnel from exposure to lead hazards. The written compliance plan shall comply with the format as written in Chapter 9 of the HUD guidelines and shall include both a daily sign-in log and respirator fit test dates;

(c) A respiratory protection plan as required in paragraph (E)(1) of this rule;

(d) A hazard communication plan as required by 29 C.F.R. 1910.1200 (2013) or 29 C.F.R. 1926.59 (2013); and

(e) If one has been issued in accordance with rule 3701-30-09 of the Administrative Code, a copy of the lead hazard control order.

(5) Ensure all abatement activities are conducted according to the requirements of all applicable federal, state, and local regulations;

(6) Use only encapsulants approved by the director under rule 3701-32-13 of the Administrative Code when performing encapsulation and apply in accordance with the procedures in Chapter 13 of the HUD guidelines;

(7) Not provide advice on the need for lead abatement as a lead risk assessor and then participate in a lead abatement project resulting from the advice unless either of the following applies:

(a) The person is employed as a member of the staff of the owner or manager of the property on which the lead abatement is to be performed;

(b) A written contract for lead abatement is entered into stating both of the following:

(i) The person was involved in the lead testing or in the provision of professional advice, leading to the lead abatement contract; and

(ii) The party contracting for the lead abatement services should obtain a second opinion to verify any lead test results and assure the proposed lead abatement or project design is appropriate;

(8) Ensure none of the following prohibited methods are utilized:

(a) Open-flame burning, torching or charring of lead-based paint;

(b) Machine sanding or grinding or abrasive blasting or sandblasting lead-based paint unless the machine used is equipped with a HEPA exhaust control;

(c) Dry scraping or dry sanding lead-based paint unless the scraping is done in conjunction with heat guns or around electrical outlets or when treating defective paint spots totaling no more than two square feet in any one room, hallway, or stairwell, or totaling no more than twenty square feet on exterior surfaces;

(d) Use of a heat gun on lead-based paint above one thousand one hundred degrees Fahrenheit;

(e) Uncontained hydro-blasting or high pressure washing of lead-based paint; or

(f) Paint stripping in a poorly ventilated space using a volatile stripper considered a hazardous substance under 16 C.F.R 1500.3 (2011) or a hazardous chemical pursuant to 29 C.F.R. 1910.1200 (2013) or 29 C.F.R. 1926.59 (2013);

(9) Ensure all persons involved in a lead abatement project follow the worker protection standards pursuant to 29 C.F.R. 1926.62 (2012) by OSHA;

(10) Ensure each employee or agent who will come in contact with lead hazards or will be responsible for a lead abatement project receives a license and appropriate training as required by this chapter before participating in a lead abatement project;

(11) Ensure post-abatement cleaning is performed at the lead abatement project of the residential unit, child care facility or school according to the procedures in Chapter 14 of the HUD guidelines;

(12) Ensure a lead risk assessor or lead inspector performs a clearance examination of the residential unit, child care facility or school according to the procedures set forth in rule 3701-32-12 of the Administrative Code. If the results of the clearance examination indicate lead levels are at or above the clearance standards set forth in rule 3701-32-19 of the Administrative Code, the designated lead abatement contractor or lead abatement project designer shall ensure the components represented by the failed sample or samples are re-cleaned and re-tested. A lead risk assessor or lead inspector shall perform any necessary clearance examination or clearance examinations to ensure the residential unit, child care facility or school meets the clearance standards;

(13) Prepare a written lead abatement project report for each lead abatement project conducted. The report shall be written in a format prescribed by the director and shall comply with requirements set forth in rule 3701-32-15 of the Administrative Code. The written report shall contain the following information concerning the lead abatement project:

(a) Start and completion dates of the abatement;

(b) Address, unit number, and date of construction of the residential unit, child care facility or school;

(c) Name, address, and telephone number of the owner of the residential unit, child care facility or school;

(d) Name and address of each firm conducting the abatement, the name of the designated lead abatement contractor or lead abatement project, and the name or names of other lead abatement personnel present at the abatement project;

(e) A detailed written description of the abatement, including the abatement methods used, location of room equivalents, components. or both. where abatement occurred, and the reason for selecting particular abatement methods for each area abated, and any suggested monitoring of encapsulants or enclosures;

(f) The occupant protection portion of the pre-abatement plan prepared in accordance with paragraph

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(E)(4)(a) of this rule;

(g) The written compliance plan portion of the pre-abatement plan as required by paragraph (E)(4)(b) of this rule;

(h) A copy of all clearance examination reports as required by rule 3701-32-12 of the Administrative Code;

(i) If applicable, information on the storage, transport and disposal of any hazardous waste generated during the abatement;

(j) Name, license number, and address of each lead abatement contractor or project designer who prepared the pre-abatement plan for the lead abatement project, if any; and

(k) The statements prescribed in paragraph (E) of rule 3701-32-15 of the Administrative Code prominently displayed at the top of the report in bold letters.

(14) Ensure there is a designated lead abatement worker present at the work site at all times when the designated lead abatement contractor or lead abatement project designer is not onsite. The designated lead abatement worker must have knowledge of the work scope and is responsible for maintaining and providing all onsite paperwork to include the written pre-abatement plan, lead risk assessment and lead hazard control order, if applicable.