

Secretary of State  
Certificate and Order for Filing  
**TEMPORARY ADMINISTRATIVE RULES**  
A Statement of Need and Justification accompanies this form.

I certify that the attached copies\* are true, full and correct copies of the TEMPORARY Rule(s) adopted on March 11, 2010 by the  
(Date prior to or same as filing date.)

Construction Contractors Board OAR 812  
(Agency and Division) (Administrative Rules Chapter Number)

Catherine Dixon 700 Summer St NE Suite 300, Salem OR 97301 378-4621 ext. 4077  
(Rules Coordinator) (Address) (Telephone)

to become effective March 11, 2010 through September 3, 2010  
(Date upon filing or later) (A maximum of 180 days including the effective date.)

**RULE CAPTION**

Lead-Based Paint recognized training programs.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

List each rule number separately, 000-000-0000.

**ADOPT:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**AMEND:**  
812-007-0020

**SUSPEND:**

ORS 670.310, 701.235 & 701.515

Stat. Auth.: ORS

Chapter 757 OR Laws 2009 (HB 2134)

Other Authority

ORS 701.505-701.520

Stats. Implemented: ORS

**RULE SUMMARY**

OAR 812-007-0020 is amended because currently, the Department of Human Services, Public Health Division is not able to accredit training programs because it has not yet adopted its rules. The only accredited training programs are those accredited by the Environmental Protection Agency (EPA). CCB needs to recognize these training programs as meeting the requirements for licensure, or there will be no way for contractors to obtain a certified LBP renovation contractor license.

\_\_\_\_\_  
Authorized Signer

Catherine Dixon  
Printed Name

March 11, 2010  
Date

\*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules..

ARC 940-2005

**NOTE:** In order to save postage and printing costs in these difficult times, CCB is only providing a copy of the notice. To view the language of each individual rule change, please go to our web site at [http://www.oregon.gov/CCB/Laws\\_Rules.shtml#Administrative\\_Rule\\_Notices](http://www.oregon.gov/CCB/Laws_Rules.shtml#Administrative_Rule_Notices). If you don't have web access, contact Cathy Dixon at (503) 378-4621 ext. 4077 for assistance in receiving a copy.

# STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Construction Contractors Board

OAD 812

Agency and Division

Administrative Rules Chapter Number

In the Matter of: Amendments to OAD 812

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Lead-Based Paint recognized training programs

Statutory Authority: ORS 670.310, 701.235 & 701.515

Other Authority: Chapter 757 OR Laws 2009 (HB 2134)

Stats. Implemented: ORS 701.505-701.520

Need for the Temporary Rule(s):

OAD 812-007-0020 is amended because currently, the Department of Human Services, Public Health Division is not able to accredit training programs because it has not yet adopted its rules. The only accredited training programs are those accredited by the Environmental Protection Agency (EPA). CCB needs to recognize these training programs as meeting the requirements for licensure, or there will be no way for contractors to obtain a certified LBP renovation contractor license.

Documents Relied Upon, and where they are available: ORS 701 and OAD 812. Documents are on the agency website at [www.oregon.gov/ccb](http://www.oregon.gov/ccb) or a paper copy is available upon request.

Justification of Temporary Rule(s):

The CCB finds that following the permanent rulemaking process, instead of taking this temporary rulemaking action, would result in serious prejudice to the public interest and to its licensees. Some CCB licensees need to become licensed as a certified lead-based paint renovator in order to comply with federal and state law that takes effect April 2010. The Department of Human Services, Public Health Division, has not yet adopted its rules creating an accreditation process for training programs. But, the EPA has such a process and its accreditations are as valid as those of the Department of Human Services, Public Health Division. In order for our contractors to obtain a certified lead-based paint renovators license, we need to recognize the EPA accredited training programs.

\_\_\_\_\_  
Authorized Signer

Catherine Dixon  
Printed Name

March 11, 2010  
Date

## HOUSING COST IMPACT STATEMENT

FOR ESTIMATING THE EFFECT OF A PROPOSED RULE OR ORDINANCE ON THE COST OF DEVELOPING  
A \*TYPICAL 1,200 SQ FT DETACHED SINGLE FAMILY DWELLING ON A 6,000 SQ FT PARCEL OF LAND.  
(ORS 183.534)

FOR ADMINISTRATIVE RULES

**AGENCY NAME:** Construction Contractors Board  
**ADDRESS:** 700 Summer St. NE Ste 300  
**CITY/STATE:** Salem OR 97309  
**PHONE:** (503) 378-4621

**PERMANENT:**

**HEARING DATE:**

**TEMPORARY:**

**EFFECTIVE DATE:** March 11, 2010

### BELOW PLEASE PROVIDE A DESCRIPTION OF THE ESTIMATED SAVINGS OR ADDITIONAL COSTS THAT WILL RESULT FROM THIS PROPOSED CHANGE.

PROVIDE A BRIEF EXPLANATION OF HOW THE COST OR SAVINGS ESTIMATE WAS DETERMINED.  
IDENTIFY HOW CHANGE IMPACTS COSTS IN CATEGORIES SPECIFIED

**Description of proposed change:** (Please attach any draft or permanent rule or ordinance)

OAR 812-007-0020 is amended because currently, the Department of Human Services, Public Health Division is not able to accredit training programs because it has not yet adopted its rules. The only accredited training programs are those accredited by the Environmental Protection Agency (EPA). CCB needs to recognize these training programs as meeting the requirements for licensure, or there will be no way for contractors to obtain a certified LBP renovation contractor license.

**Description of the need for, and objectives of the rule:**

OAR 812-007-0020 is amended because currently, the Department of Human Services, Public Health Division is not able to accredit training programs because it has not yet adopted its rules. The only accredited training programs are those accredited by the Environmental Protection Agency (EPA). CCB needs to recognize these training programs as meeting the requirements for licensure, or there will be no way for contractors to obtain a certified LBP renovation contractor license.

**List of rules adopted or amended:**

812-007-0020

**Materials and labor costs increase or savings:**

None.

**Estimated administrative construction or other costs increase or savings:**

None.

**Land costs increase or savings:**

The rule amendments have no measurable impact the cost of a new home or a building lot.

**Other costs increase or savings:**

None.

\*Typical-Single story 3 bedrooms, 1 1/2 bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

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Proposed Rule	Explanation
<p><b>812-007-0020</b>  <b>Definitions</b></p> <p>The following definitions apply to division 7 of OAR chapter 812.</p> <p>(1) “Abatement” means any measure or set of measures designed to permanently eliminate LBP hazards.</p> <p>(2) “Accredited training program” means a training program provisionally accredited or accredited by the <b>Environmental Protection Agency or the</b> Department, either directly or reciprocity, to provide training for individuals engaged in LBP activities or renovation.</p> <p>(3) “Certified” means certified by the Department to perform LBP activities.</p> <p>(4) “Certified lead-based paint renovation contractor” means a construction contractor that is licensed by the board to conduct LBP renovation under ORS 701.515.</p> <p>(5) “Child-occupied facility” means a building, or portion of a building, constructed before 1978 and visited regularly by the same child, six years of age or under, on at least two different days within any week (Sunday through Saturday), provided that each day’s visit lasts at least 3 hours and the combined weekly visit lasts at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day-care centers, preschools and kindergarten classrooms. Child-occupied facilities may be located in target housing or in public or commercial buildings. With respect to common areas in public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under age six, such as restrooms and cafeterias. Common areas that children under age six only pass through, such as hallways, stairways, and garages are not included. In addition, with respect to exteriors of public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under age six.</p> <p>(6) “Course completion certificate” means documentation issued by an accredited training program to an individual as proof of successful completion of an accredited renovator training program (initial or refresher).</p> <p>(7) “Department” means the Oregon Department of Human Services.</p> <p>(8) “Deteriorated lead-based paint (LBP)” means any interior or exterior paint or other covering that is peeling, chipping, chalking, cracking, flaking or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.</p> <p>(9) “Dust-lead hazard” means surface dust that contains a mass-per-area concentration of lead equal to or exceeding 40 µg/ft<sup>2</sup> on floors or 250 µg/ft<sup>2</sup> on interior windows or 400 µg/ft<sup>2</sup> in troughs based on wipe samples.</p> <p>(10) “Inspection” means a surface-to-surface investigation to determine the presence of LBP and an accompanying report explaining the results of the investigation.</p> <p>(11) “Lead abatement contractor” means a construction contractor that is licensed by the board to perform abatement.</p> <p>(12) “Lead assessor” or “risk assessor” means an individual who has been trained by an accredited training program and certified by the Department to conduct risk assessments.</p>	<p>Currently, the Department of Human Services (Health Division) is not able to accredit training programs because it has not yet adopted its rules. The only accredited training programs are those accredited by the Environmental Protection Agency (EPA). CCB needs to recognize these training programs as meeting the requirements for licensure, or there will be no way for contractors to obtain a certified LBP renovation contractor license.  (KD)</p>

(13) "Lead-based paint" or "LBP" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

(14) "Lead-based paint activities" means, in the case of target housing and child-occupied facilities, inspection, risk assessment, and abatement.

(15) "Lead-based paint (LBP) hazard" means deteriorated LBP, dust-lead hazard or soil-lead hazard.

(16) "Lead inspection contractor" means a construction contractor that is licensed by the board to perform inspections or risk assessments.

(17) "Lead inspector" means an individual who has been trained by an accredited training program and certified by the Department to conduct inspections.

(18) "Lead supervisor" means an individual who has been trained by an accredited training program and certified by the Department to supervise and conduct abatements and prepare abatement reports.

(19) "Lead worker" or "lead abatement worker" means an individual who has been trained by an accredited training program and certified by the Department to perform abatements.

(20) "Minor repair and maintenance" means activities, (including minor heating, ventilation, air conditioning work, electrical work, or plumbing) that disrupt 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities, that do not involve prohibited or restricted work activities and do not involve window replacement or painted surface demolition. Jobs, other than emergency renovations, performed within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.

(21) "Prohibited or restricted work activities" include:

(a) Open flame burning or torching;

(b) Machines to remove paint through high-speed operation without HEPA exhaust control; and

(c) Operating a heat gun at temperatures at or above 750 degrees Fahrenheit.

(22) "Renovation" means the modification of any existing structure, or portion thereof, which results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement. The term renovation includes, but is not limited to:

(a) Removal, modification or repair of painted surfaces or painted components, such as modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping or other such activities that may generate paint dust);

(b) The removal of building components, such as walls, ceilings, plumbing and windows;

(c) Window replacement;

(d) Weatherization projects, such as cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, or planing thresholds to install weather-stripping;

(e) Interim controls that disturb painted surfaces.

A renovation for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation. The term "renovation" does not include minor repair and maintenance.

(23) "Renovation Right Pamphlet" means the pamphlet entitled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers*

*and Schools* or any pamphlet approved by the Environmental Protection Agency (EPA) for the same purpose.

(24) “Risk assessment” means an on-site investigation to determine the existence, nature, severity, and location of a LBP hazard and an accompanying report explaining the results of the investigation and options for reducing LBP hazards.

(25) “Soil lead hazard” means 400 ppm of lead in child play areas or 1200 ppm in non-child play areas.

(26) “Target housing” means any housing constructed before 1978, except housing for the elderly or persons with disabilities or any housing with no bedrooms.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.505-701.520

(6/96, 11/96, 1/97, 5/97, 11/97, 10/98, 3/99, 6/00, 12/06, 2/10 temp. 3/11/10, eff. 3/11/10)