

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Construction Contractors Board (Agency and Division)		OAR 812 (Administrative Rules Chapter Number)
Catherine Dixon (Rules Coordinator)	700 Summer Street NE Suite 300, Salem OR 97310 (Address)	(503) 934-2185 (Telephone)

RULE CAPTION

Lead-Based Paint Rule Updated to Conform to Oregon Health Authority Rules

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

September 27, 2011 Hearing Date	11:00 a.m. Time	West Salem Roth's IGA, Santiam Rm., 1130 Wallace Rd., Salem, OR Location	Rob Hernandez Hearings Officer
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Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

812-007-0000	812-007-0110	812-007-0200	812-007-0250	812-007-0370
812-007-0020	812-007-0130	812-007-0210	812-007-0300	812-007-0372
812-007-0100	812-007-0150	812-007-0230	812-007-0350	812-007-0374

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Other Auth.:

Stats. Implemented: ORS 701.505-701.5120, 701.510, & 701.515

RULE SUMMARY

- 812-007-0000 is amended to revise the Oregon Department of Human Services, Health Division, name which has changed to the Oregon Health Authority. These rules use the acronym "OHA" instead of the term "Authority" which is used in the OHA rules. The reason is that the term "authority" is already used in both OHA and CCB rules and, we believe, it would be confusing to use that term to refer to another agency.
- 812-007-0020 is amended to replace "Department" with "OHA"; revise language re: accredited training program to be consistent with language in recently revised OHA rule; make grammatical corrections (number format); remove definition for "lead-based paint (LBP) hazard" because it is not used in the CCB rules; change heat gun temperature to correspond to changed OHA work practice standards. See OAR 333-070-0090(6)(c). This higher temperature is permitted by federal law.
- 812-007-0100, 812-007-0110, 812-007-0130, 812-007-0200, 812-007-0210, 812-007-0230 are amended to replace the word "Department" with the word "OHA".
- 812-007-0150 is amended to replace the word "Department" with the word "OHA" and change reference to statutes for contested case hearings to reflect statutes that have been repealed.
- 812-007-0250 and 812-007-0350 are amended to replace the word "Department" with the word "OHA" and change reference to statutes for contested case hearings to reflect statutes that have been repealed.

- 812-007-0300 is amended to remove date that has passed.
- 812-007-0370 is amended to replace the word “person” with the word “individual” as used in OHA rule, OAR 333-070-0095(1)(b)(B)(iii).
- 812-007-0372 is amended to add language contained in OHA notification requirements, common areas, OAR 333-070-0095(2)(b)(B).
- 812-007-0374 is amended to add language contained in OHA notification requirements, child-occupied facilities, OAR 333-070-0095(4)(c)(B).

The Agency requests public comment on whether other options should be considered for achieving the rule’s substantive goals while reducing the negative economic impact of the rule on business.

September 27, 2011, Close of Hearing

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

Catherine Dixon

August 5, 2011

Signature

Printed name

Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

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. If you don’t have web access, contact Rules Coordinator Cathy Dixon at (503) 934-2185 for assistance in receiving a copy.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Construction Contractors Board
Agency and Division

OAR 812
Administrative Rules Chapter Number

Lead-Based Paint Rule Updated to Conform to Oregon Health Authority Rules

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

In the Matter of: Amendments to OAR 812

Statutory Authority: ORS 670.310, 701.235 & 701.515

Other Authority:

Stats. Implemented: ORS 701.505-701.5120, 701.510, & 701.515

Need for the Rule(s): (Explain how the rule is intended to meet the need).

The rule amendments are made to conform with Oregon Health Authority Rules for lead-based paint and for housekeeping.

- 812-007-0000 is amended to revise the Oregon Department of Human Services, Health Division, name which has changed to the Oregon Health Authority. These rules use the acronym "OHA" instead of the term "Authority" which is used in the OHA rules. The reason is that the term "authority" is already used in both OHA and CCB rules and, we believe, it would be confusing to use that term to refer to another agency.
- 812-007-0020 is amended to replace "Department" with "OHA"; revise language re: accredited training program to be consistent with language in recently revised OHA rule; make grammatical corrections (number format); remove definition for "lead-based paint (LBP) hazard" because it is not used in the CCB rules; change heat gun temperature to correspond to changed OHA work practice standards. See OAR 333-070-0090(6)(c). This higher temperature is permitted by federal law.
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- 812-007-0374 is amended to add language contained in OHA notification requirements, child-occupied facilities, OAR 333-070-0095(4)(c)(B).

Documents Relied Upon, and where they are available: ORS 701 and OAR 812 and 333. Documents are on the agency website at www.oregon.gov/ccb or a paper copy is available upon request.

Fiscal and Economic Impact:

The rule changes have no known fiscal or economic impact on state agencies, units of local government or the public. The rule changes do not increase the reporting, recordkeeping or other administrative activities for businesses. The rule changes will not increase costs of compliance for businesses. The rule changes will not increase the cost of a new single-family dwelling.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):
The rule changes have no known fiscal impact on state agencies, units of local government or the public.

2. Cost of compliance effect on small business (ORS 183.336):
 - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:
Theses rule amendments do not have an impact on small businesses.
 - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:
Theses rule amendments do not impact reporting, recordkeeping or other administrative activities required for compliance.
 - c. Equipment, supplies, labor and increased administration required for compliance:
Theses rule amendments have no impact.

How were small businesses involved in the development of this rule?

The agency works with its Board to develop administrative rules. Six of the current nine Board members are business owners.

Administrative Rule Advisory Committee consulted? No

If not, why?: The agency uses its Board which is made up of six contractors; one elected public official, and two public members who review and approve agency's administrative rules. Some of the Board members are members of industry associations who discuss proposed rules with their associations.

Authorized Signer	<u>Catherine Dixon</u>	<u>August 5, 2011</u>
	Printed Name	Date
Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.		ARC 925-2007

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) 934-2185

PERMANENT:

HEARING DATE: Sept. 27, 2011

TEMPORARY:

EFFECTIVE DATE:

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)

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- 812-007-0374 is amended to add language contained in OHA notification requirements, child-occupied facilities, OAR 333-070-0095(4)(c)(B).

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

The rule amendments are made to conform with Oregon Health Authority Rules for lead-based paint and for housekeeping.

- 812-007-0000 is amended to revise the Oregon Department of Human Services, Health Division, name which has changed to the Oregon Health Authority. These rules use the acronym "OHA" instead of the term "Authority" which is used in the OHA rules. The reason is that the term "authority" is already used in both OHA and CCB rules and, we believe it would be confusing to use that term to refer to another agency.
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List of rules adopted or amended:

Amend:

812-007-0000	812-007-0110	812-007-0200	812-007-0250	812-007-0370
812-007-0020	812-007-0130	812-007-0210	812-007-0300	812-007-0372
812-007-0100	812-007-0150	812-007-0230	812-007-0350	812-007-0374

Materials and labor costs increase or savings:

The rule amendments have no known impact on materials and labor costs.

Estimated administrative construction or other costs increase or savings:

The rule amendments have no measurable impact on administrative construction or other cost increases or savings.

Land costs increase or savings:

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

Other costs increase or savings:

The proposed rules have no known fiscal impact on state agencies, units of local government or the public.

*Typical-Single story 3 bedrooms, 1 ½ bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

PREPARERS NAME: Catherine Dixon

EMAIL ADDRESS: catherine.a.dixon@state.or.us

Proposed Rule	Explanation
<p>812-007-0000 Authority, Purpose, Scope</p> <p>(1) Authority. These rules are promulgated in accordance with and under the authority of ORS 701.505 to 701.520 and 701.995.</p> <p>(2) Purpose. These rules establish a system to license individuals certified by the Oregon [Department of Human Services] Health Authority (OHA) to perform lead-based paint (LBP) activities. These rules establish a system to license contractors as LBP activities contractors and as certified LBP renovation contractors.</p> <p>(3) Scope. These rules:</p> <p>(a) Prescribe the requirements for, and the manner of, licensing applicants.</p> <p>(b) Establish fees.</p> <p>(c) Prescribe actions that constitute failure to achieve or maintain licensing requirements, or that otherwise are contrary to the public interest, for which the board may deny, suspend or revoke a license.</p> <p>Stat. Auth.: ORS 670.310, 701.235 & 701.515 Stats. Implemented: ORS 701.515 (6/96, 11/96, 1/97, 5/97, 6/00, 12/06, 2/10)</p>	<p>The Oregon Department of Human Services, Health Division, is now the Oregon Health Authority. These rules use the acronym “OHA” instead of the term “Authority” which is used in the OHA rules. The reason is that the term “authority” is already used in both OHA and CCB rules and, we believe, it would be confusing to use that term to refer to another agency. (KD)</p>
<p>812-007-0020 Definitions</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 [Department, either directly or by reciprocity, to provide training for individuals engaged in LBP activities. For all other purposes, “accredited training program” means a training program provisionally accredited or accredited by] OHA, the Environmental Protection Agency (EPA) or [the Department, either directly or by reciprocity] an EPA-authorized state or tribal program.</p> <p>(3) “Certified” means certified by [the Department] OHA 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) “Certified renovator” means an individual who has successfully completed a renovator course accredited by [the Department] OHA, EPA, or EPA authorized program.</p> <p>(6) “Child-occupied facility” means a building, or portion of a building, constructed before 1978 and visited regularly by the same child, under age six, on at least two different days within any week (Sunday through Saturday), provided that each day’s visit lasts at least [3] three hours and the combined weekly visit lasts at least [6] six 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</p>	<p>Replace “Department” with OHA.</p> <p>Revise language re: accredited training program to be consistent with language in recently revised OHA rule.</p> <p>Make grammatical corrections (number format).</p>

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.

(7) “Component or building component” means specific design or structural elements or fixtures of a building or residential dwelling that are distinguished from each other by form, function, and location. These include, but are not limited to: interior components such as ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and tri (including sashes, window heads, jambs, sills or stools and troughs), built-in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners; and exterior components such as painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, corner boards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills or stools and troughs, casings, sashes and wells, and air conditioners.

(8) “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).

~~[(9) “Department” means the Oregon Department of Human Services.]~~

~~[(10)]~~ (9) “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.

~~[(11)]~~ (10) “Dust-lead hazard” means surface dust that contains a mass-per-area concentration of lead equal to or exceeding 40 µg/ft² on floors or 250 µg/ft² on interior windows or 400 µg/ft² in troughs based on wipe samples.

~~[(12)]~~ (11) “Inspection” means a surface-to-surface investigation to determine the presence of LBP and an accompanying report explaining the results of the investigation.

~~[(13)]~~ (12) “Lead abatement contractor” means a construction contractor that is licensed by the board to perform abatement.

~~[(14)]~~ (13) “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.

~~[(15)]~~ (14) “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.

~~[(16)]~~ (15) “Lead-based paint activities” means, in the case of target housing and child-occupied facilities, inspection, risk assessment, and abatement.

~~[(17) “Lead based paint (LBP) hazard” means deteriorated LBP, dust lead hazard or soil lead hazard.]~~

~~[(18)]~~ (16) “Lead inspection contractor” means a construction contractor that is licensed by the board to perform inspections or risk assessments.

~~[(19)]~~ (17) “Lead inspector” means an individual who has been trained by

Remove definition for “lead-based paint (LBP) hazard” because it is not used in the CCB rules.

an accredited training program and certified by [~~the Department~~] **OHA** to conduct inspections.

~~[(20)]~~ **(18)** “Lead supervisor” means an individual who has been trained by an accredited training program and certified by [~~the Department~~] **OHA** to supervise and conduct abatements and prepare abatement reports.

~~[(21)]~~ **(19)** “Lead worker” or “lead abatement worker” means an individual who has been trained by an accredited training program and certified by [~~the Department~~] **OHA** to perform abatements.

~~[(22)]~~ **(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.

~~[(23)]~~ **(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~~] **1100** degrees Fahrenheit.

~~[(24)]~~ **(22)** “Recognized test kit” means a commercially available kit recognized by EPA under 40 CFR § 745.88 as being capable of allowing a user to determine the presence of lead at levels equal to or in excess of 1.0 milligrams per square centimeter, or more than 0.5 percent lead by weight, in a paint chip, paint powder, or painted surface.

~~[(25)]~~ **(23)** “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.

~~[(26)]~~ **(24)** “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.

~~[(27)]~~ **(25)** “Risk assessment” means an on-site investigation to determine

Change heat gun temperature to correspond to changed OHA work practice standards. See OAR 333-070-0090(6)(c). This higher temperature is permitted by federal law.

<p>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.</p> <p>[(28)] (26) “Soil lead hazard” means 400 ppm of lead in child play areas or 1200 ppm in non-child play areas.</p> <p>[(29)] (27) “Target housing” means any housing constructed before 1978, except housing for the elderly or persons with disabilities or any housing with no bedrooms.</p> <p>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, temp. 6/1/10 eff. 6/1/10, 8/10 eff. 9/1/10)</p>	
<p>812-007-0100 Licenses Required for Lead-Based Paint Activities – Individuals</p> <p>No individual shall offer to perform or perform LBP activities in target housing or child-occupied facilities without first receiving certification from [the Department] OHA and a license from the board, unless such individual is exempt from the board’s licensing requirements. The following are individuals that perform LBP activities:</p> <ul style="list-style-type: none"> (1) Lead assessor; (2) Lead inspector; (3) Lead supervisor; (4) Lead worker. <p>Stat. Auth.: ORS 670.310, 701.235 & 701.515 Stats. Implemented: ORS 701.510 & 701.515 (2/10)</p>	<p>Replace “Department” with OHA.</p>
<p>812-007-0110 Application and Eligibility Requirements for Lead-Based Paint Activity Licenses – Individuals</p> <p>(1) An individual applying for a license as a lead assessor must submit the following:</p> <ul style="list-style-type: none"> (a) Completed application on a form provided by the board; (b) The fee established in OAR 812-007-0160; and (c) Proof that [the Department] OHA certified the individual as a certified risk assessor. (d) Copy of [Department] OHA photo identification badge. <p>(2) An individual applying for a license as a lead inspector must submit the following:</p> <ul style="list-style-type: none"> (a) Completed application on a form provided by the board; (b) The fee established in OAR 812-007-0160; and (c) Proof that [the Department] OHA certified the individual as a certified inspector. (d) Copy of [Department] OHA photo identification badge. <p>(3) An individual applying for a license as a lead supervisor must submit the following:</p> <ul style="list-style-type: none"> (a) Completed application on a form provided by the board; (b) The fee established in OAR 812-007-0160; and (c) Proof that [the Department] OHA certified the individual as a certified 	<p>Replace “Department” with OHA.</p>

<p>supervisor.</p> <p>(d) Copy of [Department] OHA photo identification badge.</p> <p>(4) An individual applying for a license as a lead worker must submit the following:</p> <p>(a) Completed application on a form provided by the board;</p> <p>(b) The fee established in OAR 812-007-0160; and</p> <p>(c) Proof that [the Department] OHA certified the individual as a certified abatement worker.</p> <p>(d) Copy of [Department] OHA photo identification badge.</p> <p>Stat. Auth.: ORS 670.310, 701.235 & 701.515</p> <p>Stats. Implemented: ORS 701.515</p> <p>(2/10)</p>	
<p>812-007-0130</p> <p>Renewal of Lead-Based Paint Activity Licenses – Individuals</p> <p>Individuals licensed under these rules may renew their licenses by submitting the following:</p> <p>(1) A properly completed application for license renewal on a form provided by the board;</p> <p>(2) The fee established in OAR 812-007-0160; and</p> <p>(3) Proof that the individual is certified by [the Department] OHA.</p> <p>Stat. Auth.: ORS 670.310, 701.235 & 701.515</p> <p>Stats. Implemented: ORS 701.515</p> <p>(2/10)</p>	<p>Replace “Department” with OHA.</p>
<p>812-007-0150</p> <p>Denial, Suspension or Revocation of Lead-Based Paint Activity Licenses – Individuals</p> <p>(1) The board may deny, suspend, or revoke an individual’s license on the following grounds:</p> <p>(a) Obtaining [Department] OHA certification through misrepresentation of certification requirements such as education, training, professional registration, or experience;</p> <p>(b) Gaining admission to or completing continuing education by misrepresenting initial or previous education;</p> <p>(c) Obtaining a license through invalid documentation;</p> <p>(d) Permitting the duplication or use of the license by another;</p> <p>(e) Failing to comply with applicable work practice standards set forth in these rules and OAR 333-069-0070; or</p> <p>(f) Being subject to a final administrative order or criminal conviction based on engaging in a prohibited act under rules of [the Department] OHA or the board.</p> <p>(2) Hearings on denial, suspension or revocation of a license shall be conducted as a contested case in accordance with ORS 183.310 to [183.550] 183.470.</p> <p>Stat. Auth.: ORS 670.310, 701.235 & 701.515</p> <p>Stats. Implemented: ORS 701.515</p> <p>(2/10)</p>	<p>Replace “Department” with OHA.</p> <p>Change reference to statutes for contested case hearings to reflect statutes that have been repealed.</p>
<p>812-007-0200</p> <p>Licenses Required for Lead-Based Paint Activities – Contractors</p> <p>(1) No contractor shall offer to perform or perform LBP abatement in target housing or child-occupied facilities without first receiving certification from [the Department] OHA and a license from the board as a lead abatement</p>	<p>Replace “Department” with OHA.</p>

<p>contractor, unless such contractor is exempt from the certification or licensing requirements.</p> <p>(2) No contractor shall offer to perform or perform LBP inspection or risk assessment in target housing or child-occupied facilities without first receiving certification from [the Department] OHA and a license from the board as a lead inspection contractor, unless such contractor is exempt from the certification or licensing requirements.</p> <p>Stat. Auth.: ORS 670.310, 701.235 & 701.515 Stats. Implemented: ORS 701.510 & 701.515 (2/10)</p>	
<p>812-007-0210 Application and Eligibility Requirements for Lead-Based Paint Activity Licenses – Contractors</p> <p>(1) A person applying for a license as a lead abatement contractor must submit the following:</p> <ul style="list-style-type: none"> (a) Completed application on a form provided by the board; (b) Proof that the person is licensed by the board as a construction contractor; (c) The fee established in OAR 812-007-0260; (d) Proof that the applicant is owned by or employs one or more persons who are licensed lead supervisor(s); and (e) Proof that [the Department] OHA certified the person as qualified to perform abatement. <p>(2) A person applying for a license as a lead inspection contractor must submit the following:</p> <ul style="list-style-type: none"> (a) Completed application on a form provided by the board; (b) Proof that the person is licensed by the board as a construction contractor; (c) The fee established in OAR 812-007-0260; (d) Proof that the applicant is owned by or employs one or more persons who are licensed lead inspector(s) or licensed lead risk assessor(s); and (e) Proof that [the Department] OHA certified the person as qualified to perform inspection or risk assessment. <p>Stat. Auth.: ORS 670.310, 701.235 & 701.515 Stats. Implemented: ORS 701.515 (2/10)</p>	<p>Replace “Department” with OHA.</p>
<p>812-007-0230 Renewal of Lead-Based Paint Activity Licenses – Contractors</p> <p>Persons licensed under these rules may renew their licenses by submitting the following:</p> <ul style="list-style-type: none"> (1) A properly completed application for license renewal on a form provided by the board; (2) Proof that the person is licensed by the board as a construction contractor; (3) The fee established in OAR 812-007-0260; and (4) Proof that the contractor is certified by [the Department] OHA. <p>Stat. Auth.: ORS 670.310, 701.235 & 701.515 Stats. Implemented: ORS 701.515 (2/10)</p>	<p>Replace “Department” with OHA.</p>

<p>812-007-0250 Denial, Suspension or Revocation of License for Lead-Based Paint Activities – Contractors</p> <p>(1) The board may deny, suspend, or revoke a license of a lead abatement contractor or a lead inspection contractor on the following grounds:</p> <p>(a) Obtaining [Department] OHA certification through misrepresentation of certification requirements such as education, training, professional registration, or experience;</p> <p>(b) Obtaining a license through invalid documentation;</p> <p>(c) Performing work requiring a license without having a current valid original license identification card available at the job site for inspection;</p> <p>(d) Performing work for which there is no current, appropriate certification issued by [the Department] OHA;</p> <p>(e) Permitting the duplication or use of the license by another;</p> <p>(f) Failing to comply with applicable work practice standards set forth in these rules and OAR 333-069-0070;</p> <p>(g) Failing to comply with local, state, or federal statutes or regulations including execution of a consent agreement in settlement of an enforcement action;</p> <p>(h) Failing to maintain required records;</p> <p>(i) Being subject to a final administrative order or criminal conviction based on engaging in a prohibited act under rules of the Department or the board;</p> <p>(j) Failing to comply with a consent agreement in settlement of an enforcement action;</p> <p>(k) For a lead abatement contractor, failing to have an owner or employee that is a licensed lead supervisor or lead worker; or</p> <p>(l) For a lead inspection contractor, failing to have an owner or employee that is a licensed lead inspector or licensed lead assessor.</p> <p>(2) Hearings on denial, suspension or revocation of a license shall be conducted as a contested case in accordance with ORS 183.310 to [183.550] 183.470.</p> <p>Stat. Auth.: ORS 670.310, 701.235 & 701.515 Stats. Implemented: ORS 701.510 & 701.515 (2/10)</p>	<p>Replace “Department” with OHA.</p> <p>Change reference to statutes for contested case hearings to reflect statutes that have been repealed.</p>
<p>812-007-0300 License Required for Lead-Based Paint Renovation</p> <p>[Effective April 22, 2010,] No contractor shall offer to perform or perform renovation in target housing or child-occupied facilities without first receiving a certified LBP renovation contractor license from the board, unless such contractor is exempt from the board’s licensing requirements.</p> <p>Stat. Auth.: ORS 670.310, 701.235 & 701.515 Stats. Implemented: ORS 701.510 & 701.515 (2/10)</p>	<p>Remove date that has passed.</p>
<p>812-007-0350 Denial, Suspension or Revocation of Certified Lead-Based Paint Renovation Contractor License</p> <p>(1) The board may deny, suspend, or revoke a license of a certified LBP renovation contractor on the following grounds:</p> <p>(a) Obtaining a license through invalid documentation;</p> <p>(b) Permitting the duplication or use of the license by another;</p> <p>(c) Violating a rule of the board; or.</p>	<p>Replace “Department” with OHA.</p> <p>Change reference to statutes for contested case hearings to reflect statutes that have been repealed.</p>

<p>(d) Violating OAR 333-070-0090 (work practice standards), 333-070-0100(4) (renovator responsibilities), or 333-070-0110 (recordkeeping and reporting requirements.) For purposes of recordkeeping and reporting requirements, as used in OAR 333-070-0110, the [term “Department” refers] terms “Oregon Health Authority” and “Authority” to the board.</p> <p>(2) Hearings on denial, suspension or revocation of a license shall be conducted as a contested case in accordance with ORS 183.310 to [183.550] 183.470.</p> <p>Stat. Auth.: ORS 670.310, 701.235 & 701.515 Stats. Implemented: ORS 701.510 & 701.515 (2/10, 4/10)</p>	
<p>812-007-0370 Notification Requirements for Certified Lead-Based Paint Renovation Contractors – Renovation in Target Housing Dwelling Units</p> <p>(1) No more than 60 days before beginning renovation in target housing dwelling units, the contractor must provide the owner of the dwelling unit with an Renovation Right Pamphlet and do one of the following:</p> <p>(a) Obtain from the owner a written acknowledgment that the owner has received the Renovation Right Pamphlet; or</p> <p>(b) Obtain a certificate of mailing of the Renovation Right Pamphlet dated at least 7 days before the start of the renovation.</p> <p>(2) In addition to the requirements of (1), if the owner does not occupy the dwelling unit, the contractor must provide the Renovation Right Pamphlet to an adult occupant of the dwelling unit and comply with one of the following:</p> <p>(a) Obtain, from the adult occupant, a written acknowledgment that the occupant has received the Renovation Right Pamphlet;</p> <p>(b) Obtain a certificate of mailing of the Renovation Right Pamphlet at least 7 days before the start of the renovation; or</p> <p>(c) Certify in writing that the contractor delivered the Renovation Right Pamphlet to the dwelling unit but was unsuccessful in obtaining a written acknowledgment from an adult occupant. Certification must include:</p> <p>(A) The address of the dwelling unit undergoing renovation;</p> <p>(B) The date and method of delivery of the Renovation Right Pamphlet;</p> <p>(C) The name of the [person] individual delivering the Renovation Right Pamphlet;</p> <p>(D) A reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available);</p> <p>(E) The signature of an owner or employee of the contractor; and</p> <p>(F) The date the contractor’s owner or employee signed the certification.</p> <p>(3) The written acknowledgment required by paragraphs (1)(a) and (2)(a) must:</p> <p>(a) Include a statement acknowledging receipt of the Renovation Right Pamphlet before the start of the renovation, the name of the recipient, the address undergoing renovation, the signature of the recipient and the date of signature;</p> <p>(b) Be either a separate sheet of paper or part of a written contract or service agreement for the renovation; and</p> <p>(c) Be written in the same language as the agreement for renovation or, in the case of non-owner target housing, the same language as the lease or rental agreement.</p> <p>Stat. Auth.: ORS 670.310, 701.235 & 701.515</p>	<p>Replace “person” with “individual” as in OHA rule, OAR 333-070-0095(1)(b)(B)(iii).</p>

<p>Stats. Implemented: ORS 701.510 & 701.515 (2/10)</p>	
<p>812-007-0372 Notification Requirements for Certified Lead-Based Paint Renovation Contractors – Renovation in Target Housing Common Areas</p> <p>(1) No more than 60 days before beginning renovation in target housing common areas, the contractor must provide the owner of the target housing with an Renovation Right Pamphlet and do one of the following:</p> <p>(a) Obtain from the owner a written acknowledgment that the owner has received the Renovation Right Pamphlet; or</p> <p>(b) Obtain a certificate of mailing of the Renovation Right Pamphlet dated at least 7 days before the start of the renovation.</p> <p>(2) In addition to the requirements of (1), the contractor must comply with one of the following:</p> <p>(a) Notify, in writing, each affected dwelling unit occupant and make the Renovation Right Pamphlet available upon request before the start of renovation. The written notice should describe:</p> <p>(A) The general nature and locations of the planned renovation activities;</p> <p>(B) The expected starting and ending dates; and</p> <p>(C) A statement of how the occupant can obtain the Renovation Right Pamphlet, at no charge, from the contractor performing the renovation.</p> <p>(b) While the renovation is ongoing, post signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the occupants of all of the affected dwelling units. The signs must be accompanied by:</p> <p>(A) A posted copy of the Renovation Right Pamphlet; or</p> <p>(B) Information on how interested occupants can review or obtain a copy of the Renovation Right Pamphlet from the contractor at no cost.</p> <p><u>(c) The posted signs must also include information on how interested occupants may review a copy of the records required by OAR 333-070-0110 or obtains a copy from the contractor at no cost to the occupants.</u></p> <p>(3) The contractor must prepare, sign, and date a statement describing the steps taken to notify occupants of the intended renovation and to provide the Renovation Right Pamphlet.</p> <p>(4) The written acknowledgment required by paragraphs (1)(a) and (2)(a) must:</p> <p>(a) Include a statement acknowledging receipt of the Renovation Right Pamphlet before the start of the renovation, the name of the recipient, the address undergoing renovation, the signature of the recipient and the date of signature;</p> <p>(b) Be either a separate sheet of paper or part of a written contract or service agreement for the renovation; and</p> <p>(c) Be written in the same language as the agreement for renovation or, in the case of non-owner target housing, the same language as the lease or rental agreement.</p> <p>(5) If the scope, location, or expected starting or ending dates of the planned renovation change and the contractor provided written notification in accordance with (1) or (2)(a), the contractor must provide further written notification to the owners and occupants including revised information on the ongoing or planned renovation. This subsequent notification must be provided</p>	<p>Add language contained in OHA notification requirements, common areas, OAR 333-070-0095(2)(b)(B).</p>

<p>before the contractor performing the renovation initiates work beyond that described in the original notice.</p> <p>Stat. Auth.: ORS 670.310, 701.235 & 701.515 Stats. Implemented: ORS 701.510 & 701.515 (2/10)</p>	
<p>812-007-0374 Notification Requirements for Certified Lead-Based Paint Renovation Contractors – Renovation in Child-Occupied Facilities</p> <p>(1) No more than 60 days before beginning renovation in any child-occupied facility, the contractor performing the renovation must provide the building owner with the Renovation Right Pamphlet and comply with one of the following:</p> <p>(a) Obtain from the owner a written acknowledgment that the owner has received the Renovation Right Pamphlet; or</p> <p>(b) Obtain a certificate of mailing of the Renovation Right Pamphlet dated at least 7 days before the start of the renovation.</p> <p>(2) In addition to the requirements of (1), if the owner does not occupy the building, the contractor must provide the Renovation Right Pamphlet to an adult representative of the child-occupied facility and comply with one of the following:</p> <p>(a) Obtain, from the adult representative, a written acknowledgment that the adult representative has received the Renovation Right Pamphlet;</p> <p>(b) Obtain a certificate of mailing of the Renovation Right Pamphlet at least 7 days before the start of the renovation; or</p> <p>(c) Certify in writing that the contractor delivered the Renovation Right Pamphlet to the dwelling unit but was unsuccessful in obtaining a written acknowledgment from an adult occupant. Certification must include:</p> <p>(A) The address of the facility undergoing renovation;</p> <p>(B) The date and method of delivery of the Renovation Right Pamphlet;</p> <p>(C) The name of the person delivering the Renovation Right Pamphlet;</p> <p>(D) A reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available);</p> <p>(E) The signature of an owner or employee of the contractor; and</p> <p>(F) The date the contractor’s owner or employee signed the certification.</p> <p>(3) In addition to the requirements of (1) and (2), the contractor must provide the parents and guardians of children using the child-occupied facility with the Renovation Right Pamphlet and information describing the general nature and locations of the renovation and the anticipated completion date. The contractor may comply by doing one of the following:</p> <p>(a) Mail or hand-deliver the Renovation Right Pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility;</p> <p>(b) While the renovation is ongoing, post signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the parents or guardians of the children frequenting the child-occupied facility. The signs must be accompanied by:</p> <p>(A) A posted copy of the Renovation Right Pamphlet; or</p> <p>(B) Information on how the parents or guardians can review or obtain a copy of the Renovation Right Pamphlet from the contractor at no cost.</p>	<p>Add language contained in OHA notification requirements, child-occupied facilities, OAR 333-070-0095(4)(c)(B).</p>

(c) The posted signs must also include information on how interested parents or guardians of children frequenting the child-occupied facility may review a copy of the records required by OAR 333-070-0110 or obtains a copy from the contractor at no cost to the parents or guardians.

(4) The contractor must prepare, sign, and date a statement describing the steps performed to notify all parents and guardians of the intended renovation activities and to provide the pamphlet.

(5) The written acknowledgment required by paragraphs (1)(a) and (2)(a) must:

(a) Include a statement acknowledging receipt of the Renovation Right Pamphlet before the start of the renovation, the name of the recipient, the address undergoing renovation, the signature of the recipient and the date of signature;

(b) Be either a separate sheet of paper or part of a written contract or service agreement for the renovation; and

(c) Be written in the same language as the agreement for renovation.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.510 & 701.515

(2/10)