

Regulations of Connecticut State Agencies

TITLE 20. Professional & Occupational Licensing, Certification

Agency

Department of Public Health and Addiction Services

Subject

Standards for Licensure and Certification of Lead Abatement Contractors, Lead Consultants, and Lead Abatement Personnel

Inclusive Sections

§§ 20-478-1—20-478-3

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Standards for Licensure and Certification of Lead Abatement Contractors, Lead Consultants, and Lead Abatement Personnel

Sec. 20-478-1. Definitions

As used in section 20-478-2:

(1) “Abatement” means any set of measures designed to eliminate lead hazards in accordance with standards established pursuant to sections 20-474 through 20-482 and subsections (e) and (f) of section 19a-88 of the Connecticut General Statutes and regulations of Connecticut State Agencies sections 19a-111-1 through 19a-111-11 and 20-478-1 and 20-478-2 including, but not limited to, the encapsulation, replacement, removal, enclosure or covering of paint, plaster, soil or other material containing toxic levels of lead and all preparation, clean-up, disposal and reoccupancy clearance testing.

(2) “Certificate” means a document issued by the department indicating successful completion of an approved training course.

(3) “Certified industrial hygienist” means a person possessing a certificate from the American Board of Industrial Hygiene which indicates that they have specific academic credentials, five years professional experience in industrial hygiene, and have passed an examination given by the American Board of Industrial Hygiene.

(4) “Certified lead inspector risk assessor” means any lead consultant who completes an appropriate approved training course and obtains a certificate as a lead inspector risk assessor from the department. A certified lead inspector risk assessor conducts inspections and collects and interprets information to assess the level of risk from lead hazards.

(5) “Certified lead abatement supervisor” means any person who completes an appropriate approved training course and obtains a certificate as a lead abatement supervisor from the department. A lead abatement supervisor oversees lead abatement activities.

(6) “Certified lead abatement worker” means any person who completes an appropriate approved training course and obtains a certificate as a lead abatement worker from the department. A lead abatement worker performs lead abatement activities.

(7) “Certified lead inspector” means any lead consultant who completes an appropriate approved training course and obtains a certificate as a lead inspector from the department. A certified lead inspector conducts inspections to determine the presence of lead in paint, other surface coverings and various environmental media.

(8) “Certified lead planner-project designer” means any lead consultant who completes an appropriate approved training course and obtains a certificate as a lead planner-project designer from the department. A certified lead planner-project designer designs lead abatement and management activities.

(9) “Department” means the department of public health.

(10) “Lead consultant” means any person who performs lead detection, risk assessment, abatement design or related services in disciplines including, but not necessarily limited to, inspector, inspector risk assessor and planner-project designer.

(11) “License” means the whole or part of any department permit, approval or similar form of permission required by the general statutes and which further requires: (A) practice

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of the profession by licensed persons or entities only; (B) that a person or entity demonstrate competence to practice through an examination or other means and meet certain minimum standards; and (C) enforcement of standards by the department.

(12) “Licensed lead abatement contractor” means any entity that contracts to perform lead hazard reduction by means of abatement including, but not limited to, the encapsulation, replacement, removal, enclosure or covering of paint, plaster, soil or other material containing toxic levels of lead and obtains a license from the department to conduct such abatement work. The contractor utilizes certified lead abatement supervisors to oversee such lead abatement activities and certified lead abatement workers to perform such abatement activities.

(13) “Licensed lead consultant contractor” means any entity that contracts to perform lead hazard reduction consultation work utilizing an inspector, inspector risk assessor and/or planner-project designer and obtains a license from the department to conduct such consultation work.

(14) “Principally engage in such work as a lead abatement contractor” means to engage in work as a lead abatement contractor performed pursuant to a written or verbal contract with another where the primary intent or primary scope of such work is lead abatement, provided that if such primary intent or primary scope of any nonincidental portion of such contract is for the purpose of lead abatement, licensure is required only for such portion.

(15) “Principally engage in such work as a lead consultant contractor” means to engage in work as a lead consultant contractor performed pursuant to a written or verbal contract with another where the primary intent or primary scope of such work is lead detection, risk assessment, abatement design or related services, provided that if such primary intent or primary scope of any nonincidental portion of such contract is for the purpose of lead detection, risk assessment, abatement design or related services, licensure is required only for such portion.

(Adopted effective November 29, 1995)

Sec. 20-478-2. Qualifications for licensure and certification

(a) **Licensing of abatement contractors and consultant contractors.** On and after January 1, 1996, no entity shall hold itself out as a lead abatement contractor or lead consultant contractor, or principally engage in such work unless it has been granted a license issued by the department. A property owner is not required to be so licensed in order to abate lead hazards on that owner’s property. No license shall be issued under this section to any applicant against whom professional disciplinary action is pending pursuant to Section 20-481 of the Connecticut General Statutes, or whom the department determines to be ineligible pursuant to subsection (a)(6) of Section 19a-14 of the Connecticut General Statutes. Applications for licensure and licensure renewal shall contain the following information regarding the applicant’s qualifications:

(1) a statement signed by the applicant attesting that:

(A) all present and future employees who require certification by the department pursuant

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to Section 20-476 of the Connecticut General Statutes will be so certified;

(B) if applying for a license as an abatement contractor:

(i) records on health monitoring tests as described in subsection (d)(2)(A) of section 19a-111-6 of the regulations of Connecticut State Agencies shall be maintained for two (2) years for supervisors and workers; and,

(ii) the following information shall be retained for a minimum of three (3) years from completion of abatement: the lead abatement plan including any deviations from the plan and the reasons for such changes or verification that no deviations occurred; starting and completion dates of the project; the names, signatures, and certificate numbers of all abatement supervisors; the letter of compliance; copies of all residual dust level analysis results on samples collected for reoccupancy clearance; and copies of all hazardous waste manifests;

(C) if applying for a license as a consultant contractor all inspection reports, forms and related data will be retained for a minimum of three (3) years from the issuance of such reports;

(D) the applicant understands that the information in this subdivision is subject to disclosure requirements developed pursuant to Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992;

(E) the contractor will submit copies of the records described in subparagraph B (ii) and paragraph (C) of this subdivision to the department no later than ten (10) working days following receipt of the department's request;

(F) all lead related activities will be conducted in accordance with sections 19a-111-1 through 19a-111-11 of the regulations of Connecticut State Agencies;

(2) a list of technical equipment owned by the applicant; and,

(3) a list of the number of personnel currently employed by job category.

(b) **Certification of consultants, supervisors and workers.** On and after January 1, 1996, no person shall hold himself out as a lead consultant, lead abatement supervisor or lead abatement worker unless that person has been granted a certificate issued by the department. A property owner and a property owner's regular employees are not required to be so certified in order to abate lead hazards on that owner's property. Applications for certification and renewal of certification shall contain information demonstrating that the applicant has successfully completed an appropriate approved training course and possesses experience and education as specified in subsections (c) and (e) of this section. A separate certificate is required for each discipline. No certificate shall be issued under this section to any applicant against whom professional disciplinary action is pending pursuant to Section 20-481 of the Connecticut General Statutes, or whom the department determines to be ineligible pursuant to subsection (a)(6) of Section 19a-14 of the Connecticut General Statutes. Applications for certificate renewal shall include documentation of successful completion of an appropriate approved refresher training course within one (1) year of the certificate renewal date.

(c) **Experience and educational requirements for consultants.** An individual may be

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certified as a lead consultant in any of the following disciplines: inspector; inspector risk assessor; planner-project designer. An applicant for a consultant certificate shall complete an approved training course and pass the course examination as specified in subsection (d) of Section 20-477 of the Connecticut General Statutes for the appropriate discipline. Alternatively, an applicant for certification as a lead inspector who is a certified industrial hygienist and possesses experience in lead inspection and lead hazard identification shall complete a lead inspector refresher approved training course and pass the course examination as specified in subsection (d) of Section 20-477 of the Connecticut General Statutes. In addition, an applicant for certification as an inspector risk assessor shall:

(1) have completed a minimum of twenty-five (25) inspections over at least a three (3) month period as a certified or licensed lead inspector or one (1) year experience in a related field including, but not necessarily limited to, lead, asbestos, radon or other environmental remediation work and;

(2) meet one (1) of the following criteria:

(A) have a baccalaureate degree from an accredited institution of higher education, and at least one (1) year of experience in a related field as defined in subdivision (1) of this subsection; or

(B) be a certified industrial hygienist, or be licensed, registered or certified as an engineer, architect or in a related scientific field or be registered as a sanitarian; or

(C) have a high school diploma or equivalency and at least two (2) years of experience in a related field, as defined in subdivision (1) of this subsection.

(d) **Alternate qualifications for consultants.** Notwithstanding the provisions of subsections (b) and (c) of this section, the department shall, until no later than June 30, 1996, issue a certificate for a lead consultant discipline to persons meeting the following requirements:

(1) An applicant for certification as an inspector or as an inspector risk assessor shall have successfully completed:

(A) a lead inspector training course that had been approved by the department pursuant to section 19a-111-10 of the regulations of Connecticut State Agencies; or

(B) a lead inspector training course that has not been approved by the department and a lead inspector or inspector risk assessor refresher training course that has been approved by the department.

(2) An applicant for certification as a planner-project designer shall have successfully completed:

(A) the design of at least three (3) lead abatement and/or management projects; and

(B) a lead abatement contractor or lead abatement supervisor training course.

(e) **Experience requirements for abatement supervisors.** In addition to the requirements of subsection (b) of this section, an applicant for certification as a lead abatement supervisor shall demonstrate at least one (1) year of experience as a lead abatement worker, or at least two (2) years of experience in the building trades or in a related field, as defined in subdivision (1) of subsection (c) of this section.

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(f) **Alternate qualifications for supervisors and workers.** Notwithstanding the provisions of subsections (b) and (e) of this section, the department shall, until no later than June 30, 1996, issue a certificate to persons meeting the following requirements. An applicant for certification as a lead abatement supervisor or as a lead abatement worker shall have successfully completed:

(1) A lead abatement contractor training course that had been approved by the department pursuant to section 19a-111-10 of the regulations of Connecticut State Agencies; or

(2) a lead abatement contractor, lead abatement supervisor, or lead abatement worker training course that has not been approved by the department and a refresher training course in the appropriate discipline that has been approved by the department.

(g) **Certification examinations.** In addition to the certification requirements established in subsections (b), (c) and (e) of this section, within one hundred and eighty (180) days of successful completion of an appropriate approved training course, candidates for certification as lead inspectors, inspector risk assessors or lead abatement supervisors, shall successfully complete a department administered or authorized neutral or third party certification examination in the appropriate discipline when such examinations become available. The applicant may not attempt to successfully complete the examination more than three (3) times during the one hundred and eighty (180) day period. Failure to successfully complete a certification examination within this time period shall result in the candidate being required to retake and successfully complete a training course approved by the department prior to reapplication for certification and retaking the certification examination.

(h) Applicants currently licensed or certified by other authorities. The department shall issue certificates to lead consultant, lead abatement supervisor and lead abatement worker certification applicants who are currently licensed or certified in the appropriate discipline by the U.S. Environmental Protection Agency or by other state or tribal programs authorized by the U.S. Environmental Protection Agency. Such candidates shall be required to successfully complete a department administered or authorized neutral or third party reciprocity examination which is specific to State of Connecticut laws, regulations, policies and work practice requirements when such examinations become available.

(Adopted effective November 29, 1995)

Sec. 20-478-3. Disciplinary action

The department may take disciplinary action pursuant to Section 20-481 of the Connecticut General Statutes against a person or entity licensed or certified under section 20-478-2 of the regulations of Connecticut State Agencies.

(Adopted effective November 29, 1995)