

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 110. LEAD BASED PAINT MANAGEMENT**

SUBCHAPTER 3. DEFINITIONS

252:110-3-1. Definitions

In addition to the definitions contained in OAC 252:110-5-1(1) and the Oklahoma Lead-based Paint Management Act, 27A O.S., Sec. 2-12-101 *et seq.*, the following words and terms, when used in this Chapter shall have the following meaning, unless otherwise indicated.

"Act" means the Oklahoma Lead-based Paint Management Act, 27A O.S., § 2-12-101 *et seq.*, and subsequent amendments.

"Authorization" means a certification, accreditation or approval granted by the Department.

"Business day" means Monday through Friday, 8:00 a.m. to 4:30 p.m., with the exception of State holidays.

"Exam" means a third party test, administered by the Department when required for LBP certification.

"Hazard evaluator" [See **"Lead-based Paint hazard evaluator"**, 27A O.S. § 2-12-102(17).] For the purposes of this chapter, the term "hazard evaluator" is synonymous with the term "risk assessor."

"HUD procedures" means the Housing and Urban Development's *Guidelines for the Evaluation and Control of Lead-based Paint Hazards in Housing* (~~June 1995 and revised in October 1997~~) (2012 Edition).

"Instructor" means any person who receives compensation from an accredited LBP training program for teaching all or a portion of a LBP training course.

"LBP" means Lead-based Paint.

"LBP Contractor" means an individual or firm certified by the Department as an inspector, risk assessor, abatement worker, project designer, supervisor, or firm.

"OAC" means the Oklahoma Administrative Code.

"Quality assurance plan" means a written description of quality assurance activities that will ensure the generation of data that are scientifically valid, defensible and of known and acceptable limits of precision and accuracy.

"Training provider" means any organization or entity accredited under OAC 252:110, Lead-based Paint Management.

"XRF instrument" or **"x-ray fluorescence spectroscopy instrument"** means an instrument using radiation from a source to stimulate radiation emission which can be analyzed to determine the presence of certain substances, including lead.

SUBCHAPTER 5. INCORPORATION BY REFERENCE

252:110-5-1. Incorporation by reference

The following Sections of 40 CFR Part 745, as they exist on ~~August 8, 2011~~ January 6, 2020, are, unless otherwise specified, incorporated by reference in their entirety:

(1) Section 745.223. Definitions, except the definitions of ~~"Interim certification"~~, "Business day," "Interim certification," and "Training provider,"-

(2) Section 745.225. Accreditation of training programs: target housing and child-occupied facilities, except for the following, which are excluded:

(A) Section 745.225(a)(2), which refers to application dates.

(B) Section 745.225(a)(3), which refers to accreditation deadlines.

- (C) Section 745.225(b)(3)₂, which refers to accredited training courses.
 - (D) Section 745.225(c)(8)(iv), which refers to interim certification.
 - (E) Section 745.225(c)(13)(vi), which refers to course notification means of submittal.
 - (F) ~~(D)~~ Section 745.225(c)(14)(iii)₂, which refers to course notification means of submittal.
 - (G) ~~(E)~~ Section 745.225(e)(5)₂, which refers to training programs offering only refresher training courses.
 - (H) ~~(G)~~ Section 745.225(f)(1)₂, which refers to timelines for renewal accreditation of training programs.
 - (I) ~~(H)~~ Section 745.225(f)(2)₂, which refers to renewal accreditation deadlines.
- (3) Section 745.226. Certification of individuals and firms engaged in lead-based paint activities: target housing and child-occupied facilities, except for the following, which are excluded:
- (A) Section 745.226(a)(2)₂, which refers to application dates.
 - (B) Section 745.226(a)(5)₂, which refers to enforcement dates.
 - (C) Section 745.226(b)(4)₂, which refers to interim certification.
 - (D) Section 745.226(c)(3)₂, which refers to interim certification.
 - (E) Section 745.226(d)₂, which refers to certification based on prior training.
 - (F) Section 745.226(e)₂, which refers to re-certification.
 - (G) Section 745.226(f)₂, which refers to certification of firms.
- (4) Section 745.227. Work practice standards for conducting lead-based paint activities: target housing and child-occupied facilities, except for the following, which are excluded:
- (A) Section 745.227(a)(1)₂, which refers to performance dates.
 - (B) Section 745.227(e)(4)(vii)₂, which refers to abatement notification means of submittal.
 - (C) Section 745.227(e)(8)(viii), which refers to clearance levels in dust.
- (5) Section 745.233. Lead-based paint activities requirements.
 - (6) Section 745.61. Scope and applicability.
 - (7) Section 745.63. Definitions.
 - (8) Section 745.65. Lead-based paint hazards.
 - (9) Section 745.82. Applicability.
 - (10) Section 745.83. Definitions.
 - (11) Section 745.84. Information distribution requirements.
 - (12) Section 745.85. Work practice standards.
 - (13) Section 745.86. Recordkeeping and reporting requirements.
 - (14) Section 745.87. Enforcement and inspections.
 - (15) Section 745.88. Recognized test kits.
 - (16) Section 745.89. Firm certification.
 - (17) Section 745.90. Renovator certification and dust sampling technician certification.
 - (18) Section 745.91. Suspending, revoking, or modifying an individual's or firm's certification.

SUBCHAPTER 9. ADDITIONAL ACCREDITATION REQUIREMENTS

252:110-9-1.1. Course ~~Content~~ content and completion certificate

(a) **Content.** In addition to the training requirements contained in OAC 252:110-5-1, all training courses and the corresponding refreshers must contain hands-on training activities and review of OAC 252:110, Oklahoma Lead-Based Paint Management.

(b) **Certification documentation.** For all initial courses, the course completion certificate shall include an expiration date of six (6) months from date of course completion for application purposes.

SUBCHAPTER 11. ADDITIONAL LBP CERTIFICATION REQUIREMENTS

252:110-11-3. Training requirements for initial certification

~~(a) **Approved courses.** For purposes of certification, any LBP training hours taken after the date that Department-accredited LBP training was offered, must be from approved courses conducted by a Department-accredited LBP training program unless the training is waived by the Department pursuant to 252:110-11-7.~~

~~(b) **Prior training.** Individuals seeking LBP inspector or risk assessor certification who received LBP training between October 1, 1990 and November 1, 1996 and individuals seeking LBP worker, supervisor or project designer certification who received LBP training between October 1, 1990 and the date of availability of Department accredited LBP training courses, must perform the following for their training to be considered:~~

~~(1) Demonstrate that the applicant has successfully completed LBP training in the discipline for which certification is sought which meets the requirements of 252:110-5-1(2);~~

~~(2) Demonstrate that the applicant meets or exceeds education and experience requirements established in 252:110-5-1(3);~~

~~(3) Submit an application as established in 110-5-1(3) and an affidavit established in 252:110-11-2;~~

~~(4) Remit all applicable fees established in this Chapter;~~

~~(5) Successfully complete a Department accredited refresher training course for the discipline for which certification is sought; and~~

~~(6) Successfully pass the appropriate Department certification exam as established in 252:110-11-4.~~

252:110-11-7.1. LBP Contractor certification for military personnel and military spouses

(a) **Submission of application.** Every active duty military personnel and their spouse who is certified as a LBP Contractor in another state or territory of the United States, upon receiving orders for military transfer or honorable discharge to the State of Oklahoma, may in advance of actual transfer or discharge submit a completed application to the Department to request a reciprocal certification for their currently held valid certification from another state or territory, so such person may upon entering Oklahoma be authorized to continue their occupation as a certified LBP Contractor without delay.

(b) **Certification of individual.** The Department shall, upon receipt of an active duty military application submitted as authorized in subsection (a) of this section, and presentation of satisfactory evidence of equivalent training and certification from another state or territory, accept the certification and apply all its training in the manner most favorable toward satisfying the qualifications for issuance of the requested certification in Oklahoma, and shall issue the requested Oklahoma LBP Contractor certification within 30 days provided the certification from the other state is found to be in good standing and reasonably equivalent to the requirements of this state.

(c) **Certification timeline.** The reciprocal LBP Contractor certification issued pursuant to this section shall be valid for a minimum of one (1) year unless the person is notified by the Department that there is cause for a denial of the application or that certain documentation required by the Department is lacking or unavailable. In such case, a temporary certificate shall

be issued to allow the person time to obtain the necessary requirements while continuing to be eligible to work as a LBP Contractor in Oklahoma. Any such applicant receiving a notice of denial of full certification shall have the right to appeal the denial determination as provided in the Administrative Procedures Act or to obtain and submit the documentation required to complete the full LBP Contractor certification requirements in Oklahoma.

(d) **Application fee.** The Department shall waive the initial application fee for active duty military personnel and their spouse and shall further waive the application fees for the first year of issuance of the reciprocal certification.

SUBCHAPTER 13. ADDITIONAL WORK PRACTICE STANDARDS

252:110-13-5. Testing methodologies

(a) **Quality control.** Testing for the presence of LBP shall be conducted by documented methodologies using quality control procedures. Procedures for sample collection, transfer, and testing shall be performed according to applicable HUD and EPA procedures and guidelines.

(b) **Types of detection/testing methods.** Acceptable methodologies include, but are not limited to:

(1) **Laboratory analysis.** Only laboratories recognized by the United States Environmental Protection Agency may conduct laboratory analyses on soil, dust and paint film required by this Chapter. Each sample must be accompanied by a chain of custody document.

(2) **X-ray fluorescence spectroscopy (XRF).** XRF instruments may be used for on-site lead detection. If inconclusive or questionable results are obtained from XRF testing, testing of paint chip samples by a qualified laboratory shall be conducted. This paragraph shall not be construed as to relieve the user of any duty to comply with other applicable requirements, including but not limited to the licensing requirements of OAC 252:410-19, X-ray Fluorescence Instruments Used for Lead-based Paint Detection.

252:110-13-7. Clearance levels

The clearance levels for lead in dust are 10 µg/ft² for floors and 100 µg/ft² for interior window sills and troughs.

SUBCHAPTER 15. ADDITIONAL RENOVATION, REPAIR, AND PAINTING (RRP) REQUIREMENTS

252:110-15-3. Accreditation of training programs

(a) **Application.** An application for approval and recognition shall be made in the same form and manner as an application for accreditation as provided by OAC 252:110, Subchapter 9 with the exception of RRP accreditation fees listed in OAC 252:110-15-6(c).

~~(b) **Providers accredited by EPA.** Upon EPA delegation approval, a provider accredited by EPA must present credentials to the Department and receive recognition and approval by the Department as an accredited renovation training provider prior to offering or conducting a renovation training course in Oklahoma. Once their current accreditation has expired, training providers must apply for initial accreditation by the Department as provided in OAC 252:110-15-3(a).~~

~~(c) **Fees.** Nonrefundable fees are payable at the time an application or other notice associated with a fee is filed with the Department. Training programs previously accredited by EPA will be allowed an initial fee waiver by the Department until expiration of their current accreditation.~~

~~(c) (d)~~ **Frequency of renewal.** Training program accreditation must be renewed one (1) year from the date of issuance and every year thereafter.

252:110-15-3.1. Course content

In addition to the training requirements contained in OAC 252:110-5-1, all training courses and the corresponding refreshers must contain hands-on training activities and review of OAC 252:110, Oklahoma Lead-Based Paint Management.

252:110-15-4. Renovator certification requirements

~~(a) **Certifications.** Certification is required for all individuals who perform or offer to perform renovation services in target housing and child-occupied facilities. Every renovation firm that is certified pursuant to OAC 252:110-15-5 is required to have at least one (1) certified renovator. As set forth in 40 CFR Section 745.90 and incorporated by reference in 252:110-5-1(17), a certified renovator must be on site during certain times and is responsible for supervising and training other individuals on the work site. Certification is obtained through the Department accredited training provider.~~

~~(b) **Other state or EPA individual certification.** Any individual renovator who holds a current and valid certification issued by EPA or another state must obtain certification from the Department upon expiration of their current certification. Renovators who have not previously been certified must be certified by the Department accredited training course within six (6) months of EPA delegation approval.~~

~~(b) (e) **Certification documentation.** Upon initial authorization, a A course completion certificate will be issued to the holder by the accredited training facility. Those holding certificates shall carry the certificates as proof of current certification.~~

~~(c) (d) **Frequency of renewal.** Renovator certification must be renewed five (5) years from the date of issuance through successful completion of an accredited refresher training course, and every five (5) years thereafter. Certifications not renewed within 30 days will be considered expired. If the individual does not complete a refresher course by 30 days after expiration, the individual must re-take the initial course to become certified again.~~

~~(d) (e) **Failure to become certified.** No person shall advertise or otherwise present themselves as a certified renovator or perform or offer to perform renovation services in target housing and child-occupied facilities prior to becoming certified as such by the Department.~~

~~(e) (d) **Waiting period for reapplication after certification has been revoked.** A renovator whose certification has been revoked must wait one (1) year from the date of revocation to make reapplication for certification.~~

(f) Military personnel and military spouse reciprocity.

(1) **Submission of application.** Every active duty military personnel and their spouse who is a certified renovator in another state or territory of the United States, upon receiving orders for military transfer or honorable discharge to the State of Oklahoma, may in advance of actual transfer or discharge submit a completed application to the Department to request a reciprocal certification for their currently held valid certification from another state or territory, so such person may upon entering Oklahoma be authorized to continue their occupation as a certified renovator without delay.

(2) **Certification timeline.** Active duty military personnel and their spouses acting as the certified renovator shall also successfully complete the initial renovator certification course through the Department accredited training provider five (5) years after the issuance date of the certificate they held at the time of their transfer or discharge to the State of Oklahoma.

252:110-15-5. Certification of firms conducting renovation services

~~(a) **Firm certifications.** Upon EPA delegation approval, firm certification is~~ Renovation firms are required for any company, partnership, corporation, sole proprietorship or individual doing business, association, or other business entity; federal, State, Tribal, or local government agency; or nonprofit organization that offers to become certified prior to performing or offering to perform renovation services.

~~(b) **Other state or EPA firm certification.** Any renovation firm that holds a current and valid certification issued by EPA or another state must obtain certification from the Department within six (6) months of EPA delegation approval.~~

~~(c) **Applications.** Applications for firm certification are available from the Department upon request and will be accepted in approved formats.~~

~~(c) ~~(d)~~ **Fees.** Nonrefundable fees are payable at the time an application or other notice associated with a fee is filed with the Department. Firms previously certified by EPA will be allowed an initial fee waiver by the Department until expiration of their current certification.~~

~~(d) ~~(e)~~ **Certification documentation.** Upon firm application approval, a firm certificate will be issued by the Department.~~

~~(e) ~~(f)~~ **Records maintenance.** The firm shall maintain all records pursuant to the requirements established in this Chapter.~~

~~(f) ~~(g)~~ **Frequency of renewal.** Firm certification must be renewed five (5) years from the date of issuance, and every five (5) years thereafter. Certifications not renewed within 30 days will be considered expired.~~

~~(g) ~~(h)~~ **Failure to certify a firm.** No firm shall advertise or otherwise present itself as a certified renovation firm or perform or offer to perform renovation services in target housing and child-occupied facilities prior to becoming certified as such by the Department.~~

~~(h) ~~(i)~~ **Waiting period for reapplication after certification has been revoked.** A firm whose certification has been revoked must wait one (1) year from the date of revocation to make reapplication for certification.~~

~~(i) **Military personnel and military spouse reciprocity.** As stated in (a) of this section, firms must register with the Department prior to performing or offering to perform renovation services. Military personnel and their spouses applying as a certified renovation firm are exempt from fees associated with firm certification for five (5) years after the issuance date of the certificate they held at the time of their transfer or honorable discharge to the State of Oklahoma.~~