

902 KAR 48:010. Definitions for 902 KAR Chapter 48.

RELATES TO: KRS 211.180, 211.900-211.905, 211.9061-211.9079, 211.994, 217.801, 40 C.F.R. Part 745, 15 U.S.C. 2601, sec. 405(b)

STATUTORY AUTHORITY: KRS 211.090(3), 211.9065(4), 211.9067

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.9065(4) and 211.9067 authorize the Department for Public Health to promulgate administrative regulations relating to the training, certification of persons, and standards and procedures for activities related to conducting lead-hazard assessment and abatement activities in target housing or child-occupied facilities. This administrative regulation establishes definitions for 902 KAR Chapter 48.

Section 1. Definitions. (1) "Abatement permit" means a permit issued by the department to a person who plans to conduct lead-hazard abatement in target housing or child-occupied facilities.

(2) "Abatement permit holder" means a person who:

(a) Is certified by the department to conduct lead abatement activities; and

(b) Has been issued a permit by the department to conduct specific lead abatement activities.

(3) "Abatement plan" means a detailed, written description of proposed planned abatement activities for lead-hazard abatement, environmental lead-hazard control, cleanup, and clearance.

(4) "Accredited training program" means a program for training individuals engaged in lead-hazard detection and abatement activities, conducted by a training provider accredited by the department.

(5) "Adequate quality control" means a plan or design that:

(a) Ensures the authenticity, integrity, and accuracy of samples including:

1. Dust;

2. Soil; and

3. Paint chips; and

(b) Provides for representative sampling.

(6) "Applicable work experience" means experience in a profession related to lead, asbestos, environmental remediation work, building renovation-remodeling, or building construction.

(7) "Approved course" means a training course:

(a) Approved under the initial accreditation requirement of a training program; and

(b) Conducted by a provider who has met the notification and reporting requirements of 902 KAR 48:030, Section 13.

(8) "Certificate of accreditation" means the document issued by the department to a training provider certifying that the training provider has been approved by the department to provide training courses for individuals who perform lead-hazard detection and abatement activities.

(9) "Chewable surface" means an interior- or exterior-painted surface that is accessible to children for mouthing or chewing.

(10) "Child" means a person six (6) years of age or younger.

(11) "Child-occupied facility" is defined by KRS 211.9061(1).

(12) "Clearance dust level" means the lead level permitted in dust on a surface following completion of an abatement or other activity which may have disturbed a lead paint hazard, as established in 902 KAR 48:040, Section 13.

(13) "Common area" means a portion of a building that is generally accessible to the occupants of multiresidential units.

(14) "Composite dust sample" means a sample of dust:

- (a) Consisting of two (2) or more subsamples;
 - (b) Representing each component being tested; and
 - (c) Containing a subsample from only one (1) type of component.
- (15) "Containment" means a process to protect workers and the environment by controlling exposures to lead-contaminated dust and debris created during a lead abatement project or activity.
- (16) "Course test blueprint" means written documentation identifying the percentage of course test questions devoted to each major topic in a course curriculum.
- (17) "Department" is defined at KRS 211.9061(2).
- (18) "Deteriorated paint" means an interior or exterior paint or other coating that is peeling, chipping, chalking or cracking, or is otherwise damaged or separated from the substrate.
- (19) "Discipline" means a category of work performed by one (1) of the following persons:
- (a) Lead-hazard inspector;
 - (b) Lead-hazard risk assessor;
 - (c) Lead-hazard dust sampling technician;
 - (d) Lead-hazard abatement worker;
 - (e) Lead-hazard abatement supervisor;
 - (f) Lead-hazard project designer; or
 - (g) Lead-hazard abatement company.
- (20) "Distinct painting history" means the application history of paint or other surface coatings to a component or building component, as indicated by:
- (a) Its visual appearance; or
 - (b) A record of paint application over time.
- (21) "Documented methodologies" means methods or protocols used to sample for the presence of lead in paint, dust, and soil:
- (a) Established by administrative regulation; or
 - (b) Recognized, as indicated in 902 KAR 48:040, Section 1, for acceptable use.
- (22) "Drip line" means the area within three (3) feet surrounding the perimeter of a building.
- (23) "Dust-lead hazard" means surface dust in a residential dwelling or child-occupied facility that contains a specific area or mass concentration of lead exceeding the levels established in 902 KAR 48:040, Section 13.
- (24) "Encapsulant" means a liquid-applied coating, or an adhesively-bonded covering material, that forms a barrier between lead-containing paint and the environment.
- (25) "Encapsulation" means the application of an encapsulant.
- (26) "Enclosure" means a rigid, durable construction material mechanically fastened to the substrate as a barrier between the underlying lead-containing paint and the environment.
- (27) "Equivalent method" means a method demonstrated to the department by a certified person that:
- (a) Is equally protective as documented methodologies;
 - (b) Ensures adequate quality control; and
 - (c) Protects the environment.
- (28) "EPA" means the U.S. Environmental Protection Agency.
- (29) "Hands-on skills assessment" means an evaluation of a trainee's ability to perform activities that test the trainee's performance of practice standards and procedures established in 902 KAR 48:040.
- (30) "Friction surface" means an interior or exterior surface subject to abrasion or friction, including window, floor and stair surfaces.
- (31) "Impact surface" means an interior or exterior surface subject damage by repeated sudden force, such as parts of a doorframe.

(32) "Interior window sill" means the portion of the horizontal window ledge that protrudes into the interior of the room.

(33) "Guest instructor" means a person designated by training manager to provide:

- (a) Instructions specific to the lecture;
- (b) Hands-on activities; or
- (c) Work practice standards and procedures.

(34) "Interim control" means a measure designed to temporarily reduce human exposure, actual or potential, to a lead-hazard, including:

- (a) Specialized cleaning;
- (b) Repairs;
- (c) Maintenance;
- (d) Painting;
- (e) Temporary containment;
- (f) Ongoing monitoring of lead-hazards or potential hazards; or
- (g) The establishment and operation of management and resident educational programs.

(35) "Large scale" means an abatement project with ten (10) or more residential dwellings.

(36) "Lead-hazard" means a hazard due to excessive amounts of lead in:

- (a) Paint;
- (b) Dust; or
- (c) Soil.

(37) "Lead-hazard abatement" is defined by KRS 211.9061(4).

(38) "Lead-hazard abatement worker" means a person certified by the department to perform physical lead-hazard abatement activities.

(39) "Lead-hazard company" means a firm certified by the department to perform lead-hazard assessment and abatement activities in target housing and child-occupied facilities.

(40) "Lead-hazard detection" is defined by KRS 211.9061(3).

(41) "Lead-hazard dust sampling technician" means person who performs clearance evaluation and sampling for nonabatement activities that may create a lead dust hazard.

(42) "Lead-hazard inspection" means an examination of painted surfaces within the interior or exterior of a residential structure or child-occupied facility, to determine if hazardous levels of lead are present.

(43) "Lead-hazard inspector" means a person certified by the department to conduct:

- (a) Lead-hazard inspections;
- (b) Sample collection; and
- (c) Lead-hazard dust clearance.

(44) "Lead-hazard project designer" means a person certified by the department to prepare the following items for a lead-hazard abatement project, in accordance with 902 KAR 48:040, Section 7:

- (a) Abatement project plans;
- (b) Abatement reports; and
- (c) Occupant protection plans.

(45) "Lead-hazard risk assessment" means an on-site investigation to determine the existence, nature, severity, location of lead hazards.

(46) "Lead-hazard risk assessor" means a person certified by the department to conduct:

- (a) Lead-hazard inspections;
- (b) Risk assessments;
- (c) Lead-hazard screens;
- (d) Sample collection; and
- (e) Lead-hazard dust clearance.

(47) "Lead-hazard screen" means a risk-assessment activity requiring reduced sampling.

(48) "Lead-hazard supervisor" means a person certified by the department to:

- (a) Supervise lead-hazard abatement activities; and
- (b) Prepare, in accordance with 902 KAR 48:040, Section 7:
 - 1. Abatement plans;
 - 2. Abatement reports; and
 - 3. Occupant protection plans.

(49) "Lead paint hazard" means a:

(a) Lead-based paint on a friction surface with dust levels on the nearest horizontal surface beneath the friction surface equal to or greater than dust-lead-hazard levels;

(b) Damaged or deteriorated lead-based paint on an impact surface;

(c) Chewable lead-based painted surface on which there is evidence of teeth marks; or

(d) Deteriorated lead-based paint within a residential dwelling or child-occupied facility.

(50) "Living area" means an area of a residential dwelling used by one (1) or more child.

(51) "Mid yard" means an area of a residential yard approximately midway between the drip line of a residential building and:

(a) The nearest property boundary; or

(b) Another building on the same property.

(52) "Permanently covered soil" means soil separated from human contact by the placement of a barrier consisting of a solid, impermeable material, such as pavement or concrete, not including permanent grass, mulch, or other landscaping material.

(53) "Person" is defined at KRS 217.660(3).

(54) "Play area" means an area where children contact soil frequently, as indicated by the following:

(a) Presence of:

- 1. Play equipment;
- 2. Toys; or
- 3. Other articles used by children;

(b) Observations of play patterns; or

(c) Information provided by a:

- 1. Parent;
- 2. Resident;
- 3. Care giver; or
- 4. Property owner.

(55) "Postabatement report" means a report prepared at the conclusion of an abatement project, after clearance has been achieved, in accordance with 902 KAR 48:040, Section 16.

(56) "Quality assurance inspection" means an inspection conducted by the department to determine whether a lead abatement activity complies with:

(a) Certification requirements;

(b) Work practices; and

(c) Performance standards.

(57) "Quality control plan" means a written plan prepared by the training manager describing in-house controls to assure that the program meets the requirements in 902 KAR 48:030, Section 5.

(58) "Recognized laboratory" means an environmental laboratory accredited pursuant to Section 405(b) of the Toxic Substance Control Act, 15 USC 2601, as being capable of performing an analysis for lead compounds in paint, soil, dust and water.

(59) "Reduction" means measures designed to reduce or eliminate human exposure to lead hazards.

(60) "Residential dwelling" means a building containing one (1) or more residential dwellings.

(61) "Room" means a separate part of the inside of building, that is separated from adjoining rooms by build-in walls or archways that extend at least six (6) inches from the intersecting wall.

(62) "Soil-lead hazard" means bare soil, on residential property or the property of a child-occupied facility, containing lead at or greater than the levels specified at 902 KAR 48:040, Section 13.

(63) "Soil sample" means a sample collected in a representative location using:

(a) ASTM E 1727 "Standards Practice for Field Collection of Soil Samples for Lead Determination by Atomic Spectroscopy Techniques";

(b) A documented methodology; or

(c) An equivalent method.

(64) "Small scale" means an abatement project with less than ten (10) residential dwellings.

(65) "Target housing" is defined by KRS 211.9061(5).

(66) "Training day" means eight (8) training hours.

(67) "Training hour" means at least fifty (50) minutes of actual teaching, including:

(a) Lecture;

(b) Learning activities;

(c) Small group activities;

(d) Demonstrations;

(e) Evaluations; and

(f) Hands-on experience.

(68) "Third-party examination" means a written test approved and administered by the department or its designated agent.

(69) "Training manager" means the individual responsible for administering a training program and monitoring the performance of instructors.

(70) "Window trough" or "window well" means:

(a) For a typical double-hung window, the proportion of the exterior window sill between the interior window sill and the frame of the storm window; or

(b) If there is no storm window, the area upon which the upper and lower sashes rest when placed in their lowest position.

(71) "Wipe sample" means a sample collected by wiping, with an approved wipe-sampling material, a representative surface of a known area, as determined by:

(a) ASTM E 1728: "Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrograph Technique";

(b) A documented methodology described in 902 KAR 48:040, Section 2; or

(c) An equivalent method.

(72) "Wipe sampling material" means that the material used for wiping complies within ASTM E 1792 "Standards specifications for wipe sampling material for lead in surface dust."

(73) "XRF" means an x-ray fluorescence device that indicates the lead levels of paint on a painted surface. (28 Ky.R. 1278; 1866; eff. 2-7-2002; Crt eff. 11-5-2019.)