

902 KAR 48:030. Accreditation of training programs and providers of educational programs for individuals who perform lead-hazard detection and abatement.

RELATES TO: KRS 211.180, 211.900-211.905, 211.990, 211.994, 217.801

STATUTORY AUTHORITY: KRS 211.090(3), 211.9061-211.9075

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.9065(3) requires the Department for Public Health to promulgate administrative regulations relating to the accreditation of training programs and providers of educational programs for individuals who perform lead-hazard detection or lead-hazard abatement activities in target housing or child-occupied facilities. KRS 211.9067 requires the department to promulgate administrative regulations to establish a schedule of fees for certification and accreditation programs. KRS 211.9065(4) requires the department to promulgate administrative regulations to provide for enforcement of the programs. This administrative regulation establishes requirements for accreditation, curriculum content, training experience, competency and proficiency qualifications, and establishes fees for functions performed by the department.

Section 1. Initial Application Requirements for Training Programs. A training provider shall submit the following:

- (1) An application review fee of \$200 in the form of a check or money order payable to the Kentucky State Treasurer, unless exempted by federal or state law or regulation;
- (2) Management and administrative information as follows:
 - (a) Training provider name;
 - (b) Address; and
 - (c) Telephone number;
- (3) The name of training manager;
- (4) A list of training courses proposed for accreditation;
- (5) Documentation of the training manager qualifications as identified in Section 5 of this administrative regulation;
- (6) Documentation of principal instructor's qualifications as identified in Section 5 of this administrative regulation;
- (7) Copies of student and instructor manuals for each course;
- (8) Course outlines;
- (9) Copies of course agendas;
- (10) The description of the activities and procedures that will be used for conducting the hands-on skills assessment for each course;
- (11) Copies of hands-on skills assessment forms;
- (12) Copies of course test blueprints;
- (13) Copies of course tests;
- (14) A copy of the quality control plan; and
- (15) The location and description of the facilities and equipment to be used for providing lecture and hands-on training.

Section 2. Review of Accreditation Documentation. (1) The department shall, within thirty (30) calendar days after the receipt of an application for accreditation:

- (a) Approve or disapprove the application for accreditation; and
 - (b) Notify the applicant of its action.
- (2) During the thirty (30) day period established by subsection (1) of this section, the department may request clarification or additional information from the applicant.
- (3) If the department approves an application for a training program, it shall:

- (a) Notify the applicant of its approval in writing; and
- (b) Indicate the appropriate course fees that are to be paid to the department.
- (4) On receipt of the required fee of \$200 for each initial and refresher course the department shall issue a certificate of accreditation to the training provider.
- (5) If the department denies an application it shall:
 - (a) Notify the applicant of its denial in writing; and
 - (b) List the necessary additions or corrections to the application.
- (6) The training provider shall have six (6) months to:
 - (a) Make the corrections specified in the notice of denial; and
 - (b) Reapply for accreditation.
- (7) The provider shall be required to pay another application review fee of \$200 to the department before the accreditation review process will be undertaken, if the training provider does not:
 - (a) Correct the deficiencies; and
 - (b) Resubmit the application within the six (6) months of the initial application date.

Section 3. Amending Training Program Accreditation. (1) The accreditation of a training program shall be for two (2) years.

(2) After the training provider has applied for and received program accreditation, the provider may add a course discipline by:

- (a) Amending the original accredited training program application in writing; and
- (b) Paying the application and course fee.

(3) A course added to the training program during the two (2) year accreditation period shall be included with, and applied for under, the application for reaccreditation of the training program.

Section 4. Training Provider Facilities and General Course Requirements. (1) A training provider shall provide:

(a) Adequate facilities for the delivery of the:

1. Lecture;
2. Course test;
3. Hands-on training; and
4. Assessment activities;

(b) One (1) instructor per ten (10) students when conducting hands-on skills activities and assessments;

(c) Adequate hands-on skills training equipment consistent with current technology;

(d) Adequate audiovisual equipment to provide effective instruction and lecture to students; and

(e) Appropriate lighting and space for effective student learning.

(2) A training provider shall:

- (a) Give a course test at the completion of each course;
- (b) Confirm the identity of each student by examining a photographic identification; and
- (c) If applicable, conduct a hands-on skill assessment.

(3) A training provider shall not issue a course completion certificate unless the student has:

- (a) Successfully completed the hands-on skills assessment;
- (b) Received a score of seventy (70) percent on the course test; and
- (c) Has attended a least ninety (90) percent of each training day for the length of the course.

(4) If necessary, the training provider may allow the student up to two (2) weeks following the course to:

- (a) Retake and pass the course examination; and
- (b) Complete the hands-on skills assessment requirements.
- (5) A course completion certificate shall include the following information:
 - (a) The name of the student;
 - (b) The name of the course;
 - (c) The inclusive dates of the training;
 - (d) The name and address of the training program;
 - (e) The signature of the principal instructor;
 - (f) The signature of the training manager;
 - (g) The language in which the course was taught, if other than English; and
 - (h) A unique identification number for each student.

Section 5. Training Manager and Principal Instructor Qualifications. (1) The training manager shall have:

- (a) Two (2) or more years of experience, education, or training in teaching adults; and
- (b) A bachelor or graduate degree in:
 1. Building construction technology;
 2. Engineering;
 3. Industrial hygiene;
 4. Safety;
 5. Public health;
 6. Education;
 7. Business administration; or
 8. Program management; or
- (c) Two (2) or more years experience managing an occupational health and safety training program specializing in environmental hazards; and
- (d) Experience in the construction industry, in one (1) of the following areas:
 1. Lead or asbestos abatement;
 2. Painting;
 3. Carpentry;
 4. Renovation;
 5. Remodeling;
 6. Occupational safety and health;
 7. Industrial hygiene; or
 8. A related field.
- (2) The principal instructor shall have:
 - (a) Two (2) years experience in adult education and training;
 - (b) Completed an EPA-model or department approved initial course that the principal instructor will teach, except the worker course; and
 - (c) Experience, education, or training in:
 1. Lead or asbestos abatement;
 2. Painting;
 3. Carpentry;
 4. Renovating;
 5. Remodeling;
 6. Occupational safety and health; or
 7. Industrial hygiene.

Section 6. Training Manager's Duties. The training manager shall:

- (1) Designate a qualified principal instructor to:
 - (a) Organize the course; and
 - (b) Oversee the teaching of course materials;
- (2) Designate guest instructors as needed to provide:
 - (a) Instruction specific to the lecture;
 - (b) Hands-on activities; and
 - (c) Work practice procedures and standards of a course; and
- (3) Maintain the validity and integrity of the hands-on skills assessment to ensure that the activities:
 - (a) Accurately evaluate the trainees' performance of the work practices and procedures associated with the course topics; and
 - (b) Reflect current technologies, standards and needs of the students;
- (4) Maintain the validity and integrity of the course test to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics;
- (5) Ensure that the course test was developed in accordance with the course test blueprint submitted with the training accreditation application; and
- (6) Develop the quality assurance control plan, that:
 - (a) Is to be used to maintain and improve the quality of the training program over time; and
 - (b) Contains, at least, the procedures for the:
 - 1. Periodic revision of training materials and the course test to reflect innovations in the field; and
 - 2. Training manager's annual review of principal instructor competency; and
- (7) Ensure that the training program complies with the requirements of this administrative regulation.

Section 7. Knowledge of Work Practice Standards. (1) The training provider shall offer courses that teach:

- (a) The work practice standards established in this administrative regulation, for conducting lead-hazard activities; and
- (b) Other related standards developed by:
 - 1. The EPA; and
 - 2. Other federal and state agencies.
- (2) Work practice standards shall be taught in the appropriate courses to provide trainees with knowledge needed to perform safe, effective lead-hazard assessment or abatement activities in target housing and child-occupied facilities.

Section 8. Requirements for Initial Courses. (1) The lead-hazard inspector course shall:

- (a) Consist of at least twenty-four (24) training hours;
- (b) Include at least eight (8) hours of hands-on training activities; and
- (c) Include the following minimum curriculum requirements for inspector course topics:
 - 1. Role and responsibilities of an inspector;
 - 2. Background information on lead and its adverse health effects;
 - 3. Background information on federal, state and local regulations that pertain to lead hazards and lead-hazard assessment and abatement activities;
 - 4. Lead-hazard inspection methods, including selection of rooms and components for sampling or testing, with hands-on activities;
 - 5. Paint, dust, water and soil sampling methodologies, with hands-on activities;
 - 6. Clearance standards and testing, including random sampling, with hands-on activities;
 - 7. Preparation of an inspection report, with hands-on activities; and

8. Recordkeeping.

(2) The lead-hazard risk assessor course shall:

(a) Consist of at least sixteen (16) training hours;

(b) Include at least four (4) hours of hands-on training activities; and

(c) Include the following minimum curriculum requirements for the risk assessor course topics:

1. Role and responsibilities of the risk assessor;

2. Collection of background information to perform a risk assessment;

3. Sources of environmental lead contamination found in paint, surface dust, soil, water and air, packaging and food;

4. Visual inspection for the purpose of identifying potential sources of lead hazards, with hands-on activities;

5. Lead-hazard screening protocol;

6. Sampling for other sources of lead exposure, with hands-on activities;

7. Interpretation of lead-sampling results, including applicable federal or state regulations pertaining to lead hazards, with hand-on activities;

8. Development of hazard control options, the role of interim controls, and operation and maintenance activities to reduce lead hazards; and

9. Preparation of a risk-assessment report.

(3) The lead-hazard supervisor course shall:

(a) Consist of at least thirty-two (32) training hours;

(b) Include at least eight (8) hours of hands-on activities; and

(c) Include the following minimum curriculum requirements for the supervisor course topics:

1. Role and responsibilities of a supervisor;

2. Background information on lead and its adverse health effects;

3. Background information on federal, state, and local regulations that pertain to lead hazards and lead-hazard assessment and abatement activities;

4. Liability and insurance issues relating to lead-hazard abatement;

5. Risk assessment and inspection report interpretation, with hands-on activities;

6. Development and implementation of an abatement and occupant protection plan;

7. Lead-hazard recognition and control, with hands-on activities;

8. Lead-hazard abatement and lead-hazard reduction methods, including restricted practices, with hands-on activities;

9. Interior dust abatement, cleanup, or lead-hazard control and reduction methods, with hand-on activities;

10. Soil and exterior lead dust abatement or lead-hazard control and reduction methods, with hands-on activities;

11. Clearance standards and testing;

12. Cleanup and waste disposal; and

13. Recordkeeping.

(4) The lead-hazard project designer course shall:

(a) Consist of at least eight (8) training hours; and

(b) Include the following minimum requirements for the project designer course:

1. Role and responsibilities of a project designer;

2. Development and implementation of an occupant protection plan for large-scale abatement projects;

3. Lead-hazard abatement and lead-hazard reduction methods, including restricted practices for large-scale abatement projects;

4. Interior dust abatement, cleanup, or lead-hazard control and reduction methods for

abatement projects;

5. Clearance standards and testing for large-scale abatement projects; and

6. Integration of lead-hazard abatement methods with modernization and rehabilitation projects for large-scale abatement projects.

(5) The lead-hazard abatement worker course shall:

(a) Consist of at least sixteen (16) training hours;

(b) Include at least eight (8) hours of hands-on training activities; and

(c) Include the following minimum requirements for the worker course:

1. Role and responsibilities of an abatement worker;

2. Background information on lead and its adverse health effects;

3. Background information on federal, state, and local regulations and guidance to lead-hazard abatement;

4. Lead-hazard recognition and control, with hands-on activities;

5. Lead-hazard abatement and lead-hazard reduction methods, including restricted practices, with hands-on activities;

6. Interior dust abatement methods, cleanup, or lead-hazard reduction, with hands-on activities; and

7. Soil and exterior dust abatement methods of lead-hazard reduction, with hands-on activities.

(6) Lead-hazard dust sampling technician course shall:

(a) Consist of eight (8) training hours;

(b) Include at least two (2) hours hands-on training; and

(c) Include the following minimum curriculum for lead technician course:

1. Role and responsibilities of a lead technician;

2. Background information on lead and its adverse health effects;

3. Background information on federal, state and local law pertaining to lead-hazard evaluation and sampling activities;

4. Lead-hazard dust sampling methodologies, with hands-on activities;

5. Lead-hazards clearance techniques;

6. Preparation of a clearance report with hand-on activities; and

7. Recordkeeping.

Section 9. Requirements for Refresher Courses. (1) To obtain accreditation to offer a refresher-training course, the provider shall meet the following minimum requirements:

(a) The training provider shall have been accredited by the department to teach the related initial course; and

(b) The refresher course shall teach the same topics as the initial course and shall include:

1. An overview of current safety practices relating to lead-hazard activities in general, including specific information pertaining to the appropriate discipline;

2. Current law relating to lead-hazard abatement, inspection, assessment activities in general, including specific information pertaining to the applicable discipline; and

3. Current technologies relating to lead-hazard activities in general, including specific information pertaining to the applicable discipline.

(2) The training hour requirements for a refresher course shall be:

(a) Eight (8) hours if the initial course was more than eight (8) hours; or

(b) Four (4) hours if the initial course was eight (8) hours or less.

(3) For each training course offered, the training provider shall:

(a) Provide relevant hands-on skills assessments; and

(b) Give a test at the completion of the course.

Section 10. Renewal of Accreditation of Training Program. (1) Accreditation for a training program shall be for a two (2) year period following issuance.

(2) At least thirty (30) days prior to the expiration date of accreditation a training provider shall:

(a) Apply for renewal of accreditation; and

(b) Submit the following fees:

1. Reapplication review fee of \$100; and

2. Course fee of \$150 per course.

(3) A training provider shall also submit the following information:

(a) The training provider's name, address, and telephone number;

(b) A list of courses for which the training provider is applying for renewal of accreditation; and

(c) Updated material and other information identified in Section 2 of this administrative regulation.

(4) The application shall be reviewed and approved or denied pursuant to provisions identified in Section 3 of this administrative regulation.

(5) If a training provider fails to apply for renewal of accreditation in accordance with this section, the training provider shall apply for initial accreditation, as established in Section 2 of this administrative regulation.

Section 11. Recordkeeping Requirements. (1) An accredited training provider shall maintain, update, and make available to the department upon request the following records:

(a) Current curriculum, course materials, and documents reflecting changes made to these materials; and

(b) Information regarding how the hands-on assessment is conducted, including:

1. Who conducts the assessment;

2. How the skills are graded;

3. What facilities are used; and

4. The pass or fail rate;

(c) The quality control plan; and

(d) Results of:

1. Student hands-on skills assessments and course tests; and

2. A copy of each student's course completion certificate.

(2) The training provider shall retain the documentation for a minimum of three (3) years and six (6) months.

Section 12. Notification Requirements. (1) The training provider shall notify the department in writing within fourteen (14) calendar days of a change in the following information:

(a) Management;

(b) Organizational;

(c) Address; and

(d) The transfer of records to the new training provider's address.

(2) The training provider shall provide written notification to the department at least fourteen (14) calendar days prior to the course start date, indicating the following information:

(a) Training provider name;

(b) Telephone number;

(c) Course name;

(d) Course location;

- (e) Course date(s);
 - (f) Name of the principal instructor;
 - (g) Qualifications for principal instructor if not currently approved under the program accreditation by the department;
 - (h) Updated course materials including changes in the course agenda; and
 - (i) Indication if guest instructors are to be used.
- (3) The training provider shall provide written notification of course correction or cancellation at a minimum of two (2) days prior to the course start date.
- (4) Within fourteen (14) calendar days after the completion of a course, the provider shall provide to the department a student attendance listing containing the following information:
- (a) The name of the initial, or refresher course;
 - (b) Student information as follows:
 - 1. Name;
 - 2. Address;
 - 3. Company affiliation if any; and
 - 4. Test scores.
- (5) A course shall not be approved if the provider fails to provide notice required by this section.
- (6) The department may revoke a training program's accreditation, as authorized by KRS 211.9065(4), if a deficiency in compliance with this section is of such severity as to warrant revocation.
- (7) The department may allow the training provider a variance in the notification period as identified in subsection (2) of this section if the provider:
- (a) Submits a variance request in writing; and
 - (b) Indicates the reasons for a reduced notification time.

Section 13. Course and Training Provider Audits. (1) The training provider shall permit access to representatives of the department in order to conduct on-site:

- (a) Audits at the provider location; and
- (b) Monitoring of the training courses.

(2) The department shall, if needed, use other methods to verify the documentation and continued requirements for accreditation.

Section 14. Notice to Suspend, Revoke, Deny Accreditation. (1) The department shall suspend or revoke the accreditation of a training program if the department determines that the training provider has failed to comply with the requirements established by this administrative regulation.

(2) If the department suspends, revokes or denies the accreditation of the training program, it shall notify the affected entity in writing of the following:

- (a) The legal and factual basis for the suspension, revocation, or denial;
- (b) The commencement date and duration of the suspension, or revocation;
- (c) The opportunity and method for requesting a hearing prior to final department action.

Section 15. Administrative Hearings. Administrative hearings shall be conducted in accordance with 902 KAR 1:400. (28 Ky.R. 1284; 1871; eff. 2-7-2002; TAm eff. 9-13-2018; Crt eff. 1-11-2019; TAm eff. 1-25-2019.)