

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, 217.660, 217.801, 40 C.F.R. Part 745

STATUTORY AUTHORITY: KRS 211.090(3), 211.9065(4), 211.9067, 211.9071

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. KRS 211.9071 requires the department to comply with the applicable rules and regulations of all federal agencies having jurisdiction over issues concerning lead-hazards. 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" is defined by 40 C.F.R. 745.223.
- (6) "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 12.
- (7) "Certificate of accreditation" means the document issued by the department to a training provider certifying that the provider has been approved to provide training courses for individuals who perform lead-hazard detection and abatement activities.
- (8) "Chewable surface" is defined by 40 C.F.R. 745.63.
- (9) "Child" means a person six (6) years of age or younger.
- (10) "Child-occupied facility" is defined by KRS 211.9061(1).
- (11) "Clearance level" is defined by 40 C.F.R. 745.223.
- (12) "Common area" is defined by 40 C.F.R. 745.223.
- (13) "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.
- (14) "Containment" is defined by 40 C.F.R. 745.223.
- (15) "Course test blue print" is defined by 40 C.F.R. 745.223.
- (16) "Department" is defined at KRS 211.9061(2).
- (17) "Deteriorated paint" is defined by 40 C.F.R. 745.63.
- (18) "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.
- (19) "Distinct painting history" is defined by 40 C.F.R. 745.223.
- (20) "Documented methodologies" is defined by 40 C.F.R. 745.223.
- (21) "Dripline" is defined by 40 C.F.R. 745.63.
- (22) "Dust-lead hazard" is defined by 40 C.F.R. 745.65(b).
- (23) "Encapsulant" is defined by 40 C.F.R. 745.223.
- (24) "Encapsulation" is defined by 40 C.F.R. 745.223.
- (25) "Enclosure" is defined by 40 C.F.R. 745.223.
- (26) "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.
- (27) "EPA" means the U.S. Environmental Protection Agency.
- (28) "Friction surface" is defined by 40 C.F.R. 745.63.
- (29) "Guest instructor" is defined by 40 C.F.R. 745.223.
- (30) "Hands-on skills assessment" is defined by 40 C.F.R. 745.223.
- (31) "Impact surface" is defined by 40 C.F.R. 745.63.
- (32) "Interim control" is defined by 40 C.F.R. 745.223.
- (33) "Interior window sill" is defined by 40 C.F.R. 745.63.
- (34) "Large-scale" means an abatement project with ten (10) or more residential dwellings.
- (35) "Lead-hazard" means a hazard due to excessive amounts of lead in:
- (a) Paint;
 - (b) Dust; or
 - (c) Soil.
- (36) "Lead-hazard abatement" is defined by KRS 211.9061(4).
- (37) "Lead-hazard abatement worker" means a person certified by the department to perform physical lead-hazard abatement activities.
- (38) "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.
- (39) "Lead-hazard detection" is defined by KRS 211.9061(3).
- (40) "Lead-hazard dust sampling technician" means person who performs clearance evaluation and sampling for nonabatement activities that may create a lead dust hazard.
- (41) "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.
- (42) "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.
- (43) "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.

- (44) "Lead-hazard risk assessment" means an on-site investigation to determine the existence, nature, severity, location of lead hazards.
- (45) "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.
- (46) "Lead-hazard screen" means a risk-assessment activity requiring reduced sampling.
- (47) "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.
- (48) "Living area" is defined by 40 C.F.R. 745.223.
- (49) "Permanently covered soil" is defined by 40 C.F.R. 745.223.
- (50) "Person" is defined at KRS 217.660(3).
- (51) "Play area" is defined by 40 C.F.R. 745.63.
- (52) "Post-abatement 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.
- (53) "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.
- (54) "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.
- (55) "Recognized laboratory" is defined by 40 C.F.R. 745.223.
- (56) "Reduction" is defined by 40 C.F.R. 745.223.
- (57) "Related work experience" means experience in a profession associated with lead, asbestos, or environmental remediation work; building renovation and remodeling; or building construction.
- (58) "Residential dwelling" is defined by 40 C.F.R. 745.223.
- (59) "Room" is defined by 40 C.F.R. 745.63.
- (60) "Small-scale" means an abatement project with less than ten (10) residential dwellings.
- (61) "Soil-lead hazard" is defined by 40 C.F.R. 745.65(c).
- (62) "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.
- (63) "Target housing" is defined by KRS 211.9061(5).
- (64) "Third-party examination" means a written test approved and administered by the department or its designated agent.
- (65) "Training day" means eight (8) training hours.
- (66) "Training hour" is defined by 40 C.F.R. 745.223.
- (67) "Training manager" is defined by 40 C.F.R. 745.223.
- (68) "Window trough" is defined by 40 C.F.R. 745.63.

(69) "Wipe sample" is defined by 40 C.F.R. 745.63.

(70) "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; 48 Ky.R. 661; eff. 11-23-2021.)