

902 KAR 48:020. Training and certification requirements for persons who perform lead-hazard detection or abatement.

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

STATUTORY AUTHORITY: KRS 211.090(3), 211.9063, 211.9067, 211.9069

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.9063(3) requires the Department for Public Health to promulgate administrative regulations to establish the training and testing requirements and procedures for certification of persons who perform or offer to perform lead-hazard detection or abatement in target housing or child-occupied facilities. KRS 211.9063(4) requires the department to promulgate administrative regulations to provide for the enforcement of the certification program. KRS 211.9067 requires the department to promulgate administrative regulations to establish a schedule of fees for permits and certification and accreditation programs. KRS 211.9069 authorizes the department to establish terms and conditions for granting equivalent certificates. This administrative regulation establishes requirements, procedures, and fees for lead-hazard related permits, certification, and accreditation, establishes terms and conditions for equivalent certification, and establishes procedures for the enforcement of the certification program.

Section 1. Application Procedures. An applicant for certification shall submit to the department:

- (1) An application fee:
 - (a) In the amount established in Section 8 of this administrative regulation;
 - (b) By check or money order; and
 - (c) Made payable to the Kentucky State Treasurer;
- (2) An "Application for Individual Certification"; and
- (3) The following documents:
 - (a) A current color photograph of the applicant at least two (2) by two (2) inches in size;
 - (b) A copy of a course completion certificate received from a course approved by the department; and
 - (c) Documentation demonstrating that the applicant has met the initial requirements established for the indicated discipline, as described in Section 4 of this administrative regulation.

Section 2. Departmental Review and Certification.

- (1) The department shall:
 - (a) Review and approve or disapprove the application for initial certification or recertification; and
 - (b) Notify the applicant, within ten (10) working days of receipt of the application, of the results of the review.
- (2) An applicant whose application for a discipline requiring a third-party examination is approved shall:
 - (a) Pay to the department the examination fee in an amount established in Section 8 of this administrative regulation;
 - (b) Schedule with the department a date and time to take the examination;
 - (c) Be permitted to take the examination three (3) times within a twelve (12) month period of time;
 - (d) If the applicant fails the third examination, complete another approved course before reapplying for certification;
 - (e) If the applicant passes or is not required to take an examination, shall pay a discipline fee in an amount established in Section 8 of this administrative regulation.
- (3) If an application is found to be deficient:

- (a) The department shall notify the applicant that:
 - 1. Specified supplemental documentation is required;
 - 2. Additional education or training is required; or
 - 3. Other specified information is necessary to determine the applicant's qualifications.
- (b) The applicant shall:
 - 1. Submit the requested information before qualifying to take the required examination or otherwise complete the application process; and
 - 2. Within twelve (12) months, become certified by the department; or
 - 3. Reapply for certification and pay additional specified fees.
- (4) The department shall:
 - (a) Grant individual certification upon:
 - 1. Satisfaction of the requirements for application approval and education or training; and
 - 2. Payment of the discipline fee;
 - (b) Issue a certification certificate and identification card valid for a period of two (2) years from the date of completion of the required course of training.

Section 3. Certification Through Reciprocity. An applicant shall be considered for certification by the department under an equivalent certification agreement established at KRS 211.9069.

Section 4. Initial Requirements for Each Discipline.

- (1) Lead-hazard abatement worker shall successfully complete a departmental-approved lead abatement worker course.
- (2) Lead-hazard inspector shall:
 - (a) Successfully complete an approved training course for inspectors;
 - (b) Have a high school diploma or equivalent; or
 - (c) Have a least one (1) year's related work experience.
- (3) Lead-hazard risk assessor shall:
 - (a) Successfully complete an approved inspector course prior to the completion of an approved risk assessor course; and
 - (b) Have at least one (1) of the following:
 - 1. Certification as an industrial hygienist, professional engineer, registered architect, or registered sanitarian;
 - 2. A bachelor's degree, and one (1) year related work experience;
 - 3. An associate degree, and two (2) years related work experience; or
 - 4. A high school diploma or equivalent, and at least (3) years related work experience.
- (4) Lead-hazard supervisor shall have:
 - (a) Successfully completed an accredited training course for supervisors;
 - (b) A high school diploma or equivalent; and
 - (c) At least two (2) years related work experience.
- (5) Lead-hazard project designer shall have:
 - (a) Successfully completed an approved training course for supervisor prior to successfully completing an approved project designer course; and
 - (b) One (1) of the following:
 - 1. A bachelor's degree in engineering, architecture, or a related profession, and one (1) year related work experience; or
 - 2. Four (4) years related work experience.
- (6) Lead dust sampling technician shall have:
 - (a) Successfully completed an approved training course; and
 - (b) Successfully completed department proficiency requirements.

Section 5. Certification of Lead-hazard Company.

- (1) A company shall be certified by the department prior to conducting lead-hazard assessment and abatement activities and shall qualify as follows.
- (2) The company applying for certification shall:
 - (a) Pay an application fee as identified in Section 8 of this administrative regulation; and
 - (b) Submit an "Application for Company Certification" with the following information:
 1. A list of department certified employees; and
 2. Notarized affidavit stating that the company is knowledgeable of and will follow the work practice standards established by 902 KAR 48:040.

Section 6. Individual Recertification.

- (1) An applicant for recertification shall, at least thirty (30) days before the expiration date indicated on the certificate, submit to the department:
 - (a) A completed application;
 - (b) A fee established at Section 8 of this administrative regulation; and
 - (c) Documentation of successful completion of an approved refresher course, for the appropriate discipline, taken within the last twelve (12) months of the certification period.
- (2) An applicant who applies for recertification after the time specified in subsection (1) of this section, but within six (6) months after the certification has lapsed, shall:
 - (a) Pass a department-approved refresher course; and
 - (b) Retake and pass the applicable third-party examination under the process identified in Section 2 of this administrative regulation.
- (3) An applicant who fails to reapply for certification after six (6) months from the date that the certification has lapsed shall:
 - (a) Pass an initial course; and
 - (b) Reapply through the certification process as identified in Section 2 of this administrative regulation.

Section 7. Company Recertification. A lead-hazard company shall apply for recertification by submitting:

- (1) The fee established by Section 8 of this administrative regulation;
- (2) A current listing, as of the date of recertification, of certification numbers identifying the employees engaged in lead-hazard activities; and
- (3) A notarized affidavit certifying that the company:
 - (a) Has continued to use the work practice standards established by 902 KAR 48:040; and
 - (b) Uses only departmental-certified employees to conduct lead-hazard activities in target housing and child-occupied facilities in the Commonwealth.

Section 8. Fee Schedule.

Type or discipline	Fee
Application	\$50
Third-party exam	\$50
Lead dust sampling technician	\$100
Lead-hazard project designer	\$300
Lead-hazard risk assessor	\$250
Lead-hazard inspector	\$200
Lead-hazard supervisor	\$150

Lead-hazard abatement worker	\$75
Lead-hazard company	\$200
Reissue of lost certificate or identification card	\$25

Section 9. Suspension, Revocation, Denial and Modification of Certificates. If the department suspends, revokes, denies, or modifies certification, it shall notify the certificate holder, in writing, of the following:

- (1) The legal and factual basis for the suspension, revocation, denial, or modification;
- (2) The commencement date and duration of the suspension, revocation, or modification;
- (3) Action, if any, which the certified person may take to avoid suspension, revocation, or modification, or to receive certification in the future;
- (4) The opportunity and method for requesting a hearing prior to final department action; and
- (5) Other information the department deems appropriate.

Section 10. Administrative Hearings. An administrative hearing shall be conducted in accordance with 902 KAR 1:400.

Section 11. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Application for Individual Certification", 5/2021 edition; and
 - (b) "Application for Company Certification", 4/2021 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Environmental Lead Program, Division of Public Health Protection and Safety, Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. or online at <https://chfs.ky.gov/agencies/dph/dphps/psb/Pages/lead.aspx>.

(28 Ky.R. 1281; 1869; eff. 2-7-2002; TAM eff. 9-13-2018; Crt eff. 1-11-2019; 48 Ky.R. 665; eff. 11-23-2021.)