

Article 72. – RESIDENTIAL CHILDHOOD LEAD POISONING PREVENTION PROGRAM

28-72-1 (Authorized by and implementing K.S.A. 2001 Supp. 65-1, 202; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; revoked April 9, 2010)

28-72-1a Definitions. In addition to the definitions in K.S.A. 65-1, 201 and amendments thereto, each of the following terms shall have the meaning assigned in this regulation:

- (a) **Abatement project reinspection fee** means the sum of money assessed to a KDHE-licensed lead activity firm by KDHE when KDHE is unable to inspect an abatement project due to the fault of the lead activity firm or its personnel.
- (b) **Accreditation** means approval by KDHE of a training provider for a training course to train individuals for lead-based paint activities.
- (c) **Accredited course** means a course that has been approved by the department for the training of lead professionals.
- (d) **Act** means the residential childhood lead poisoning prevention act, and amendments thereto
- (e) **Adequate quality control** means a plan or design that ensures the authenticity, integrity, and accuracy of samples, including dust, soil, and paint chip or paint film samples. Adequate quality control shall also include provisions for representative sampling.
- (f) **Audit** means the monitoring by KDHE of a certified individual, a licensed lead activity firm, or an accredited training provider to ensure compliance with the act and this article. (Authorized by and implementing K.S.A 65-1,202; effective April 9, 2010)

28-72-1c Definitions. In addition to the definitions in K.S.A. 65-1,201 and amendments thereto, each of the following terms shall have the meaning assigned in this regulation:

- (a) **Certified lead professional** means a person who is certified by the secretary as a lead inspector, elevated blood-lead level (EBL) investigator, lead abatement supervisor, lead abatement worker, project designer, or risk assessor.
- (b) **Child-occupied facility** means a building, or portion of a building, constructed before 1978, that is visited regularly by the same child who is under six years of age on at least two different days within any calendar week, Sunday through Saturday, if each day's visit lasts at least three hours, the combined weekly visits last at least six hours, and the combined annual visits last at least 60 hours. This term may include residences, day care centers, preschools, and kindergarten classrooms. Child-occupied facilities may be located in target housing or in public or commercial buildings. For common areas in public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under the age of six, including restrooms and cafeterias.

- (c) **Classroom training** means training devoted to lecture, learning activities, small group activities, demonstrations, evaluations, or any combination of these educational activities.
- (d) **Clearance levels** means the following values indicating the maximum amount of lead permitted in dust on a surface following completion of each abatement activity or lead hazard control:
- (1) 40 micrograms per square foot on floors;
 - (2) 250 micrograms per square foot on windowsills; and
 - (3) 400 micrograms per square foot on window troughs
- (e) **Common area** means the portion of a building that is generally accessible to all occupants. This term may include the following:
- (1) Hallways;
 - (2) Stairways;
 - (3) Laundry and recreational rooms;
 - (4) Playgrounds;
 - (5) Community centers;
 - (6) Garages;
 - (7) Boundary fences; and
 - (8) Porches
- (f) **Component and building component** mean building construction products manufactured independently to be joined with other building elements to create specific architectural design or structural elements or to act as fixtures of a building, residential dwelling, or child-occupied facility. Components are distinguished from each other by form, function, and location. These terms shall include the following:
- (1) Interior components, including the following:
 - (A) Ceilings;
 - (B) crown moldings;
 - (C) walls;
 - (D) chair rails;
 - (E) Doors and door trim;
 - (F) Floors;
 - (G) Fireplaces;
 - (H) Radiators and other heating units;
 - (I) Shelves and shelf supports;
 - (J) Stair treads, risers, and stringers; newel posts; railing caps; and balustrades;
 - (K) Windows and trim, including sashes, window heads, jams, sills, stools, and troughs;
 - (L) Built-in cabinets;
 - (M) Columns and beams;
 - (N) Bathroom vanities;
 - (O) Countertops;
 - (P) Air conditioners; and
 - (Q) Any exposed piping or ductwork; and
 - (R) Any product or device affixed to an interior surface of a dwelling; and
 - (2) Exterior components, including the following:
 - (A) Painted roofing and chimneys;
 - (B) Flashing, gutters, and downspouts;
 - (C) Ceilings;
 - (D) Soffits and fascias;

- (E) Rake boards, cornerboards, and bulkheads;
- (F) Doors and door trim;
- (G) Fences;
- (H) Floors;
- (I) Joists;
- (J) Latticework;
- (K) Railings and railing caps;
- (L) Siding;
- (M) Handrails;
- (N) Stair risers, treads, and stringers;
- (O) Columns and balustrades;
- (P) Windowsills and window stools, troughs, casing, sashes, and wells; and
- (Q) Air conditioners

- (g) **Containment** means a process to protect workers, residents, and the environment by controlling exposures to the lead-contaminated fumes, vapors, mist, dust, and debris created during lead abatement or lead hazard control.
- (h) **Course agenda** means an outline of the main topics to be covered during a training course, including the time allotted to teach each topic.
- (i) **Course exam blueprint** means written documentation identifying the proportion of course exam questions devoted to each major topic in the course curriculum.
- (j) **Course test** means an evaluation of the overall effectiveness of the training, which shall test each trainee's knowledge and retention of the topics covered during the course. (Authorized by and implementing K.S.A. 65-1, 202; effective April 9, 2010)

28-72-1d Definitions. In addition to the definitions in K.S.A. 65-1,201 and amendments thereto, each of the following terms shall have the meaning assigned in this regulation:

- (a) **Department** means the Kansas department of health and environment
- (b) **Deteriorated paint** means paint that is cracking, flaking, chipping, chalking, peeling, or otherwise separating from the substrate of a building component.
- (c) **Discipline** means one of the specific types or categories of lead-based paint activities identified in the act and this article in which individuals may receive training from accredited courses and become certified by the secretary.
- (d) **Distinct painting history** means the application history over time, as indicated by the visual appearance or a record of application, of paint or other surface coatings to a component or room.
- (e) **Documented methodologies** means the methods or protocols used to sample for the presence of lead in paint, dust, and soil. (Authorized by and implementing K.S.A. 65-1,202; effective April 9, 2010)

28-72-1e Definitions. In addition to the definitions in K.S.A. 65-1,201 and amendments thereto, each of the following terms shall have the meaning assigned in this regulation:

- (a) **Elevated blood lead level (EBL) child** and **EBL child** mean any child who has an excessive absorption of lead with a confirmed concentration of lead in whole blood of 10 UG (micrograms) of lead per deciliter of whole blood, as specified in K.A.R. 28-1-18.
- (b) **Encapsulant** means a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating, with or without reinforcement materials, or an adhesively bonded covering material.
- (c) **Encapsulation** means the application of an encapsulant.
- (d) **Enclosure** has the meaning specified in 40 CRF 745.223, as adopted in K.A.R. 28-72-2.
- (e) **EPA** means the United States environmental protection agency. (Authorized by and implementing K.S.A. 65-1, 202; effective April 9, 2010.)

28-72-1g Definition. In addition to the definitions in K.S.A. 65-1,201 and amendments thereto, the following term shall have the meaning assigned in this regulation:

Guest instructor means an individual who is designated by the training manager or principal instructor and who provides instruction specific to the lectures, hands-on work activities, or work practice components of a course. Each guest instructor shall be directly employed and monetarily compensated by the accredited training provider. A guest instructor shall not teach more than seven calendar days each quarter. Each guest instructor shall be KDHE-certified in the training course or in an associated advanced training course for which the guest instructor will be providing instruction. If a guest instructor is utilized, KDHE shall be notified at least 24 hours before the training course begins. (Authorized by and implementing K.S.A. 65-1,202; effective April 9, 2010.)

28-72-1h Definitions. In addition to the definitions in K.S.A. 65-1,201 and amendments thereto, each of the following terms shall have the meaning assigned in this regulation:

- (a) **Hands-on skills assessment** means an evaluation of the effectiveness of the hands-on training that tests the ability of the trainees to demonstrate satisfactory performance and understanding of work practices and procedures as well as any other skills demonstrated in the course.
- (b) **Hands-on training** means training that involves the actual practice of a procedure or the use of equipment, or both.
- (c) **Hazardous waste** means any waste as defined in K.S.A. 65-3430, and amendments thereto.
- (d) **HEPA vacuum** has the meaning specified in 40 CFR 745.83, as adopted in K.A.R. 28-72-2. (Authorized by and implementing K.S.A. 65-1,202; effective April 9, 2010.)

28-72-1i Definition. In addition to the definitions in K.S.A. 65-1,201 and amendments thereto, the following term shall have the meaning assigned in this regulation:

Interim controls means a set of repair or maintenance activities designed to last less than 20 years that temporarily reduce human exposure or likely exposure to lead hazards, including the following:

- a) Repairing deteriorated lead-based paint;
- b) Specialized cleaning;
- c) Maintenance;
- d) Painting;
- e) Temporary containment;
- f) Ongoing monitoring of lead hazards or potential hazards; and
- g) The establishment and operation of management and resident education programs. (Authorized by and implementing K.S.A. 65-1,202; effective April 9, 2010.)

28-72-1k Definition. In addition to the definitions in K.S.A. 65-1,201 and amendments thereto, the following term shall have the meaning assigned in this regulation:

KDHE means the Kansas department of health and environment. (Authorized by and implementing K.S.A. 65-1,202; effective April 9, 2010.)

28-72-1l Definitions. In addition to the definitions in K.S.A. 65-1,201 and amendments thereto, each of the following terms shall have the meaning assigned in this regulation:

- (a) **Large-scale abatement project** means lead abatement for 10 or more residential dwellings or multifamily dwellings for 10 or more units.
- (b) **Lead abatement** means any repair or maintenance activity or set of activities designed to last at least 20 years or to permanently eliminate lead-based paint hazards in a residential dwelling, child-occupied facility, or other structure designated by the secretary.
 - (1) Lead abatement shall include the following:
 - (A) The removal of lead-based paint and lead contaminated dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead-contaminated soil;
 - (B) All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with these measures;
 - (C) Any project for which there is a written contract or other documentation requiring an individual, firm, or other entity to conduct activities in any structure that are designed to permanently eliminate lead hazards;
 - (D) Any project resulting in the permanent elimination of lead hazards that is conducted by lead activity firms; and
 - (E) Any project resulting in the permanent elimination of lead hazards that is conducted in response to a lead hazard control order.
 - (2)
 - (A) Lead abatement shall not include renovation, remodeling, landscaping, and other activities if these activities are not designed to permanently eliminate lead hazards, but are designed to repair, restore, or remodel a given structure or dwelling, even though these activities could incidentally result in a reduction or an elimination of lead hazards.
 - (B) Lead abatement shall not include operations and maintenance activities, and other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

- (c) **Lead abatement supervisor** means an individual certified by the secretary to perform lead hazard control activities and to prepare occupant protection plans and abatement reports. Each applicant for a lead abatement supervisor shall meet all of the requirements specified in K.A.R. 28-72-8.
- (d) **Lead abatement worker** means an individual certified by the secretary and meeting all of the requirements specified in K.A.R. 28-72-7.
- (e) **Lead activity firm** means an individual or entity that meets all the requirements listed in K.A.R. 28-72-10.
- (f) **Lead-based paint hazard** means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-based paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces and that would result in adverse human health effects.
- (g) **Lead-based paint inspection** means any effort to identify lead concentrations in surface coatings by means of a surface-by-surface investigation and the provision of a written report explaining the results of the investigation. The inspection shall not include any attempt to determine lead concentrations in soil, water, or dust.
- (h) **Lead-based paint inspector** means an individual certified by the secretary to perform any efforts to identify lead concentrations in surface coatings by means of a surface-by-surface investigation. Each applicant for a lead-based paint inspector shall meet all of the requirements specified in K.A.R. 28-72-5.
- (i) **Lead-contaminated dust** means surface dust in residential dwellings or child-occupied facilities that contains 40 micrograms per square foot or more on uncarpeted floors, 250 micrograms per square foot or more on windowsills, and 400 micrograms per square foot or more on window troughs or any other surface dust levels evidenced by research and determined by the secretary as contaminated.
- (j) **Lead-contaminated soil** means bare soil on residential real property and on the property of a child-occupied facility that contains lead in excess of 400 parts per million for areas where child contact is likely and in excess of 1,200 parts per million in the rest of the yard, or any other lead in soil levels evidenced by research and determined by the secretary as contaminated.
- (k) **Lead hazard** means any lead source that is readily accessible to humans in, on, or adjacent to a residential property, including paint, as defined in these regulations, in any condition, contaminated soils, dust, or any other item that contains lead in any amount and has been identified through an environmental investigation or risk assessment as a source of lead that could contribute to the lead poisoning of an individual.
- (l) **Lead hazard control** means any activity implemented to control known or assumed lead hazards on or in any structure covered by this act. All implemented lead hazard control activities, at a minimum, shall utilize lead-safe work practices and shall be subject to work practice inspections by the KDHE.
- (m) **Lead hazard control notice** means the written notification to compel the owner of a child-occupied facility that has been identified by the secretary as the major contributing cause of poisoning an EBL child to eliminate or remediate the lead hazards to make the child-occupied facility safe from continued exposure to lead hazards.
- (n) **Lead hazard screen** means a limited risk assessment activity that involves limited deteriorated paint and dust sampling as described in K.A.R. 28-72-13 and K.A.R. 28-72-15. In target housing or a child occupied facility, at least two samples shall be taken from the floors and at least one sample shall be taken from the windows in all

of the rooms where one or more children could have access. Additionally, in multifamily dwellings and child-occupied facilities, dust samples shall be taken from any common areas where one or more children have access.

- (o) **Lead inspector** means an individual certified by the secretary to perform a surface-by-surface investigation on a structure to determine the presence of lead-based paint and provide a written report explaining the results of the investigation as specified in K.A.R. 28-72-14.
- (p) **Lead-safe work practices** means work practices standards established to work safely with lead-based surface coatings as presented in the joint EPA-HUD curriculum titled “lead safety for remodeling, repair, & painting,” excluding the appendices, dated June 2003 and hereby adopted by reference, or an equivalent KDHE-approved curriculum.
- (q) **Living area** means any area or room equivalent, as defined in the HUD “guidelines for the evaluation and control of lead-based paint hazards in housing,” which is adopted by reference in K.A.R. 28-72-13. This term shall include any porch of a residential dwelling used by at least one child who is six years of age and under or by a woman of childbearing age.
- (r) **Local government** means a county, city, town, district, association, or other public body, including an agency comprised of two or more of these entities, created under state law. (Authorized by and implementing K.S.A. 65-1,202; effective April 9, 2010.)

28-72-1m Definition. In addition to the definitions in K.S.A. 65-1,201 and amendments thereto, the following term shall have the meaning assigned in this regulation:

Multifamily dwelling means a structure that contains more than one separate residential dwelling unit used or occupied, or intended to be used or occupied, in whole or in part as the residence of one or more persons. (Authorized by and implementing K.S.A. 65-1,202; effective April 9, 2010.)

28-72-1n Definition. In addition to the definitions in K.S.A. 65-1,201 and amendments thereto, the following term shall have the meaning assigned in this regulation:

Nonprofit means an entity that has been determined by the IRS to be not-for-profit as evidenced by a “letter of determination” designating the tax code under which the entity operates. (Authorized by and implementing K.S.A. 65-1,202; effective April 9, 2010.)

28-72-1o Definitions. In addition to the definitions in K.S.A. 65-1,201 and amendments thereto, each of the following terms shall have the meaning assigned in this regulation:

- (a) **Occupant protection plan** means a plan developed by a lead abatement supervisor or project designer before the commencement of lead abatement or lead hazard control in any structure designated by the act that describes the measures and management procedures to be taken during lead abatement or lead hazard control to protect the building occupants from exposure to any lead hazards.
- (b) **Occupation** means one of the specific disciplines of lead-based paint activities identified in this article for which individuals can receive training from training providers. This term shall include renovator, lead abatement

worker, lead abatement supervisor, lead inspector, risk assessor, and project designer, and any combination of these.

- (c) **Oral exam** means a test that is equivalent in content to a corresponding written exam but is read to the student by the principal instructor. Each student taking an oral exam shall be required to provide the answers to the exam in writing. (Authorized by and implementing K.S.A. 65-1,202; effective April 9, 2010)

28-72-1p Definitions. In addition to the definitions in K.S.A. 65-1,201 and amendments thereto, each of the following terms shall have the meaning assigned in this regulation:

- (a) **Paint** means all types of surfaces coatings, including stain, varnish, epoxy, shellac, polyurethane, and sealants.
- (b) **Passing score** means a grade of 80% or higher on the third-party examination and training course examination for a lead occupation certificate.
- (c) **Permanently covered soil** means soil that has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, including pavement and concrete. Soil covered with grass, mulch, and other landscaping materials shall not be deemed permanently covered soil.
- (d) **Principal instructor** means an individual who meets the following requirements.
 - (1) Is directly employed and monetarily compensated by a training provider;
 - (2) Is certified to perform the lead occupation in which the individual will provide instruction or has obtained certification in an advanced lead occupation; and
 - (3) Has the primary responsibility for organizing and teaching a training course.
- (e) **Project design** means lead abatement project designs, lead hazard control project designs, occupant protection plans, and lead abatement reports. (Authorized by and implementing K.S.A. 65-1,202; effective April 9, 2010.)

28-72-1r Definitions. In addition to the definitions in K.S.A. 65-1,201 and amendments thereto, each of the following terms shall have the meaning assigned in this regulation:

- (a) **Reaccreditation** means the renewal of accreditation of a training provider for a training course after the expiration of the initial accreditation.
- (b) **Recognized laboratory** means a laboratory recognized by the EPA pursuant to section 405(b) of the toxic substances control act (TSCA) as being capable of performing analyses for lead compounds in paint chips, dust, and soil samples.
- (c) **Reduction** means any measure designed and implemented to reduce or eliminate human exposure to lead-based paint hazards including interim controls and abatement.
- (d) **Refresher course** means a training course taken by a certified lead professional to maintain certification in a particular discipline.
- (e) **Renewal** means the reissuance of a lead occupation certificate, a lead activity firm license, or a training provider accreditation.

- (f) **Risk assessment** means an on-site investigation to determine the existence, nature, severity, and location of lead hazards in a residential dwelling or child-occupied facility and the provision of a written report explaining the results of the investigation and options for reducing lead hazards.
- (g) **Risk assessor** means an individual certified by the secretary who meets the requirements in K.A.R. 28-72-6. (Authorized by and implementing K.S.A. 65-1,202; effective April 9, 2010.)

28-72-1s Definitions. In addition to the definitions in K.S.A. 65-1,201 and amendments thereto, each of the following terms shall have the meaning assigned in this regulation.

- (a) **State** means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, American Samoa, the Northern Mariana Islands, or any other territory or possession of the United States.
- (b) **Surface coatings** means paint as defined in K.A.R. 28-72-1p, (Authorized by and implementing K.S.A. 65-1,202; effective April 9, 2010.)

28-72-1t Definitions. In addition to the definitions in K.S.A. 65-1,201 and amendments thereto, each of the following terms shall have the meaning assigned in this regulation:

- (a) **Target housing** means housing constructed before 1978, with the exception of housing for the elderly. If one or more children through the age of 72 months reside or are expected to reside in the housing built exclusively for the elderly, the housing shall be assumed to have been constructed before 1978 unless empirical data proves otherwise. This term shall include schools and any structure used for the care of children under six years of age.
- (b) **Third-party examination** means a discipline-specific examination administered by the department to test the knowledge of a person who has completed the required training course and is applying for certification in a particular discipline.
- (c) **Training course** means the approved course of instruction established by this article to prepare an individual for certification in a single discipline.
- (d) **Training curriculum** means a set of course topics for instruction by a training provider for a particular occupation designed to provide specialized knowledge and skills.
- (e) **Training hour** means at least 50 minutes of actual time used for learning, including time devoted to lectures, learning activities, small group activities, demonstrations, evaluations, and hands-on experience.
- (f) **Training manager** means the individual who is a direct and monetarily compensated employee of a training provider, is subject to the employment standards of the fair labor standards act, and is responsible for administering a training program and monitoring the performance of principal instructors and guest instructors.
- (g) **Training provider** means a person or entity who has met the requirements of K.A.R. 28-72-4 and provides training courses for the purpose of state certification or certification renewal in the occupations of lead-safe work practices, lead abatement worker, lead abatement supervisor, lead-based paint inspector, risk assessor, and project designer. (Authorized by and implementing K.S.A. 65-1,202; effective April 9, 2010.)

28-72-1v Definition. In addition to the definitions in K.S.A. 65-1,201 and amendments thereto, the following term shall have the meaning assigned in this regulation:

Visual inspection for clearance testing means the visual examination of a residential dwelling, a child-occupied facility, or any other structure designated by the secretary following a lead abatement or lead hazard control to determine whether or not the lead abatement or lead hazard control has been successfully completed. (Authorized by and implementing K.S.A. 65-1,202; effective April 9, 2010.)

28-72-1x Definition. In addition to the definitions in K.S.A. 65-1,201 and amendments thereto, the following term shall have the meaning assigned in this regulation:

X-ray fluorescence analyzer (XRF) means an instrument that determines lead concentration in milligrams per square centimeter (mg/cm²) using the principle of X-ray fluorescence. (Authorized by and implementing K.S.A. 65-1,202; effective April 9, 2010.)

28-72-2

General Requirements for accreditation, licensure, and certification; adoption by reference.

- (a) Waiver. Any applicant for certification and any certified individual may authorize others, including the applicant's or individual's employer, to act on the applicant's or individual's behalf regarding the certification application. This authorization shall be indicated on the application form provided by KDHE. If at any time the applicant or certified individual decides to change this authorization, the applicant or certified individual shall notify KDHE in writing of the change.
- (b) Change of address. Each certified individual shall notify KDHE in writing of a change of mailing address no later than 30 days following the change. Each lead activity firm shall notify KDHE in writing of a change in business mailing address no later than 30 days following the change. Until a change of address is received, all correspondence shall be mailed to the individual's mailing address and the lead activity firm's business address indicated on the most recent application form.
- (c) Prior out-of-state certification. A lead occupation certificate may be issued by the secretary to any person if both of the following conditions are met:
 - (1) The person meets the following requirements:
 - (A) Has submitted a complete application;
 - (B) Has taken the required third-party exam for the discipline applied for and received a passing score; and
 - (C) Has provided proof of certification from another state, if KDHE has entered into an agreement with that state or if that state is a current EPA program state.
 - (2) All individual certification fees have been paid.
- (d) Adoption by reference.
 - (1) 40 CFR 745.80 through 745.90, as in effect on July 1, 2008, are adopted by reference, except as specified in paragraph (d)(2). For the purpose of this regulation, each reference in the adopted CFRs to "EPA" shall mean "KDHE," and each reference to "administrator" shall mean "secretary."
 - (2) The following portions of 40 CFR 745.80 through 40 CFR 745.90 are not adopted:
 - (A) 40 CFR 745.81 and 40 CFR 745.82(c);
 - (B) In 40 CFR 745.83, the following terms and their definitions: child occupied facility, component or building component, interim controls, recognized test kit, renovator, and training hour;
 - (C) 40 CFR 745.85(a)(3)(iii). The use of a heat gun to remove lead-based paint shall not be allowed;
 - (D) 40 CFR 745.86(b)(6) and (c);
 - (E) 40 CFR 745.87;
 - (F) 40 CFR 745.88;
 - (G) 40 CFR 745.89;
 - (H) 40 CFR 745.90(a), (b)(6), and (c);
 - (I) 40 CFR 745.91; and
 - (J) 40 CFR 745.225(c)(6)(vii). (Authorized by K.S.A. 65-1,202; implementing K.S.A. 65-1,202 and 65-1,203; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-3

Fees. The following fees shall apply:

- (a) Training providers. A separate accreditation fee shall be required for each training course. If a training course is taught in more than one language, a separate accreditation fee shall be required for each of these versions of the training course.

(1) Accreditation fee	\$500
(2) Initial fee	
(A) Lead abatement supervisor, lead abatement worker, and project designer courses...	\$1,000
(B) Risk assessor and lead inspector courses.....	\$1,000
(C) Lead-safe work practices.....	\$300
(3) Refresher course fee	
(A) Lead abatement supervisor, lead abatement worker, and project designer courses..	\$500
(B) Risk assessor and lead inspector courses.....	\$500
(C) Lead-safe work practices.....	\$150
(4) Reaccreditation fee.....	\$500
(A)	
(i) Reaccreditation for lead abatement supervisor, lead abatement worker, and project designer courses.....	\$1,000
(ii) Reaccreditation for risk assessor and inspector courses.....	\$1,000
(B)	
(i) Refresher reaccreditation for lead abatement supervisor, lead abatement worker, and project designer courses.....	\$500
(ii) Refresher reaccreditation for risk assessor and lead inspector courses	\$500

- (b) Lead inspector

(1) Individual certification.....	\$200
(2) Individual recertification.....	\$100

- (c) Risk assessor

(1) Individual certification.....	\$300
(2) Individual recertification.....	\$150
(3) Local health department or clinic that has received a certificate from KDHE for elevated blood lead level investigation risk assessments.....	\$0

- (d) Lead abatement supervisor

(1) Individual certification.....	\$150
(2) Individual recertification.....	\$75

- (e) Project designer

(1) Individual certification.....	\$150
(2) Individual recertification.....	\$75

- (f) Lead abatement worker

(1) Individual certification.....	\$50
(2) Individual recertification.....	\$25

(g) <u>Renovator</u>	
(1) Individual certification.....	\$0
(2) Individual recertification.....	\$0
(h) <u>Third-party examination</u>	
	\$50
(i) <u>Lead activity firm</u>	
(1) License.....	\$500
(2) License renewal.....	\$250
(3) Lead abatement project fee.....	1% of each project or \$50, whichever is greater
(4) Abatement project reinspection fee.....	\$150
(j) <u>Renovation firm</u>	
(1) License.....	\$200
(2) License renewal.....	\$100

(Authorized by and implementing K.S.A. 65-1,202; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010)

28-72-4

Training provider accreditation

- (a) Good standing. Each applicant wishing to provide and teach lead activity training in Kansas shall be accredited as a training provider and licensed by KDHE as a lead activity firm. Each applicant desiring accreditation of the training courses for lead inspector, risk assessor, lead abatement worker, lead abatement supervisor, project designer, or lead-safe work practices, or any combination, under this regulation, who is required to be registered and in good standing with the Kansas secretary of state's office, shall submit a copy of the applicant's certificate of good standing to KDHE.
- (b) Application to become a training provider for a training course. Completed applications shall be submitted to KDHE. Each application shall include the following:
- (1) A completed training provider course accreditation application on a form provided by KDHE, which shall include the following:
 - (A) The training provider's name, address, and telephone number;
 - (B) The lead activity firm license number;
 - (C) The name and date of birth of the training manager;
 - (D) The name and date of birth of the principal instructor for each course;
 - (E) The name and date of birth for any guest instructor for each course;
 - (F) A list of locations at which training will take place;
 - (G) A list of courses for which the training provider is applying for accreditation; and
 - (H) A statement signed by the training manager certifying that the information in the application for accreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with K.A.R. 28-72-4 through K.A.R. 28-72-4c, and that the training provider will conduct lead training only in those occupations in which the training provider has received accreditation;

- (2) A copy of the student and instructor manuals;
 - (3) The course agenda;
 - (4) The course examination blueprint;
 - (5) A copy of the quality control plan as described in paragraph (d)(9) of this regulation;
 - (6) A copy of a sample course completion diploma as described in paragraph (d)(8) of this regulation;
 - (7) A description of the facilities and equipment to be used for lectures and hands-on training;
 - (8) A description of the activities and procedures that will be used for conducting the skills assessment for each course;
 - (9) A payment to KDHE for the applicable non-refundable accreditation fees specified in K.A.R. 28-72-3, unless the training provider is a state, federally recognized Indian tribe, local government, or nonprofit organization as evidenced by a letter of determination issued by the IRS, which shall accompany the application; and
 - (10) Documentation supporting the training manager's, principal instructor's, and any guest instructor's qualifications.
- (c) Procedure for issuance or denial of training provider accreditation for a training course. The applicant shall be informed by KDHE in writing that the application is approved, incomplete, or denied.
- (1) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.
 - (A) Within 30 calendar days after the issuance date of the notice of incomplete application, the applicant shall submit to KDHE, in writing, the information requested in the written notice.
 - (B) Failure to submit the information requested in the written notice within 30 calendar days shall result in denial of the application for a training course accreditation.
 - (C) After the information in the written notice is received, the applicant shall be informed by KDHE in writing that the application is either approved or denied.
 - (2) If an application is approved, a two-year accreditation certificate shall be issued by KDHE.
 - (3) If an application for training course accreditation is denied, the specific reason or reasons for the denial shall be stated in the notice of denial to the applicant.
 - (A) Training course accreditation may be denied by the secretary pursuant to K.S.A. 65-1,207(c), and amendments thereto.
 - (B) If an application is denied, the applicant may reapply for accreditation at any time.
 - (C) If an applicant is aggrieved by a determination to deny accreditation, the applicant may request a hearing with the office of administrative hearings, in accordance with the Kansas administrative procedure act.
- (d) Requirements for accreditation of a training provider for a training course. For a training provider to maintain accreditation from KDHE to offer a training course, the training provider shall meet the following requirements:
- (1) **Training manger.** The training manager shall be a monetarily compensated direct employee of the training provider who meets the requirements in subsection (e). The training manager shall be responsible for ensuring that the training provider complies at all times with the requirements in these regulations. The training manager may designate guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course. The training manager shall ensure that each guest instructor meets the requirements in subsection (f).
 - (2) **Principal instructor.** The training provider, in coordination with the training manager, shall designate a qualified principal instructor who meets the requirements in subsection (f). The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all materials. The principal instructor shall be present during all classes or presentations given by any guest instructor.

- (3) **Guest instructor.** The training manager may designate a guest instructor on an as-needed basis. No guest instructor shall be allowed to teach an entire training course. Each guest instructor shall meet the requirements in subsection (f).
- (4) **Training provider.** The training provider shall meet the curriculum requirements in K.A.R. 28-72-4a for each course contained in the application for accreditation of a training provider.
- (5) **Delivery of course.** The training provider shall ensure the availability of, and provide adequate facilities for, the delivery of the lecture, course exam, hands-on training, and assessment activities. This requirement shall include providing training equipment that reflects current work practice standards in K.A.R. 28-72-13 through K.A.R. 28-72-21 and maintaining or updating the course materials, equipment, and facilities as needed.
- (6) **Course exam.** For each course offered, the training provider shall conduct a monitored, written course exam at the completion of each course. An oral exam may be administered in lieu of a written course exam for the lead abatement worker course only. If an oral examination is administered, the student shall be required to provide the answer to the exam in writing.
 - (A) The course exam shall evaluate each trainee's competency and proficiency.
 - (B) Each individual shall be required to achieve a passing score on the course exam in order to successfully complete any course and receive a course completion diploma.
 - (C) The training provider and the training manager shall be responsible for maintaining the validity and integrity of the course exam to ensure that the exam accurately evaluates each trainee's knowledge and retention of the course topics.
- (7) **Hands-on skills assessment.** For each course offered, except for project designers, the training provider shall conduct a hands-on skills assessment. The training manager shall maintain the validity and integrity of the hands-on skills assessment to ensure that the assessment accurately evaluates each trainee's performance of the work practice procedures associated with the course topics.
- (8) **Course completion diploma.** The training provider shall issue a unique course completion diploma to each individual who passes the training course. Each course completion diploma shall include the following:
 - (A) The name, a unique identification number, and the address of the individual;
 - (B) The name of the particular course that the individual completed;
 - (C) The dates of course attendance; and
 - (D) The name, address, and telephone number of the training provider.
- (9) **Quality control plan.** The training manager shall develop and implement a quality control plan. The plan shall be used to maintain or progressively improve the quality of the accredited provider.
 - (A) This plan shall contain at least the following elements:
 - (i) Procedures for periodic revision of training materials and the course exam to reflect innovations in the field;
 - (ii) Procedures for the training manager's annual review of the competency of the principal instructor; and
 - (iii) A review to ensure the adequacy of the facilities and equipment.
 - (B) An annual report discussing the results of the quality control plan shall be submitted to KDHE within one year following accreditation and at each subsequent renewal.
- (10) **Access by KDHE.** The training provider shall allow KDHE to conduct audits as needed in order for KDHE to evaluate the training provider's compliance with KDHE accreditation requirements. During this audit, the training provider shall make available to KDHE all information necessary to complete the evaluation. At KDHE's request, the training provider shall also make documents available for photocopying.
- (11) **Recordkeeping.** The training provider shall maintain at its principal place of business, for at least five years, the following records:

- (A) All documents specified in paragraphs (e)(2) and (f)(2) that demonstrate the qualifications listed in paragraph (e)(1) for the training manager, and paragraph (f)(1) for the principal instructor and any guest instructor;
 - (B) Curriculum or course materials, or both, and documents reflecting any changes made to these materials;
 - (C) The course examination and blueprint;
 - (D) Information regarding how the hands-on skills assessment is conducted, including the following:
 - (i) The name of the person conducting the assessment;
 - (ii) The criteria for grading skills;
 - (iii) The facilities used;
 - (iv) The pass and fail rate; and
 - (v) The quality control plan as described in paragraph (d)(9);
 - (E) Results of the students' hands-on skills assessments and course exams, and a record of each student's course completion diploma; and
 - (F) Any other material not listed in this paragraph (d)(11) that was submitted to KDHE as part of the training provider's application for accreditation.
- (12) **Course notification.** The training provider shall notify KDHE in writing at least 14 calendar days before conducting an accredited training course.
- (A) Each notification shall include the following information:
 - (i) The location of the course, if it will be conducted at a location other than the training provider's training facility;
 - (ii) The dates and times of the course;
 - (iii) The name of the course; and
 - (iv) The name of the principal instructor and any guest instructors conducting the course.
 - (B) If the scheduled training course has been changed or canceled, the training provider shall notify KDHE in writing at least 24 hours before the training course was scheduled to begin.
- (13) **Changes to a training course.** Before any one of the following changes is made to a training course, that change shall be submitted in writing to KDHE for review and approval before the continuation of the training course:
- (A) The course curriculum;
 - (B) The course examination;
 - (C) The course materials;
 - (D) The training manager, principal instructors, or guest instructors; or
 - (E) The course completion diploma.

Within 60 calendar days after receipt of a change to a training course, the provider shall be informed by KDHE in writing that the change is either approved or disapproved. If the change is approved, the training provider shall include the change in the training course. If the change is disapproved, the training provider shall not include the change in the training course.

- (14) **Change of ownership.** If a training provider changes ownership, the new owner shall notify KDHE in writing at least 30 calendar days before the change of ownership becomes effective. The notification shall include a new training course provider accreditation application, the appropriate fee or fees, and the date that the change of ownership will become effective. The new training course provider accreditation application shall be processed according to this regulation. The current training provider's accreditation shall expire on the effective date specified in the notification of the change of ownership.
- (15) **Change of address.** The training provider shall submit to KDHE a written notice of the training provider's new address and telephone number, and a description of the new training facility. The training provider

shall submit this information to KDHE not later than 30 days before relocating its business or transferring its records.

(e) Training, education, and experience requirements for the training manager.

- (1) The education or experience requirements for the training manager shall include one year of experience in lead or asbestos abatement, painting, carpentry, renovation, remodeling, safety and health, or industrial hygiene, and at least one of the following:
 - (A) A minimum of two years of experience in teaching or training adults;
 - (B) A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, business administration, or education; or
 - (C) A minimum of two years of experience in managing a training program specializing in environmental hazards.
- (2) The following records of experience and education shall be recognized by KDHE as evidence that the individual meets or exceeds KDHE requirements for a training manager:
 - (A) Resumes, letters of reference from past employers, or documentation to evidence past experience that includes specific dates of employment, the employer's name, address telephone number, and specific job duties, as evidence of meeting the experience requirements; and
 - (B) Official academic transcripts or diplomas, as evidence of meeting the education requirements.

(f) Training, education, and experience requirements for the principal instructor and any guest instructor.

- (1) The training, education, and experience requirements for the principal instructor and any guest instructor of a training course shall include the following:
 - (A) At least one year of experience in teaching or training adults; and
 - (B) At least one year of experience in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene, or an associate degree or higher from a postsecondary educational institution in building construction technology, engineering, safety, public health, or industrial hygiene.
- (2) The following records of experience and education shall be recognized by KDHE as evidence that the individual meets or exceeds KDHE requirements for a principal instructor:
 - (A) Course completion diplomas issued by the training provider as evidence of meeting the training requirements and a current copy of the KDHE certification for the disciplines that the principal instructor desires to teach;
 - (B) Official academic transcripts or diplomas, as evidence of meeting the education requirements; and
 - (C) Resumes, letters of reference from past employers, or documentation to evidence past experience that includes specific dates of employment, the employer's name, address, telephone number, and specific job duties, as evidence of meeting the experience requirements.

(g)

- (1) Training provider accreditation may be suspended or revoked by the secretary pursuant to K.S.A. 65-1,207(c), and amendments thereto.
- (2) Before suspending or revoking a training provider's accreditation, a training provider shall be given written notice of the reasons for the suspension or revocation. The training provider may request a hearing with the office of administrative hearings, in accordance with the Kansas administrative procedure act.

(h) Renewal of accreditation

- (1) Unless revoked sooner, a training provider's accreditation shall expire two years after the date of issuance. If a training provider meets the requirements of this regulation and K.A.R. 28-72-4a, the training provider shall be reaccredited.
- (2) Each training provider seeking reaccreditation shall submit an application to KDHE at least 60 calendar days before the provider's accreditation expires. If a training provider does not submit its application for reaccreditation by that date, the provider's reaccreditation before the end of the accreditation period shall not be guaranteed by KDHE.
- (3) The training provider's application for reaccreditation shall contain the following:
 - (A) A completed training provider course accreditation application on a form provided by KDHE, which shall include the following:
 - (i) The training provider's name, address, and telephone number;
 - (ii) The name and date of birth of the training manager;
 - (iii) The name and date of birth of the principal instructor for each course;
 - (iv) A list of locations at which training will take place;
 - (v) A list of courses for which the training provider is applying for reaccreditation; and
 - (vi) A statement signed by the training manager certifying that the information provided in the application for reaccreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with K.A.R. 28-72-4 and K.A.R. 28-72-4a, and that the training provider will conduct lead training only in those occupations in which the training provider has received accreditation;
 - (B) A list of courses for which the training provider is applying for reaccreditation;
 - (C) A description of any changes to the training facility, equipment, or course materials since the training provider's last application was approved that adversely affects the students' ability to learn; and
 - (D) A payment to KDHE for the nonrefundable fees specified in K.A.R. 28-72-3, as applicable, unless the training provider is a state, federally recognized Indian tribe, local government, or non-profit organization as evidenced by a letter of determination issued by the IRS, which shall accompany the application.
 - (i) If the training provider has allowed its accreditation to expire and the provider desires to be accredited, it shall reapply in the same manner as that required for an application for an original accreditation in accordance with this regulation. (Authorized by K.S.A. 65-1,202; implementing K.S.A. 65-1,202, 65-1,203 and 65-1,207; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-4a

Curriculum requirements for training providers

- (a)
 - (1) Each training provider of a lead inspector training course shall ensure that the lead inspector training course curriculum includes, at a minimum, 16 hours of classroom training and eight hours of hands-on training.
 - (2) Each lead inspector training course shall include, at a minimum, the following course topics:
 - (A) The role and responsibilities of an inspector;
 - (B) Background information on lead, including the history of lead use and sources of environmental lead contamination;
 - (C) The health effects of lead, including the following:
 - (i) The ways that lead enters and affects the body;
 - (ii) The levels of concern; and

- (iii) Symptoms, diagnosis, and treatments;
 - (D) the regulatory background and an overview of lead in applicable state and federal guidelines or regulations pertaining to lead-based paint, including the current version of each of the following:
 - (i) 40 CFR part 745;
 - (ii) U.S. HUD guidelines for the evaluation and control of lead-based paint hazards in housing as adopted in K.A.R. 28-72-13;
 - (iii) 29 CFR 1910.1200;
 - (iv) 29 CFR 1926.62; and
 - (v) Title X: the residential lead-based paint hazard reduction act of 1992;
 - (E) the regulations in this article pertaining to lead licensure, the Kansas work practice standards for lead-based paint activities specific to lead inspection activities, K.A.R. 28-72-2, and K.A.R. 28-72-51 through 28-72-54;
 - (F) quality control and assurance procedures in testing analysis;
 - (G) legal liabilities and obligations; and
 - (H) recordkeeping.
- (3) Each lead inspector training course shall also include, at a minimum, the following course topics, the presentation of which shall require hands-on training as an integral component of the course:
- (A) Lead-based paint inspection methods, including the selection of rooms and components for sampling or testing;
 - (B) Preinspection planning and review, including developing a schematic site plan and determining inspection criteria and locations to collect samples in single-family and multifamily housing;
 - (C) Paint, dust, and soil sampling methodologies, including the following:
 - (i) Lead-based paint testing or X-ray fluorescence paint analyzer (XRF) use, including the types of XRF units, their basic operation, and interpretation of XRF results, including substrate correction;
 - (ii) Soil sample collection, including soil sampling techniques, the number and location of soil samples, and interpretation of soil sampling results; and
 - (iii) Dust sample collection techniques, including the number and location of wipe samples and the interpretation of test results;
 - (D) Clearance standards and testing, including random sampling; and
 - (E) Preparation of the final inspection report.
- (b) Each training provider of a risk assessor training course shall ensure that the risk assessor training course curriculum includes, at a minimum, 12 hours of classroom training and four hours of hands-on training.
- (1) Each risk assessor training course shall include, at a minimum, the following course topics:
- (A) The role and responsibilities of the risk assessor;
 - (B) The collection of background information to perform a risk assessment, including information on the age and history of the housing and occupancy by children under six years of age and women of childbearing age;
 - (C) Sources of environmental lead contamination, including paint, surface dust and soil, water, air, packaging, and food;
 - (D) The regulations in this article pertaining to lead certification, Kansas work practice standards for lead-based paint specific to risk assessment activities, K.A.R. 28-72-2, and K.A.R. 28-72-51 through 28-72-54;
 - (E) Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards; and
 - (F) Legal liabilities and obligations specific to a risk assessor.
- (2) Each risk assessor training course shall also include, at a minimum, the following course topics, the presentation of which shall require hands-on training as an integral component of the course:
- (A) Visual inspection for the purposes of identifying potential sources of lead hazards;

- (B) Lead-hazard screen protocols;
 - (C) Sampling for other sources of lead exposure, including drinking water;
 - (D) Interpretation of lead-based paint and other lead sampling results related to the Kansas clearance standards; and
 - (E) Preparation of a final risk assessment report
- (c) Each training provider of a lead abatement worker course shall ensure that the lead abatement worker training course curriculum includes, at a minimum, 16 hours of classroom training and eight hours of hands-on training.
- (1) Each lead abatement worker training course shall include, at a minimum, the following course topics:
- (A) The role and responsibilities of a lead abatement worker;
 - (B) Background information on lead, including the history of lead use and sources of environmental lead contamination;
 - (C) The health effects of lead, including the following:
 - (i) The ways that lead enters and affects the body;
 - (ii) The levels of concern; and
 - (iii) Symptoms, diagnosis, and treatments;
 - (D) The regulatory background and an overview of lead in applicable state and federal guidelines or regulations pertaining to lead-based paint, including the current version of each of the following:
 - (i) 40 CFR part 745;
 - (ii) U.S. HUD guidelines for the evaluation and control of lead-based paint hazards in housing;
 - (iii) 29 CFR 1910.1200;
 - (iv) 29 CFR 1926.62; and
 - (v) Title X: the residential lead-based paint hazard reduction act of 1992;
 - (E) The regulations in this article pertaining to lead certification, the Kansas work practice standards for lead-based paint activities specific to lead abatement activities, K.A.R. 28-72-2, and K.A.R. 28-72-51 through 28-72-54; and
 - (F) Waste disposal techniques
- (2) Each lead abatement training course shall also include, at a minimum, the following course topics, the presentation of which shall require hands-on training as an integral component of the course:
- (A) Personal protective equipment information, including respiratory equipment selection, air-purifying respirators, care and cleaning of respirators, respiratory program, protective clothing and equipment, and hygienic practices;
 - (B) Lead hazard recognition and control, including site characterization, exposure measurements, medical surveillance, and engineering controls;
 - (C) Preabatement set-up procedures, including containment for residential and commercial buildings and for superstructures;
 - (D) Lead abatement and lead-hazard reduction methods for residential and commercial buildings and for superstructures, including prohibited practices;
 - (E) Interior dust abatement methods and cleanup techniques; and
 - (F) Soil and exterior dust abatement methods.
- (d) Each training provider of a lead abatement supervisor training course shall ensure that the lead abatement supervisor training course curriculum includes, at a minimum, 28 hours of classroom training and 12 hours of hands-on training.
- (1) Each lead abatement supervisor training course shall include, at a minimum, the following course topics:
- (A) The role and responsibilities of a supervisor;
 - (B) Background information on lead, including the history of lead use and sources of environmental lead contamination;

- (C) The health effects of lead, including the following:
 - (i) The ways that lead enters and affects the body;
 - (ii) The levels of concern; and
 - (iii) Symptoms, diagnosis, and treatments;
 - (D) The regulatory background and an overview of lead in applicable state and federal guidelines or regulations pertaining to lead-based paint, including the current version of each of the following:
 - (i) 40 CFR part 745;
 - (ii) U.S. HUD guidelines for the evaluation and control of lead-based paint hazards in housing;
 - (iii) 29 CFR 1910.1200;
 - (iv) 29 CFR 1926.62; and
 - (v) Title X: the residential lead-based paint hazard reduction act of 1992;
 - (E) Liability and insurance issues relating to lead abatement;
 - (F) The community relations process;
 - (G) Hazard recognition and control techniques, including site characterization, exposure measurements, material identification, safety and health planning, medical surveillance, and engineering controls;
 - (H) The regulations in this article pertaining to lead certification and to the Kansas work practice standards for lead-based paint activities specific to lead abatement activities;
 - (I) Clearance standards and testing;
 - (J) Cleanup and waste disposal; and
 - (K) Recordkeeping.
- (2) Each lead abatement supervisor training course shall also include, at a minimum, the following course topics, the presentation of which shall require hands-on training as an integral component of the course:
- (A) Cost estimation;
 - (B) Risk assessment and inspection report interpretation;
 - (C) The development and implementation of an occupant protection plan and pre-abatement work plan, including containment for residential and commercial buildings and for superstructures;
 - (D) Lead hazard recognition and control;
 - (E) Personal protective equipment information, including respiratory equipment selection, air-purifying respirators, care and cleaning of respirators, respiratory program, protective clothing and equipment, and hygienic practices;
 - (F) Lead abatement and lead-hazard reduction methods, including prohibited practices, for residential and commercial buildings and superstructures;
 - (G) Project management, including supervisory techniques, contractor specifications, emergency response planning, and blueprint reading;
 - (H) Interior dust abatement and cleanup techniques;
 - (I) Soil and exterior dust abatement methods; and
 - (J) The preparation of an abatement report.
- (e) Each training provider of a project designer training course shall ensure that the project designer training course curriculum includes, at a minimum, eight hours of classroom training. Each project designer training course shall include, at a minimum, the following course topics:
- (1) The role and responsibilities of a project designer;
 - (2) The development and implementation of an occupant protection plan for large-scale abatement projects;
 - (3) Lead abatement and lead-hazard reduction methods, including prohibited practices, for large-scale abatement projects;
 - (4) Interior dust abatement or cleanup or lead-hazard control, and reduction methods for large-scale abatement projects;
 - (5) Soil and exterior dust abatement methods for large-scale abatement projects;

- (6) Clearance standards and testing for large-scale abatement projects;
- (7) Integration of lead abatement methods with modernization and rehabilitation projects for large-scale abatement projects; and
- (8) The Kansas administrative regulations pertaining to lead-hazard disclosure. (Authorized by and implementing K.S.A. 65-1,202; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-4b (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202, 65-1,203, and 65-1,207; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; revoked April 9, 2010.)

28-72-4c

Training provider accreditation; refresher training course

- (a) Application for accreditation of a training provider for a refresher training course. A training provider may seek accreditation to offer refresher training courses in any occupation. To obtain KDHE accreditation to offer refresher training courses, each training provider shall meet the following minimum requirements:
 - (1) Each refresher course shall review the curriculum topics of the full-length courses listed in K.A.R. 28-72-4a as appropriate. In addition, each training provider shall ensure that the refresher course of study includes, at a minimum, the following:
 - (A) An overview of current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate occupation;
 - (B) Current laws and regulations relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate occupation; and
 - (C) Current technologies relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate occupation.
 - (2) Each refresher course, except for the project designer course and the lead-safe work practices course, shall last at least eight training hours. The project designer and lead-safe work practices refresher courses shall last at least four training hours.
 - (3) For each refresher training course offered, the training provider shall conduct a hands-on assessment, if applicable.
 - (4) For each refresher training course offered, the training provider shall conduct a course exam at the completion of the course.
- (b) Any training provider may apply for accreditation of a refresher training course concurrently with its application for accreditation of the corresponding training course as described in K.A.R. 28-72-4. If the training provider submits both applications concurrently, the procedures and requirements specified in K.A.R. 28-72-4 shall be used by KDHE for accreditation of the refresher course and the corresponding training course.
- (c) Each training provider seeking accreditation to offer only refresher training courses shall submit a written application to KDHE, which shall include the following:
 - (1) A completed training course accreditation application on a form provided by KDHE, which shall include the following:
 - (A) The training provider's name, address, and telephone number;
 - (B) The name and date of birth of the training manager;
 - (C) The name and date of birth of the principal instructor for each course;

- (D) A list of locations at which training will take place;
 - (E) A list of courses for which the training provider is applying for accreditation; and
 - (F) A statement signed by the training manager certifying that the information provided in the application for accreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with K.A.R. 28-72-4 through K.A.R. 28-72-4c, and that the training provider will conduct lead training only in those occupations in which the training provider has received accreditation;
- (2) A copy of the student and instructor manuals;
 - (3) The course agenda;
 - (4) The course examination blueprint;
 - (5) A copy of the quality control plan as described in K.A.R. 28-72-4(d)(9);
 - (6) A copy of the sample course completion diploma as described in K.A.R. 28-72-4(d)(8);
 - (7) A description of the facilities and equipment to be used for lecture and hands-on training; and
 - (8) A payment to KDHE for the applicable non-refundable reaccreditation fees, unless the training provider is a state, federally recognized Indian tribe, local government, or nonprofit organization as evidenced by a letter of determination issued by the IRS, which shall accompany the application.
- (d) The following shall apply to each training provider applying for the accreditation of refresher training courses:
- (1) The good standing requirements in K.A.R. 28-72-4(a);
 - (2) The procedures for training provider accreditation issuance or denial in K.A.R. 28-72-4(c);
 - (3) The requirements for accreditation of a training provider for a training course;
 - (4) The training, education, and the experience requirements for training managers and principal instructors in K.A.R. 28-72-4(e) and (f); and
 - (5) The provisions relating to suspension or revocation of accreditation in K.A.R. 28-72-4(g).
- (e)
- (1) Unless revoked sooner, each training provider's accreditation, including refresher training courses, shall expire two years after the date of issuance. If a training provider meets the requirements of subsections (a), (c), and (d), the training provider shall be reaccredited.
 - (2) Each training provider seeking reaccreditation of one or more refresher training courses shall submit an application to KDHE at least 60 calendar days before the training provider's accreditation expires. If a training provider does not submit its application for reaccreditation by that date, the provider's reaccreditation before the end of the accreditation period shall not be guaranteed by KDHE.
 - (3) The training provider's application for reaccreditation shall contain the following:
 - (A) A completed training provider course accreditation application on a form provided by KDHE, which shall include the following:
 - (i) The training provider's name, address, and telephone number;
 - (ii) The name and date of birth of the training manager;
 - (iii) The name and date of birth of the principal instructor for each course;
 - (iv) A list of locations at which training will take place;
 - (v) A list of refresher training courses for which the training provider is applying for reaccreditation; and
 - (vi) A statement signed by the training manager certifying that the information provided in the application for reaccreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with K.A.R. 28-72-4, K.A.R. 28-72-4a, and K.A.R. 28-72-4c, and that the training provider will conduct lead training only in those occupations in which the training provider has received accreditation;
 - (B) A list of refresher training courses for which the training provider is applying for reaccreditation;

- (C) A description of any changes to the training facility, equipment, or course materials since the training provider's last application was approved that adversely affect the students' ability to learn; and
 - (D) A payment to KDHE for the nonrefundable fees specified in K.A.R. 28-72-3, as applicable, unless the training provider is a state, federally recognized Indian tribe, local government, or non-profit organization as evidenced by a letter of determination issued by the IRS, which shall accompany the application.
- (4) If the training provider has allowed its accreditation to expire and the provider desires to be accredited, the training provider shall reapply in the same manner as that required for an application for an original accreditation in accordance with this regulation. (Authorized by and implementing K.S.A. 65-1,202 and 65-1,207; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-5

Application process and requirements for the certification of lead inspectors

(a) Application for a lead inspector certificate

- (1) Each applicant for a lead inspector certificate shall submit a completed application to KDHE before consideration for certificate issuance. All applications for certification shall be received by KDHE at least 30 days before the date of the third-party examination, but the deadline for filing applications may be waived by KDHE as particular circumstances justify.
- (2) Each application shall include the following:
 - (A) A completed lead occupation certificate application on a form provided by KDHE, which shall include the following:
 - (i) The applicant's full legal name, home address, and telephone number;
 - (ii) The name, address, and telephone number of the applicant's current employer;
 - (iii) The applicant's state-issued identification number or federal employment identification number;
 - (iv) The county or counties in which the applicant is employed;
 - (v) The address where the applicant would like to receive correspondence regarding the application or certification;
 - (vi) The occupation for which the applicant wishes to be certified;
 - (vii) Proof of any certification for lead occupations in other states, including the names of the other states, type of certification, certification expiration date, certificate number, and copies of the other states' certificate or license;
 - (viii) Proof of any certification by the EPA, including the EPA region number, type of certification, certification expiration date, certificate number, and a copy of the EPA certificate;
 - (ix) The type of training completed, including the name of the training provider, certificate identification number, and dates of course attendance;
 - (x) Any employment history or education that meets the experience requirements in subsection (b); and
 - (xi) The signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;
 - (B) A copy of the lead inspector training course completion diploma or equivalent EPA training course diplomas, and any required refresher course completion diplomas;
 - (C) Documentation pursuant to subsection (b) as evidence of meeting the education or experience requirements for lead inspectors; and
 - (D) A payment to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

- (3) Each applicant for a lead inspector certificate shall apply to KDHE within one year after the applicant's successful completion of the lead inspector training course, as indicated on the course completion diploma. Applicants failing to apply within one year after the date on the training course completion diploma shall, before making application for certification, be required to successfully complete the eight-hour lead inspector refresher training course accredited by KDHE.
 - (4) Each applicant who fails to apply within two years after the lead inspector training and who has not successfully completed refresher training shall be required to successfully complete the lead inspector training course before submitting an application for a lead inspector certificate.
- (b) Training, education, and experience requirements for a lead inspector certificate.
- (1) Each applicant for certification as a lead inspector shall complete a lead inspector training course or its equivalent and shall be required to achieve passing scores on the course examination and the third-party examination.
 - (2) Each applicant for certification as a lead inspector shall meet the minimum education or experience requirements for a certified lead inspector.
 - (A) The minimum education or experience requirements for a certified lead inspector shall include at least one of the following:
 - (i) A bachelor's degree
 - (ii) An associate's degree and one year of experience in a related field, including housing repair and inspection, and lead, asbestos, and environmental remediation work; or
 - (iii) Either a high school diploma or a certificate of high school equivalency (GED), in addition to two years of experience in a related field, including housing repair and inspection, and lead, asbestos, and environmental remediation work.
 - (B) The following documents shall be recognized by KDHE as evidence of meeting the requirements listed in paragraph (b)(2)(A):
 - (i) Official academic transcripts or diplomas as evidence of meeting the education requirements;
 - (ii) Resumes, letters of reference, or documentation of work experience, which at a minimum shall include specific dates of employment, each employer's name, address, and telephone number, and specific job duties, as evidence of meeting the work experience requirements;
 - (iii) Course completion diplomas issued by the training provider as evidence of meeting the training requirements; and
 - (iv) Appropriate documentation of certification or registration.
- (c) Procedure for issuance or denial of a lead inspector certificate.
- (1) The applicant shall be informed by the secretary in writing that the application is approved, incomplete, or denied.
 - (A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.
 - (i) Within 30 calendar days after the issuance date of the notice of an incomplete application, the applicant shall submit, to the secretary in writing, the information requested in the written notice.
 - (ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in the secretary's denial of the individual's application for certification.
 - (iii) After receipt of the information requested in the written notice, the applicant shall be informed by the secretary in writing that the application is either approved or denied.
 - (B) If an application for certification is denied, the written notice of denial to the applicant shall specify the reason or reasons for the denial. Certification may be denied by the secretary pursuant to K.S.A. 65-1,207(b), and amendments thereto.

- (C) If an application is denied, the applicant may reapply to KDHE for a lead inspector certificate by submitting a complete lead occupation application form with another nonrefundable certification fee, as specified in K.A.R. 28-72-3.
- (D) If an applicant is aggrieved by a determination to deny certification, the applicant may request a hearing with the office of administrative hearings, in accordance with the Kansas administrative procedure act.
- (2) Within 180 calendar days after application approval, the applicant shall be required to attain a passing score on the third-party examination for lead inspectors.
 - (A) An applicant shall not sit for the third-party examination for lead inspectors more than three times within 180 calendar days after the issuance date of the notice of an approved application.
 - (B) The applicant's failure to obtain a passing score on the third-party examination for lead inspectors within the 180-day period following the notice of an approved application for a certificate shall result in KDHE's denial of the individual's application for a certificate. The individual may reapply to KDHE pursuant to this regulation but only after retaking the lead inspector training course.
- (3) After the applicant passes the third-party examination, a two-year lead inspector certificate shall be issued by KDHE.
- (4) A certificate may be issued with specific restrictions pursuant to an agreement between the applicant and KDHE. (Authorized by K.S.A. 65-1,202; implementing K.S.A. 65-1,202, 65-1,203, and 65-1,207; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-6

Application process and requirements for the certification of risk assessors.

(a) Application for a risk assessor certificate.

- (1) Each applicant for a risk assessor certificate shall submit a completed application to KDHE before consideration for certificate issuance. All applications for certification shall be received by KDHE at least 30 days before the date of the third-party examination, but the deadline for filing applications may be waived by KDHE as particular circumstances justify.
- (2) Each application shall include the information specified in K.A.R. 28-72-5(a)(2)(A) and the following:
 - (A) A copy of the risk assessor and lead inspector training course completion diploma, and any required refresher course completion diplomas;
 - (B) Documentation pursuant to subsection (b) as evidence of meeting the education or experience requirements for risk assessors; and
 - (C) A payment to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.
- (3) Each applicant for a risk assessor certificate shall apply to KDHE within one year after the applicant's successful completion of the risk assessor training course, as indicated on the course completion diploma. Applicants failing to apply within one year after the date on the training course completion certificate shall, before making application for certification, be required to successfully complete the eight-hour risk assessor refresher training course accredited by KDHE.
- (4) Each applicant who fails to apply within two years after the risk assessor training and who has not successfully completed the refresher training course shall be required to successfully complete the risk assessor training course before submitting an application for a risk assessor certificate.

(b) Training, education, and experience requirements for a risk assessor certificate.

- (1) Each applicant for a certificate as a risk assessor shall complete a risk assessor training course and a lead inspector training course and shall be required to achieve passing scores on both the course examinations and the third-party examination for risk assessors.

- (2) Each applicant for a certificate as a risk assessor shall meet the minimum education and experience requirements for a certified risk assessor.
- (A) The minimum education and experience requirements for a certified risk assessor shall include at least one of the following:
- (i) A bachelor's degree and at least one year of experience in a related field, including housing repair and inspection, and lead, asbestos, and environmental remediation work;
 - (ii) An associate's degree and two years of experience in a related field, including housing repair and inspection, and lead, asbestos, and environmental remediation work;
 - (iii) Certification as an industrial hygienist, professional engineer, or registered architect, or certification in a related engineering, health, or environmental field, including a safety professional and environmental scientist; or
 - (iv) Either a high school diploma or a certificate of high school equivalency (GED), in addition to three years of experience in a field, including housing repair and inspection, and lead, asbestos, and environmental remediation work.
- (B) The following documents shall be recognized by KDHE as evidence of meeting the requirements listed in paragraph (b)(2)(A):
- (i) Official academic transcripts or diplomas as evidence of meeting the education requirements;
 - (ii) Resumes, letters of reference, or documentation of work experience, which at a minimum shall include specific dates of employment, each employer's name, address, and telephone number, and specific job duties, as evidence of meeting the work experience requirements;
 - (iii) Course completion diplomas issued by the training provider as evidence of meeting the training requirements; and
 - (iv) Appropriate documentation of certifications or registrations.
- (c) Procedure for issuance or denial of a risk assessor certificate.
- (1) Each applicant shall be informed by the secretary in writing that the application is approved, incomplete, or denied.
- (A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.
- (i) Within 30 calendar days after the issuance date of the notice of an incomplete application, the applicant shall submit, to the secretary in writing, the information requested in the written notice.
 - (ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in the secretary's denial of the individual's application for certification.
 - (iii) After receipt of the information requested in the written notice, the applicant shall be informed by the secretary in writing that the application is either approved or denied.
- (B) If an application for certification is denied, the written notice of denial to the applicant shall specify the reason or reason for the denial. Certification may be denied by the secretary pursuant to K.S.A. 65-1,207(b), and amendments thereto.
- (C) If an application is denied, the applicant may reapply to KDHE for a risk assessor certificate by submitting a complete lead occupation application form with another nonrefundable certification fee, as specified in K.A.R. 28-72-3.
- (D) If an applicant is aggrieved by a determination to deny certification, the applicant may request a hearing with the office of administrative hearings, in accordance with the Kansas administrative procedure act.
- (2) Within 180 calendar days after application approval, the applicant shall be required to attain a passing score on the third-party examination for risk assessors.
- (A) An applicant shall not sit for the third-party examination for risk assessors more than three times within 180 calendar days after the issuance date of the notice of an approved application.

- (B) The applicant's failure to obtain a passing score on the third-party examination for risk assessors within the 180-day period following the notice of an approved application for a certificate shall result in KDHE's denial of the individual's application for a certificate. The individual may reapply to KDHE pursuant to this regulation but only after retaking the risk assessor training course.
- (3) After the applicant passes the third-party examination, a two-year risk assessor certificate shall be issued by KDHE.
- (4) A certificate may be issued with specific restrictions pursuant to an agreement between the applicant and KDHE. (Authorized by K.S.A. 65-1,202; implementing K.S.A. 65-1,202; 65-1,203, and 65-1,207; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-6a

Application process and requirements for the certification of an elevated blood lead level investigator.

- (a) Application for an elevated blood lead (EBL) level investigator certificate.
 - (1) Each applicant for an elevated blood lead level investigator certificate shall be selected by KDHE. Each selected applicant shall submit a completed application to KDHE before issuance of a certificate.
 - (2) Each application shall include the following:
 - (A) A completed lead occupation certificate application on a form provided by KDHE, which shall include the following:
 - (i) The applicant's full legal name, home address, and telephone number;
 - (ii) The name, address, and telephone number of the applicant's current employer;
 - (iii) The applicant's state-issued identification number or federal employment identification number;
 - (iv) The county or counties in which the applicant is employed;
 - (v) The address where the applicant would like to receive correspondence regarding the application or certification;
 - (vi) The occupation for which the applicant wishes to be certified;
 - (vii) Proof of any certification for lead occupations in other states, including the names of the other states, type of certification, certification expiration date, certificate number, and copies of the other states' certificate or license;
 - (viii) Proof of any certification by the EPA, including the EPA region number, type of certification, certification expiration date, certificate number, and a copy of the EPA certificate;
 - (ix) The type of training completed, including the name of the training provider, diploma identification number, and dates of course attendance;
 - (x) Any employment history or education that meets the experience requirements in subsection (b);
 - (xi) Any criminal history; and
 - (xii) The signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;
 - (B) A copy of the risk assessor and lead inspector training course completion diploma and any required refresher course completion diplomas; and
 - (C) Documentation pursuant to subsection (b) as evidence of meeting the education or experience requirements for an elevated blood lead level investigator.
- (b) Training, education, and experience requirements for an elevated blood lead level investigator certificate.

- (1) Each applicant for a certificate as an elevated blood lead level investigator shall complete a risk assessor training course and a lead inspector training course and shall be required to attain passing scores on both course examinations.
 - (2) Each applicant for a certificate as an elevated blood level investigator shall complete a KDHE-sponsored EBL training course, shall meet the minimum education and experience requirements for a certified elevated blood lead level investigator, and shall be required to attain a passing score on the third-party elevated blood lead level investigator examination.
 - (3)
 - (A) The minimum education and experience requirements for a certified elevated blood lead level investigator shall include at least one of the following:
 - (i) A bachelor's degree and experience in a related field, including nursing, public health, housing repair and inspection, lead hazard investigation, or environmental remediation work; or
 - (ii) An associate's degree and experience in a related field, including nursing, public health, housing repair and inspection, lead hazard investigation, or environmental remediation work; or
 - (iii) Certification as an industrial hygienist, or certification in public health or environmental health; or
 - (iv) A high school diploma or a certificate of high school equivalency (GED), in addition to experience in a related field, including nursing, public health, housing repair and inspection, lead hazard investigation, or environmental remediation work.
 - (B) The following documents shall be recognized by KDHE as evidence of meeting the requirements listed in paragraph (b)(3)(A):
 - (i) Official academic transcripts or diplomas as evidence of meeting the education requirements;
 - (ii) Resumes, letters of reference, or documentation of work experience, which at a minimum shall include specific dates of employment, each employer's name, address, and telephone number, and specific job duties, as evidence of meeting the work experience requirements;
 - (iii) Course completion diplomas issued by the training provider as evidence of meeting the training requirements; and
 - (iv) Appropriate documentation of certifications or registrations.
 - (4) Upon receipt of a complete and qualifying application, an elevated blood lead level investigator certificate may be issued with specific restrictions pursuant to an agreement between the applicant, the applicant's employer or the applicant's controlling agency, and KDHE.
- (c) Procedure for issuance or denial of an elevated blood lead level investigator certificate.
- (1) Each applicant shall be informed in writing by the secretary that the application is approved, incomplete, or denied.
 - (A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.
 - (i) Within 30 calendar days after the issuance date of the notice of an incomplete application, the applicant shall submit, to the secretary in writing, the information requested in the written notice.
 - (ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in the retraction of KDHE's request to the applicant to become an elevated blood lead level investigator and result in the denial of the individual's application for certification.
 - (iii) After receipt of the information requested in the written notice, the applicant shall be informed by the secretary that the application is either approved or denied.
 - (B) If an application for certification is denied, the written notice of denial to the applicant shall specify the reason or reasons for the denial. Certification may be denied by the secretary pursuant to K.S.A. 65-1,207(b), and amendments thereto.
 - (C) If an application is denied, the applicant may, at the request of KDHE, reapply to KDHE for an elevated blood lead level investigator certificate by submitting a complete lead occupation application form.

- (D) If an applicant is aggrieved by a determination to deny certification, the applicant may request a hearing with the office of administrative hearings, in accordance with the Kansas administrative procedure act.
- (2) Within 180 calendar days after application approval, the applicant shall be required to attain a passing score on the third-party examination for elevated blood lead level investigators.
 - (A) An applicant shall not sit for the third-party examination for elevated blood lead level investigators more than three times within 180 calendar days after the issuance date of the notice of an approved application.
 - (B) The applicant's failure to obtain a passing score on the third-party examination for elevated blood lead level investigators within the 180-day period following the notice of an approved application for a certificate shall result in KDHE's denial of the individual's application for a certificate. At the request of KDHE, the individual may reapply to KDHE pursuant to this regulation, but only after retaking the KDHE risk-assessor training course.
- (3) After the applicant passes the third-party examination, a two-year elevated blood lead level investigator certificate shall be issued by KDHE.
- (4) The certificate shall be issued with specific restrictions pursuant to an agreement between the applicant or the applicant's employer and KDHE. (Authorized by K.S.A. 65-1,202; implementing K.S.A. 65-1,202, 65-1,203 and 65-1,207; effective April 9, 2010.)

28-72-7

Application process and requirements for the certification of lead abatement workers.

- (a) Application for a lead abatement worker certificate.
 - (1) Each applicant for a lead abatement worker certificate shall submit a completed application to KDHE before consideration for certificate issuance. Each application for certification shall be received by KDHE within one year after successful completion of the lead abatement worker training course.
 - (2) Each application shall include the information specified in K.A.R. 28-72-5(a)(2)(A) and the following:
 - (A) A copy of the lead abatement worker training course completion diploma, and any required refresher course completion diplomas; and
 - (B) A payment to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.
 - (3) Each applicant for a lead abatement worker certificate shall apply to KDHE within one year after the applicant's successful completion of the lead abatement worker training course, as indicated on the certificate of completion. Applicants failing to apply within one year after the date on the training course completion diploma shall, before making application for certification, successfully complete the eight-hour lead abatement worker refresher training course.
 - (4) Each applicant who fails to apply within two years after the lead abatement worker training and who has not successfully completed refresher training shall be required to successfully complete the lead abatement worker training course before submitting an application for a lead abatement worker certificate.
- (b) Training, education, and experience requirements for a lead abatement worker's certificate. Each applicant for a certificate as a lead abatement worker shall complete a lead abatement worker training course and shall be required to achieve a passing score on the course examination. The applicant shall submit a course completion diploma issued by the training provider as evidence of meeting this requirement.
- (c) Procedure for issuance or denial of a lead abatement worker certificate.

- (1) Each applicant shall be informed by the secretary in writing that the application is approved, incomplete, or denied.
 - (A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.
 - (i) Within 30 calendar days after the issuance date of the notice of an incomplete application, the applicant shall submit, to the secretary in writing, the information requested in the written notice.
 - (ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in the secretary's denial of the individual's application for certification.
 - (iii) After receipt of the information requested in the written notice, the applicant shall be informed by KDHE in writing that the application is either approved or denied.
 - (B) If an application for certification is denied, the written notice of denial to the applicant shall specify the reason or reasons for the denial. Certification may be denied by the secretary pursuant to K.S.A. 65-1,207(b), and amendments thereto.
 - (C) If an application is denied, the applicant may reapply to KDHE for a lead abatement worker certificate by submitting a complete lead occupation application form with another nonrefundable certification fee, as specified in K.A.R. 28-72-3.
 - (D) If an applicant is aggrieved by a determination to deny certification, the applicant may request a hearing with the office of administrative hearings, in accordance with the Kansas administrative procedure act.
- (2) If the application is approved, a two-year lead abatement worker certificate shall be issued by KDHE.
- (3) A certificate may be issued with specific restrictions pursuant to an agreement between the applicant and KDHE. (Authorized by K.S.A. 65-1,202; implementing K.S.A. 65-1,202, 65-1,203, and 65-1,207; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-7a

Application process for renovators and requirements for certification in lead-safe work practices

- (a) Application for renovator certification
 - (1) Each applicant seeking certification shall submit a completed application to KDHE before consideration for the certificate issuance. Each application for certification shall be received by KDHE within one year after successful completion of the "lead-safe work practices in Kansas" training course.
 - (2) Each application shall include the following:
 - (A) A completed certificate application on a form provided by KDHE, which shall include the following:
 - (i) The applicant's full legal name, home address, and telephone number;
 - (ii) The name, address, and telephone number of the applicant's current employer;
 - (iii) The applicant's state-issued identification number or federal employment identification number;
 - (iv) The county or counties in which the applicant is employed;
 - (v) The address where the applicant would like to receive correspondence regarding the application or certification;
 - (vi) Proof of any certification as a renovator in other states, including the names of the other states, type of certification, certification expiration date, certificate number, and copies of the other states' certificate or license;
 - (vii) Proof of any certification by the EPA, including the EPA region number, type of certification, certification expiration date, certificate number, and a copy of the EPA certificate;
 - (viii) The type of training completed, including the name of the training provider, diploma identification number, and date of course attendance; and

- (ix) The signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;
 - (B) A copy of the "lead-safe work practices in Kansas" training course completion diploma, and any required refresher course completion diplomas; and
 - (C) A payment to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.
- (3) Each applicant for a renovator certificate shall apply to KDHE within one year after the applicant's successful completion of the "lead-safe work practices in Kansas" training course, as indicated on the certificate of completion. Applicants failing to apply within one year after the date on the training course completion diploma shall, before making application for certification, be required to successfully complete the four-hour lead-safe work practices in Kansas refresher training course.
- (b) Training, education, and experience requirements for a renovator certificate. Each applicant shall complete a "lead-safe work practices in Kansas" training course and shall be required to achieve a passing score on the course examination. The applicant shall submit a course completion certificate issued by the training provider as evidence of meeting this requirement.
- (c) Procedure for issuance or denial of a renovator certificate.
 - (1) Each applicant shall be informed by the secretary in writing that the application is approved, incomplete, or denied.
 - (A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.
 - (i) Within 30 calendar days after the issuance date of the notice of an incomplete application, the applicant shall submit, to the secretary in writing, the information requested in the written notice.
 - (ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in the secretary's denial of the individual's application for certification.
 - (iii) After receipt of the information requested in the written notice, the application shall be approved by the secretary, or the applicant shall be informed in writing that the application is denied.
 - (B) If an application for certification is denied, the written notice of denial to the applicant shall specify the reason or reasons for the denial. Certification may be denied by the secretary pursuant to K.S.A. 65-1,207(b), and amendments thereto.
 - (C) If an application is denied, the applicant may reapply to KDHE for a renovator certificate by submitting a complete lead occupation application form with another nonrefundable certification fee, as specified in K.A.R. 28-72-3.
 - (D) If an applicant is aggrieved by a determination to deny certification, the applicant may request a hearing with the office of administrative hearings, in accordance with the Kansas administrative procedure act.
 - (2) If the application is approved, a five-year renovator certificate shall be issued by KDHE.
 - (3) A certificate may be issued with specific restrictions pursuant to an agreement between the applicant and KDHE (Authorized by K.S.A. 65-1,202; implementing K.S.A. 65-1,202; 65-1,203, and 65-1,207; effective April 9, 2010.)

28-72-8

Application process and requirements for the certification of lead abatement supervisors

- (a) Application for a lead abatement supervisor certificate.

- (1) Each applicant for a lead abatement supervisor certificate shall submit a completed application to KDHE before consideration for certificate issuance. Each application for certification shall be received by KDHE at least 30 days before the date of the third-party examination, but the deadline for filing applications may be waived by KDHE as particular circumstances justify.
 - (2) Each application shall include the information specified in K.A.R. 28-72-5(a)(2)(A) and the following:
 - (A) A copy of the lead abatement supervisor training course completion diploma, and any required refresher course completion diplomas;
 - (B) Documentation pursuant to subsection (c) as evidence of meeting the education or experience requirements for lead abatement supervisors; and
 - (C) A payment to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.
 - (3) Each applicant for a lead abatement supervisor certificate shall apply to KDHE within one year after the applicant's successful completion of the lead abatement supervisor training course, as indicated on the course completion diploma. Each applicant failing to apply within one year after the date on the training course completion certificate shall, before making application for certification, be required to successfully complete the eight-hour lead abatement supervisor refresher training course.
 - (4) Each applicant who fails to apply within two years after the lead abatement supervisor training and who has not successfully completed refresher training shall be required to successfully complete the lead abatement supervisor training course before submitting an application for a lead abatement supervisor certificate.
- (b) Training and experience requirements for a lead abatement supervisor certificate.
- (1) Each applicant for a certificate as a lead abatement supervisor shall complete a lead abatement supervisor training course and shall be required to achieve passing scores on the course examination and the third-party examination.
 - (2) Each applicant for a certificate as a lead abatement supervisor shall meet the minimum experience requirements for a certified lead abatement supervisor.
 - (A) The minimum experience requirements for a lead abatement supervisor certificate shall include at least one of the following:
 - (i) At least one year of experience as a certified lead abatement worker certified by the secretary, the EPA, or an EPA-approved state;
 - (ii) At least two years of experience in asbestos abatement work as a construction manager or superintendent;
 - (iii) At least two years of experience as a manager for environmental hazard remediation projects; or
 - (iv) At least two years of experience as a supervisor in residential construction.
 - (B) The following documents shall be recognized by KDHE as evidence of meeting the requirements listed in paragraph (b)(2)(A):
 - (i) Resumes, letters of reference, or documentation of work experience, which shall include specific dates of employment, each employer's name, address, and telephone number, and specific job duties, as evidence of meeting the work experience requirements;
 - (ii) Course completion diplomas issued by a training provider as evidence of meeting the training requirements; and
 - (iii) A copy of the lead abatement supervisor certificate or identification badge as evidence of having been a certified lead abatement supervisor.
- (c) Procedure for issuance or denial of a lead abatement supervisor certificate.
- (1) Each applicant shall be informed by the secretary in writing that the application is approved, incomplete, or denied.
 - (A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.

- (i) Within 30 calendar days after the issuance date of the notice of an incomplete application, the applicant shall submit, to the secretary in writing, the information requested in the written notice.
 - (ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in the secretary's denial of the individual's application for certification.
 - (iii) After receipt of the information requested in the written notice, the applicant shall be informed by the secretary in writing that the application is either approved or denied.
- (B) If an application for certification is denied, the written notice of denial to the applicant shall specify the reason or reasons for the denial. Certification may be denied by the secretary pursuant to K.S.A. 65-1,207(b), and amendments thereto.
- (C) If an application is denied, the applicant may reapply to KDHE for a lead abatement supervisor certificate by submitting a complete lead occupation application form with another nonrefundable certification fee, as specified in K.A.R. 28-72-3.
- (D) If an applicant is aggrieved by a determination to deny certification, the applicant may request a hearing with the office of administrative hearings, in accordance with the Kansas administrative procedure act.
- (2) Within 180 calendar days after application approval, the applicant shall be required to attain a passing score on the third-party examination for lead abatement supervisors.
 - (A) An applicant shall not sit for the third-party examination for lead abatement supervisors more than three times within 180 calendar days after the issuance date of the notice of an approved application.
 - (B) The applicant's failure to obtain a passing score on the third-party examination for lead abatement supervisors within the 180-day period following the notice of an approved application for a certificate shall result in the secretary's denial of the individual's application for a certificate. The individual may reapply to KDHE pursuant to this regulation but only after retaking the lead abatement supervisor training course.
- (3) After the applicant passes the third-party examination, a two-year lead abatement supervisor certificate shall be issued by KDHE.
- (4) A certificate may be issued with specific restrictions pursuant to an agreement between the applicant and KDHE. (Authorized by K.S.A. 65-1,202; implementing K.S.A. 65-1,202, 65-1,203; and 65-1,207; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-9

Application for the certification of project designers

- (a) Application for a project designer certificate.
 - (1) Each applicant for a project designer certificate shall submit a completed application to KDHE before consideration for certificate issuance. Each application for certification shall be received by KDHE within one year of successful completion of the project designer training course.
 - (2) Each application shall include the information specified in K.A.R. 28-72-5(a)(2)(A) and the following:
 - (A) A copy of the project designer training course completion diploma, and any required refresher course completion diplomas;
 - (B) Documentation pursuant to subsection (b) as evidence of meeting the education or experience requirements for project designers; and
 - (C) A payment to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.
 - (3) Each applicant for a project designer certificate shall apply to KDHE within one year of the applicant's successful completion of the project designer training course, as indicated on the course completion diploma. Each applicant failing to apply within one year after the date on the training course completion diploma shall, before making application for certification, be required to successfully complete the four-hour project designer refresher training course.

- (4) Each applicant who fails to apply within two years of the project designer training course and who has not successfully completed a refresher training course shall successfully complete the project designer training course before submitting an application for a project designer certificate.
- (b) Training, education, and experience requirements for a project designer certificate.
- (1) Each applicant for a certificate as a project designer shall complete a lead abatement supervisor training course and a project designer course and shall be required to achieve passing scores on both course examinations.
- (2) Each applicant for a certificate as a project designer shall meet the minimum education and experience requirements for a certified project designer.
- (A) The minimum education and experience requirements for a certified project designer shall include at least one of the following;
- (i) A bachelor's degree in engineering, architecture, or a related profession, and one year of experience in building construction and one year of experience as a certified lead professional
 - (ii) At least one year of experience as a certified lead hazard risk assessor, certified by the secretary, the EPA, or an EPA-approved state, and at least two years of experience in building construction and design; or
 - (iii) At least four years of experience as a lead abatement supervisor and four years of experience in building construction and design.
- (B) The following documents shall be recognized by KDHE as evidence of meeting the requirements listed in paragraph (b)(2)(A):
- (i) Official academic transcripts or diplomas, as evidence of meeting the education requirements;
 - (ii) Resumes, letters of reference, or documentation of work experience, which shall include specific dates of employment, each employer's name, address, and telephone number, and specific job duties, as evidence of meeting the work experience requirements;
 - (iii) Course completion diplomas issued by the training provider as evidence of meeting the training requirements; and
 - (iv) A copy of the project designer certificate or identification badge as evidence of having been a certified project designer.
- (c) Procedure for issuance or denial of a project designer certificate.
- (1) The applicant shall be informed by the secretary in writing that the application is approved, incomplete, or denied.
- (A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.
- (i) Within 30 calendar days after the issuance date of the notice of an incomplete application, the applicant shall submit, to the secretary in writing, the information requested in the written notice.
 - (ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in the secretary's denial of the individual's application for certification.
 - (iii) After receipt of the information requested in the written notice, the applicant shall be informed by the secretary in writing that the application is either approved or denied.
- (B) If an application for certification is denied, the written notice of denial to the applicant shall specify the reason or reasons for the denial. Certification may be denied by the secretary pursuant to K.S.A. 65-1,207(b), and amendments thereto.
- (C) If an application is denied, the applicant may reapply to KDHE for a project designer certificate by submitting a complete lead occupation application form with another nonrefundable certification fee, as specified in K.A.R. 28-72-3.

- (D) If an applicant is aggrieved by a determination to deny certification, the applicant may request a hearing with the office of administrative hearings, in accordance with the Kansas administrative procedure act.
- (2) If the application is approved, a two-year project designer certificate shall be issued by KDHE.
- (3) A certificate may be issued with specific restrictions pursuant to an agreement between the applicant and KDHE. (Authorized by K.S.A. 65-1,202; implementing K.S.A. 65-1,202, 65-1,203, and 65-1,207; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-10

Application process and licensure renewal requirements for lead activity firms

(a) Application for a lead activity firm license.

- (1) Each applicant for a lead activity firm license shall submit a completed application to KDHE for consideration for license issuance.
- (2) The application shall include the following:
 - (A) A completed lead activity firm application on a form provided by KDHE, which shall include the following:
 - (i) The applicant's name, address, and telephone number;
 - (ii) If the applicant is a sole proprietorship, the applicant's social security number or, if the applicant is a corporation, the applicant's federal employee identification number;
 - (iii) The county or counties in which the applicant is located;
 - (iv) A description of any lead-based paint activities that the applicant will be conducting, including lead inspection, risk assessments, lead abatement projects, lead hazard control, and project design;
 - (v) A certification that the lead activity firm will directly employ only KDHE-certified individuals to conduct lead-based paint activities or any KDHE-approved lead hazard control; and
 - (vi) A certification that the lead activity firm and the firm's employees will follow the Kansas work practice standards for lead-based paint activities specified in K.A.R. 28-72-13 through K.A.R. 28-72-21;
 - (B) If the applicant is required to be registered and in good standing with the Kansas secretary of state's office, the applicant shall submit a copy of the applicant's certificate of good standing to KDHE; and
 - (C) Payment to KDHE for the applicable non-refundable fee specified in K.A.R. 28-72-3, unless the lead activity firm is a state, federally recognized Indian tribe, local government, or nonprofit organization as evidenced by a letter of determination issued by the IRS, which shall accompany the application.

(b) Procedure for issuance or denial of a lead activity firm license.

- (1) Each applicant shall be informed by the secretary in writing that the application is approved, incomplete, or denied.
 - (A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.
 - (i) Within 30 calendar days after the issuance date of the notice of an incomplete application, the applicant shall submit, to the secretary in writing, the information requested in the written notice.
 - (ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in the secretary's denial of the lead activity firm's application for licensure.
 - (iii) After receipt of the information requested in the written notice, the applicant shall be informed by the secretary in writing that the application is either approved or denied.
 - (B) If an application is approved, a two-year lead activity firm license shall be issued by the secretary.

- (C) If an application for licensure is denied, the written notice of denial to the applicant shall specify the reason or reasons for the denial. Licensure may be denied by the secretary pursuant to K.S.A. 65-1,207(b), and amendments thereto.
 - (D) If an application is denied, the applicant may reapply at any time to KDHE for a lead activity firm license by submitting a complete lead activity firm application form with another non-refundable license fee, as specified in K.A.R. 28-72-3.
 - (E) If an applicant is aggrieved by a determination to deny licensure, the applicant may request a hearing with the office of administrative hearings, in accordance with the Kansas administrative procedure act.
 - (F) A license may be issued with specified restrictions pursuant to an agreement between the applicant and the secretary.
- (2) If a licensed lead activity firm changes ownership, the new owner shall notify KDHE in writing no later than 30 calendar days before the change of ownership becomes effective. The notification shall include the following information:
 - (A) A new lead activity firm license application;
 - (B) The applicable nonrefundable fee specified in K.A.R. 28-72-3; and
 - (C) The date that the change of ownership will become effective.
 - (3) The new lead activity firm application shall be processed in the same manner as that required for an initial license in accordance with this regulation.
 - (4) The current lead activity firm's license shall expire on the effective date specified in the notification of the change of ownership.
 - (5) A completed application for a lead activity firm license renewal shall be submitted to KDHE at least 60 days before the expiration date on the license, accompanied by the applicable nonrefundable renewal fee specified in K.A.R. 28-72-3. However, each lead activity firm that is a state, federally recognized Indian tribe, local government, or nonprofit organization as evidenced by a letter of determination issued by the IRS and accompanying the application shall be exempt from payment of this fee. If the licensee fails to apply at least 60 days before the license expiration date, renewal of the license by the secretary before the end of the licensing period shall not be guaranteed by KDHE.
 - (6) If a licensed lead activity firm allows the firm's license to expire, the firm shall be required to submit an application in the same manner as that required for an application for an initial license, in accordance with this regulation. (Authorized by K.S.A. 65-1,202; implementing K.S.A. 65-1,202, 65-1,203, and 65-1,207; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-10a

Application process and licensure renewal requirements for renovation firms

(a) Application for a renovation firm license

- (1) Each applicant for a renovation firm license shall submit a completed application to KDHE for consideration for license issuance.
- (2) The application shall include the following:
 - (A) A completed renovation firm application on a form provided by KDHE, which shall include the following:
 - (i) The applicant's name, address, and telephone number;
 - (ii) If the applicant is a sole proprietorship, the applicant's social security number or, if the applicant is a corporation, the applicant's federal employee identification number;
 - (iii) The county or counties in which the applicant is located;
 - (iv) A description of any renovation activities that the applicant will be conducting, including remodeling, room addition, window-door removal or replacement, general repair projects,

- weatherization projects, interior and exterior paint projects, exterior siding installation, or other renovation activity;
- (v) A certification that the renovation firm will employ KDHE-certified individuals to conduct renovation activities; and
- (vi) A certification that the renovation firm and the firm's employees will follow the Kansas work practice standards for renovation activities specified in K.A.R. 28-72-2 and K.A.R. 28-72-51 through K.A.R. 28-72-54;
- (B) If the applicant is required to be registered and in good standing with the Kansas secretary of state's office, a copy of the applicant's certificate of good standing; and
- (C) A payment to KDHE for the applicable non-refundable fee specified in K.A.R. 28-72-3.

(b) Procedure for issuance or denial of a renovation firm license

- (1) Each applicant shall be informed by the secretary in writing that the application is approved, incomplete, or denied.
 - (A) If an application is approved, a five-year renovation firm license shall be issued by the secretary.
 - (B) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.
 - (i) Within 30 calendar days after the issuance date of the notice of an incomplete application, the applicant shall submit, to the secretary in writing, the information requested in the written notice.
 - (ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in the secretary's denial of the firm's application for licensure.
 - (iii) After receipt of the information requested in the written notice, the applicant shall be informed by the secretary in writing that the application is either approved or denied.
 - (C) If an application for licensure is denied, the written notice of denial to the applicant shall specify the reason or reasons for the denial. Licensure may be denied by the secretary pursuant to K.S.A. 65-1,207(a), and amendments thereto.
 - (D) If an application is denied, the applicant may reapply at any time to KDHE for a renovation firm license by submitting a complete- renovation firm application form with another nonrefundable -license fee, as specified in K.A.R. 28-72-3.
 - (E) If an applicant is aggrieved by a determination to deny licensure, the applicant may request a hearing with the office of administrative hearings, in accordance with the Kansas administrative procedure act.
 - (F) A license may be issued with specified restrictions pursuant to an agreement between the applicant and the secretary.
- (2) If a licensed renovation firm changes ownership, the new owner shall notify KDHE in writing, no later than 30 calendar days before the change of ownership becomes effective. The notification shall include the following information:
 - (A) A new renovation firm license application;
 - (B) The applicable nonrefundable fee specified in K.A.R. 28-72-3; and
 - (C) The date that the change of ownership will become effective.
- (3) The new renovation firm application shall be processed in the same manner as that required for an initial license in accordance with this regulation.
- (4) The current renovation firm's license shall expire on the effective date specified in the notification of the change of ownership.
- (5) A completed application for a renovation firm license renewal shall be submitted to KDHE at least 60 days before the expiration date on the license and shall be accompanied by the applicable nonrefundable renewal fee specified in K.A.R. 28-72-3. If the licensee fails to apply at least 60 days before the license expiration date, renewal of the license by the secretary before the end of the licensing period shall not be guaranteed.

- (6) If a licensed renovation firm allows the firm's license to expire, the firm shall be required to submit an application in the same manner as that required for an application for an initial license, in accordance with this regulation. (Authorized by K.S.A. 65-1,202; implementing K.S.A. 65-1,202, 65-1,203, and 65-1,207; effective April 9, 2010.)

28-72-11

Renewal of lead occupation certificates.

- (a) Renewal application for lead inspector, risk assessor, elevated blood lead level investigator, lead abatement supervisor, lead abatement worker, renovator, and project designer.
- (1) If a certified individual wishes to renew a lead occupation certificate, the individual shall submit a completed application for renewal of certificate, including the required supporting documentation, to KDHE at least 60 days before the certificate's expiration date as indicated on the certificate. Failure of the certified individual to submit an application at least 60 days before the certificate's expiration date may result in the certificate not being renewed before the current license expires.
 - (2) The certified individual applying for renewal shall complete the refresher training course for the appropriate occupation within the 12-month period immediately preceding the certificate expiration date.
 - (3) Each renewal application shall include the following:
 - (A) A completed lead occupation certificate application on a form provided by KDHE, which shall include the following:
 - (i) The applicant's full legal name, home address, and telephone number;
 - (ii) The name, address, and telephone number of the applicant's current employer;
 - (iii) The certified individual's state-issued identification number or federal employment identification number;
 - (iv) The county or counties in which the certified individual is employed;
 - (v) The address where the certified individual would like to receive correspondence regarding the certification;
 - (vi) The lead occupation certificate that the applicant wishes to have renewed;
 - (vii) The type of refresher training course completed, including the name of the training provider, diploma identification number, and dates of course attendance; and
 - (viii) The signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;
 - (B) A copy of the refresher training course completion diploma for the appropriate occupation; and
 - (C) A payment to KDHE for the appropriate nonrefundable recertification fee, as specified in K.A.R. 28-72-3.
- (b) Procedure for issuance or denial of a renewal lead occupation certificate.
- (1) The applicant shall be informed by the secretary in writing that the application is approved, incomplete, or denied.
 - (A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the renewal application.
 - (i) Within 30 calendar days after the issuance date of the notice of an incomplete application, the applicant shall submit, to the secretary in writing, the information requested in the written notice.
 - (ii) Failure to submit the information requested in the written notice within 30 calendar days after the issuance of the notice shall result in the secretary's denial of the individual's application for recertification.
 - (iii) After receipt of the information requested in the written notice, the applicant shall be informed by the secretary in writing that the application is either approved or denied.

- (B) If a renewal application for certification is denied, the written notice of denial to the applicant shall specify the reason or reasons for denial. Certification may be denied by the secretary pursuant to K.S.A. 65-1,207(b), and amendments thereto.
- (C) If a renewal application is denied, the applicant may reapply to KDHE for a lead occupation certificate by submitting a complete lead occupation application form with the appropriate nonrefundable recertification fee, as specified in K.A.R. 28-72-3.
- (2) If an applicant is aggrieved by the determination to deny certification, the applicant may request a hearing with the office of administrative hearings, in accordance with the Kansas administrative procedure act.
- (3) If a renewal application is approved, a two-year certificate shall be issued by KDHE.
- (4) A certificate may be issued with specific restrictions pursuant to an agreement between the certified individual and KDHE. (Authorized by K.S.A. 65-1,202; implementing K.S.A. 65-1,202, 65-1,203, and 65-1,207; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-12 Application process and requirements for reapplication after certificate expiration

- (a) Unless renewed or revoked sooner, each certificate shall expire two years after its effective date indicated on the current certificate. If a certified individual allows the certificate to expire before renewal but desires to be certified, the individual shall reapply to KDHE.
- (b) Each application shall include the information specified in K.A.R. 28-72-5(a)(2)(A) and the following:
 - (1) Any employment history or education that meets the experience requirements in K.A.R. 28-72-5 through K.A.R. 28-72-9, as applicable;
 - (2) The signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;
 - (3) A copy of the lead occupation training course completion diploma for the appropriate occupation; and
 - (4) A Payment to KDHE for the nonrefundable certification fee appropriate to the lead occupation, as specified in K.A.R. 28-72-3.
- (c)
 - (1) Each applicant who fails to reapply before the certificate expiration date and who has not successfully completed a refresher training course shall be required to successfully complete the appropriate refresher training course. The applicant may be required to complete the initial training course again.
 - (2) Each certified lead inspector, risk assessor, or lead abatement supervisor who allows the certification to expire before renewal shall retake the third-party examination for the appropriate occupation.
- (d) The procedure for issuance or denial of a certificate after its expiration shall be that specified in K.A.R. 28-72-11(b). (Authorized by K.S.A. 65-1,202; implementing K.S.A. 65-1,202 and 65-1,203; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-13

Work practice standards; general standards

- (a) Except as provided in K.S.A. 65-1,203 and amendments thereto, all lead-based paint activities, as defined in the act, shall be performed pursuant to the work practice standards in this article.

- (b) Except as provided in K.S.A. 65-1,203 and amendments thereto, when performing any lead-based paint activity that involves an inspection, lead-hazard screen, risk assessment, or abatement, a certified individual shall perform that activity in compliance with the applicable requirements in this regulation.
- (c) Certified lead inspectors and risk assessors conducting lead inspection activities shall avoid potential conflicts of interest by not being contracted, subcontracted, or employed by any lead activity firm performing lead abatement activities on the same lead abatement project.
- (d)
 - (1) Each certified individual shall comply with the following documented methodologies, which are hereby adopted by reference, when performing any lead-based paint activity:
 - (A) The U.S. department of housing and urban development (HUD) "guidelines for the evaluation and control of lead-based paint hazards in housing," dated June 1995, excluding chapters 1 and 2 and including appendices 7, 8, 11, 12, 13, and 14. Chapter 7 in the June 1995 edition is not adopted; instead, the 1997 revision of chapter 7 is adopted; and
 - (B) The EPA "residential sampling for lead: protocols for dust and soil sampling," EPA final report, MRI project no. 9803, published March 29, 1995
 - (2) If a conflict exists between either of the methodologies listed in this subsection and any federal or state statute or regulation or any city or county ordinance, the most stringent of these shall be adhered to by the certified lead inspector or risk assessor. (Authorized by and implementing K.S.A. 65-1,202 and 65-1,203; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-14

Work practice standards; inspection

- (a) Except as provided in K.S.A. 65-1,203 and amendments thereto, a lead inspection or any portion of a lead inspection shall be conducted only by a lead inspector or risk assessor, and all inspections shall be conducted according to the procedures specified in this regulation.
- (b) When conducting an inspection, the lead inspector or risk assessor shall select the following locations according to the documented methodologies in K.A.R. 28-72-13(d)(1) and shall test for the presence of lead-based paint:
 - (1) In a residential dwelling and child-occupied facility, each interior component with a distinct painting history and each exterior component with a distinct painting history shall be tested for lead-based paint, except those components that the lead inspector or risk assessor determines to have been replaced after 1978 or not to contain lead-based paint; and
 - (2) In a multifamily dwelling or child-occupied facility, each component with a distinct painting history in every common area, except those components that the lead inspector or risk assessor determines to have been replaced after 1978 or not to contain lead-based paint.
- (c)
 - (1) Paint shall be sampled according to both of the following requirements:
 - (A) The analysis of paint to determine the presence of lead shall be conducted using the documented methodologies in K.A.R. 28-72-13 (d)(1).
 - (B) All collected paint chip samples shall be analyzed according to K.A.R. 28-72-19 to determine if the samples contain detectable levels of lead that can be quantified numerically.
 - (2) The lead inspector or risk assessor shall prepare an inspection report, which shall include the following information:

- (A) The date of each inspection;
 - (B) The address of the building;
 - (C) The date of the construction;
 - (D) Apartment numbers, if applicable;
 - (E) The name, address, and telephone number of the owner or owners of each residential dwelling;
 - (F) The name, signature, and certificate number of each certified lead inspector or risk assessor, or both, conducting testing;
 - (G) The name, address, and telephone number of the lead activity firm employing each lead inspector or risk assessor, or both, if applicable;
 - (H) Each testing method and device or sampling procedure, or both, employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence (XRF) device and a copy of the XRF device user's certificate of training provided by the equipment manufacturer;
 - (I) A summary of laboratory results, categorized as positive or negative, and the name of each recognized laboratory that conducted the analysis, along with the laboratory's certification number;
 - (J) Floor plans or sketches of the units inspected, showing the appropriate test locations and any identifying number systems;
 - (K) A summary of the substrates tested, including the identification of component, component integrity, paint condition and color, and test identification numbers associated with the results; and
 - (L) The results of the inspection expressed in terms appropriate to the sampling method used.
- (d) Time frame for submission of reports. The inspection report shall be provided to the owner of the property within 20 business days after completion of the lead inspection. (Authorized by and implementing K.S.A. 65-1,202 and 65-1,203; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-15

Work practice standards; lead hazard screen

- (a) Except as provided in K.S.A. 65-1,203 and amendments thereto, a lead hazard screen shall be conducted only by a risk assessor.
- (b) If a lead hazard screen is conducted, the risk assessor shall conduct each lead hazard screen as follows:
 - (1) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant-use patterns that could cause lead-based paint exposure to one or more children through the age of 72 months shall be collected.
 - (2) An inspection of the residential dwelling or child-occupied facility shall be conducted to achieve the following:
 - (A) Determine if any deteriorated paint is present; and
 - (B) Locate at least two dust sampling locations.
 - (3) If deteriorated paint is present, each surface with deteriorated paint that is determined, using one or more of the documented methodologies in K.A.R. 28-72-13 (d)(1), to be in poor condition and to have a distinct painting history shall be tested for the presence of lead.
 - (4) In residential dwellings, a dust sample shall be collected from the floor and from each window, and in rooms, hallways, or stairwells where one or more children through the age of 72 months are most likely to come in contact with dust.

- (5) In multifamily dwellings and child-occupied facilities, in addition to the floor and window samples required in paragraph (b)(4), the risk assessor shall also collect dust samples from common areas where one or more children through the age of 72 months are most likely to come into contact with dust.
- (c) Dust samples shall be collected and analyzed in the following manner:
- (1) All dust samples shall be taken using one or more of the documented methodologies in K.A.R. 28-72-13 (d)(1).
 - (2) All collected dust samples shall be analyzed according to K.A.R. 28-72-19 to determine if the samples contain detectable levels of lead that can be quantified numerically.
- (d) Paint shall be sampled according to both of the following requirements:
- (1) The analysis of paint to determine the presence of lead shall be conducted using one or more of the documented methodologies in K.A.R. 28-72-13 (d)(1).
 - (2) All collected paint chip samples shall be analyzed according to K.A.R. 28-72-19 to determine if the samples contain detectable levels of lead that can be quantified numerically.
- (e) The risk assessor shall prepare a lead hazard screen report, which shall include the following information:
- (1) The date of the assessment;
 - (2) The address of each building;
 - (3) The date of construction of each building;
 - (4) The apartment number, if applicable;
 - (5) The name, address, and telephone number of each owner of each building;
 - (6) The name, signature, and certificate number of the certified risk assessor conducting the assessment;
 - (7) The name, address, and telephone number of each recognized laboratory conducting analysis of collected samples, along with the laboratory's certificate number;
 - (8) The results of the visual inspection;
 - (9) The testing method and sampling procedure employed for the paint analysis;
 - (10) Specific locations of each paint component tested for the presence of lead;
 - (11) All data collected from on-site testing, including quality control data and, if used, the serial number of any XRF device, and a copy of the XRF device user's certificate of training provided by the equipment manufacturer;
 - (12) All results of laboratory analysis on collected paint, soil, and dust samples;
 - (13) Any other sampling results;
 - (14) Any background information collected regarding the physical characteristics of the residential dwelling or multifamily dwelling and occupant-use patterns that could cause lead-based paint exposure to one or more children through the age of 72 months; and
 - (15) Recommendations, if warranted, for a follow-up risk assessment and, as appropriate, any further actions.
- (f) Time frame for submission of reports. The lead hazard screen report shall be provided to the owner of the property within 20 business days after completion of the lead hazard screen. (Authorized by and implementing K.S.A. 65-1,202 and 65-1,203; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-16

Work practice standards; risk assessment

- (a) Except as provided by K.S.A. 65-1,203 and amendments thereto, a risk assessment shall be conducted only by a person certified by KDHE, according to K.A.R. 28-72-2 and K.A.R. 28-72-6 through K.A.R. 28-72-12 as a risk assessor. If a risk assessment is conducted, the assessment shall be conducted according to the procedures specified in this regulation.
- (b) An inspection of the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and assess other potential lead-based hazards.
- (c) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant-use patterns that could cause lead-based paint exposure to one or more children through the age of 72 months shall be collected.
- (d) Each surface with deteriorated paint that is determined, using one or more of the documented methodologies in K.A.R. 28-72-13 (d)(1), to be in poor condition and to have a distinct painting history, shall be tested for the presence of lead. Each other surface determined, using one or more of the documented methodologies in K.A.R. 28-72-13 (d)(1), to be a potential lead-based paint hazard and to have a distinct painting history shall also be tested for the presence of lead.
- (e) In residential dwellings, single-surface dust samples from at minimum one window and at minimum one floor area shall be collected in all living areas where one or more children through the age of 72 months are most likely to come into contact with dust.
- (f) For multifamily dwellings and child-occupied facilities, the samples required in subsection (e) of this regulation shall be taken. In addition, window and floor dust samples shall be collected in the following locations:
 - (1) Common areas adjacent to the sampled residential dwelling or child-occupied facility; and
 - (2) Other common areas in the building where the risk assessor determines that one or more children through the age of 72 months are likely to come into contact with dust.
- (g) For child-occupied facilities, window and floor dust samples shall be collected in each room, hallway, or stairwell utilized by one or more children through the age of 72 months and in other common areas in the child-occupied facility where the risk assessor determines that one or more children through the age of 72 months are likely to come into contact with dust.
- (h) Soil samples shall be collected and analyzed for lead concentrations in the following locations:
 - (1) Exterior play areas where bare soil is present; and
 - (2) Dripline or foundation areas where bare soil is present.
- (i) All paint, dust, or soil sampling or testing shall be conducted using one or more of the documented methodologies in K.A.R. 28-72-13(d)(1).
- (j) All collected paint chip, dust, or soil samples shall be analyzed according to K.A.R. 28-72-19 to determine if the samples contain detectable levels of lead that can be quantified numerically.
- (k) The risk assessor shall prepare a risk assessment report, which shall include the following information:
 - (1) The date of the assessment;
 - (2) The address of each building;
 - (3) The date of construction of the buildings;

- (4) The apartment number, if applicable;
- (5) The name, address, and telephone number of each owner of each building;
- (6) The name, signature, and certificate number of the risk assessor conducting the assessment;
- (7) The name, address, and telephone number of each recognized laboratory conducting an analysis of collected samples, along with the laboratory's certificate number;
- (8) The results of the visual inspection;
- (9) The testing method and sampling procedure used for each paint analysis;
- (10) Specific locations of each painted component tested for the presence of lead;
- (11) All data collected from on-site testing, including quality control data and, if used, the serial number of any XRF device and a copy of the XRF device user's certificate of training provided by the equipment manufacturer;
- (12) All results of laboratory analyses on collected paint, soil, and dust samples;
- (13) Any other sampling results;
- (14) Any background information collected pursuant to subsection (c);
- (15) To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint-related hazards;
- (16) A description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazards; and
- (17) A description of interim controls or abatement options, or both, for each identified lead-based paint hazard and the suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

- (l) Time frame for submission of reports. The risk assessment report shall be provided to the owner of the property and to the person requesting the risk assessment within 20 business days after completion of the lead-based paint hazard risk assessment. (Authorized by and implementing K.S.A. 65-1,202 and 65-1,203; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-17

Work practice standards; elevated blood level investigation risk assessments

- (a) In order to perform an elevated blood lead (EBL) level investigation risk assessment, the EBL inspector shall have a certificate from KDHE.
- (b) The EBL inspector shall have the parents or guardians of the EBL child complete an approved KDHE questionnaire before sampling. Environmental testing shall be linked to the EBL child's history and may include the testing of a prior residence or other areas frequented by the EBL child.
- (c) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant-use patterns that could cause lead-based paint exposure to one or more children through the age of 72 months shall be collected.
- (d) Each surface of the dwelling itself, furniture, or play structures frequented by the EBL child that has deteriorated surface coatings shall be tested for the presence of lead.

- (e) Dust samples from areas frequented by the EBL child, including play areas, porches, kitchens, bedrooms, and living and dining rooms, shall be collected. Dust samples shall also be collected from automobiles, work shoes, and laundry rooms if occupational lead exposure is a possibility.
- (f) Soil samples shall be collected from bare soil areas of play, areas near the foundation of the house, and areas from the yard. If the EBL child spends significant time at the park or other play area, samples shall be collected from these areas, unless the area has already been sampled and documented.
- (g) If necessary, water samples of the first-drawn water from the tap most commonly used for drinking water, infant formula, or food preparation shall be collected. For the purpose of this regulation, the term “first-drawn water” shall mean water that is taken from the tap after an undisturbed period of at least six hours, during which time the water has been in contact with the pipes and fixtures allowing any available lead to dissolve into the water.
- (h) All paint, dust, and soil collection and testing shall be conducted using the documented methodologies in K.A.R. 28-72-13(d)(1).
- (i) No later than 20 days following the completion of the environmental investigation, the EBL investigator shall issue a report to the secretary that details the findings of the investigation and includes all the empirical data gathered during the investigation.
- (j) All environmental investigation reports shall be reviewed by KDHE to determine if the exposure to lead hazards found on the property are a contributing cause of the EBL in the child.
- (k) If a determination is made by KDHE that lead hazards found on the property are a contributing cause of the EBL in the child, a lead hazard control notice shall be issued by the secretary to the owner and occupants of the property. The lead hazard control notice shall include the following:
 - (1) Detailed, specific actions that must be taken to make the property lead-safe and suitable for habitation by the EBL child or any other children through 72 months of age;
 - (2) Detailed strategies for both abatement and interim control of the lead hazards found;
 - (3) The date by which the remediation activities will be concluded; and
 - (4) The method of proving that the remediation activities are successfully completed.
- (l) The verified findings of the environmental investigation and the lead hazard control notice shall not be used to the detriment of occupants by the owner of the property. The failure of any person to comply with the lead hazard control notice shall be considered a violation of K.S.A. 65-1,210, and amendments thereto, and the person shall be subject to the penalties provided in that statute. (Authorized by K.S.A. 65-1,202; implementing K.S.A. 65-1,202, 65-1,208, and 65-1,210; effective T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-18

Work practice standards; lead abatement.

- (a) Except as provided in K.S.A. 65-1,203 and amendments thereto, a lead abatement shall be conducted only by an individual certified by KDHE and shall be conducted according to the procedures specified in this article.

- (b) A lead abatement supervisor shall be required for each lead abatement project and shall be on-site during all work-site preparation and during the postabatement cleanup of work areas.
 - (1) At all other times when lead abatement activities are being conducted, the lead abatement supervisor shall be on-site or available by telephone, pager, or answering service and shall be able to be present at the work site in no more than one hour.
 - (2) The lead abatement supervisor shall report to the work site during each lead abatement work practice standards inspection performed by KDHE. The lead activity firm that employs the lead abatement supervisor shall be subject to an abatement project reinspection fee if the lead abatement supervisor fails to be present at the work site as specified in this regulation.
- (c) The lead abatement supervisor and licensed lead activity firm employing that supervisor shall ensure that all lead abatement activities are conducted according to the requirements of the Kansas work practice standards in this article and all other federal, state, and local requirements.
- (d) Notification of the commencement of lead-based paint activities in a residential dwelling or child-occupied facility or as the result of a federal, state, or local order shall be given to KDHE before the commencement of abatement activities. The procedure for this notification shall be as follows:
 - (1) Each person or lead activity firm conducting a lead abatement project in target housing or in any child-occupied facility shall submit a notification to KDHE at least 10 business days before the onset of the lead abatement project.
 - (2) The notification shall be submitted to KDHE with a payment to KDHE for the nonrefundable project fee specified in K.A.R. 28-72-3.
 - (3) The notification form provided to the department shall include the following:
 - (A) The street address, city, state, zip code, and county of each location where lead abatement will occur;
 - (B) The name, address, and telephone number of the property owner;
 - (C) An indication of the type of structure or structures being abated, including single-family or multifamily dwelling, child-occupied facility, or any combination of these types;
 - (D) The date of the onset of the lead abatement project;
 - (E) The estimated completion date of the lead abatement project;
 - (F) The work days and hours of operation during which the lead abatement project will be conducted;
 - (G) The name, address, telephone number, and license number of the lead activity firm.
 - (H) The name and certificate number of each lead abatement worker;
 - (I) The types or types of lead abatement strategy or strategies that will be utilized, including enclosure, encapsulation, replacement, removal, or any combination of these strategies, and the specific locations within the unit where these strategies will be utilized;
 - (J) The signature of each lead abatement supervisor, which shall certify that all information provided in the project notification is complete and true to the best of the supervisor's knowledge; and
 - (K) A written certification from the lead abatement supervisor, which shall include a copy of the clearance report, within 10 days after successfully achieving clearance, that clearly states that all abatement control options were conducted in accordance with all local, state, and federal regulations, as well as in accordance with the preabatement notification letter submitted to KDHE.
- (e) Emergency notification. If the lead activity firm is unable to comply with the 10-day notification period due to an emergency situation, the lead activity firm shall perform the following:
 - (1) Notify KDHE by telephone, facsimile, or electronic mail within 24 hours after the onset of the lead abatement project; and
 - (2) Submit written notification and payment of fees as described in subsection (d) no more than two business days after the onset of the lead abatement project.

- (f) A written occupant protection plan, which shall be unique to each residential dwelling or child-occupied facility, shall be developed before the lead abatement begins. The occupant protection plan shall describe the measures and management procedures that will be taken during the lead abatement to protect the building occupants from exposure to any lead-based paint hazards.
 - (1) The certified lead abatement supervisor or project designer responsible for the project shall prepare the occupant protection plan.
 - (2) The occupant protection plan shall meet the following requirements:
 - (A) Describe the work practices and strategies that will be taken during the lead abatement project to protect the building occupants from exposure to any lead hazards;
 - (B) Include the results of any lead inspections or risk assessments completed before the commencement of the lead abatement project;
 - (C) Be provided to an adult occupant of each dwelling or dwelling unit being abated and to the property owner, or property owner's designated representative, before the commencement of the lead abatement project; and
 - (D) Be submitted to KDHE with the lead abatement project notification.
- (g) The work practices listed below shall be restricted as follows:
 - (1) Open-flame burning or torching of lead-based paint shall be prohibited.
 - (2) Machine sanding or grinding, or abrasive blasting or sandblasting of lead-based paint shall be prohibited unless used with high efficiency particulate air (HEPA) exhaust control that removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency.
 - (3) Dry scraping of lead-based paint shall be permitted only within 12 inches of electrical outlets or when treating defective paint spots totaling no more than two square feet in any one room, hallway, or stairwell, or totaling no more than 20 square feet on exterior surfaces.
 - (4) Operating a heat gun on lead-based paint shall be prohibited.
 - (5) Hydro blasting or pressurized water washing of lead-based paint shall be prohibited.
 - (6) The use of methylene chloride-based chemical strippers shall be prohibited.
 - (7) Solvents that have flashpoints below 140 Fahrenheit shall be prohibited.
 - (8) Enclosure strategies shall be prohibited if the barrier is not warranted by the manufacturer to last at least 20 years under normal conditions or if the primary barrier is not a solid barrier.
 - (9) Encapsulation strategies shall be prohibited if the encapsulant is not warranted by the manufacturer to last at least 20 years under normal conditions or if the encapsulant has been improperly applied.
- (h) Permissible lead abatement project strategies.
 - (1) The following strategies shall be permissible for lead abatement projects;
 - (A) Replacement;
 - (B) The use of an enclosure;
 - (C) Encapsulation; and
 - (D) Removal
 - (2) Each lead abatement strategy not specified in this article shall be submitted to and approved by KDHE for evaluation before implementation. (Authorized by and implementing K.S.A. 65-1,202 and 65-1,203; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-18a

Work practice standards; lead abatement: replacement. When conducting a lead abatement project using the replacement strategy, the certified lead professional or licensed firm shall meet the following minimum requirements:

- (a) The site shall be prepared by first establishing a regulated area using fencing, barrier tape, or other appropriate barriers. The regulated area shall be marked to prevent uncertified personnel and restricting the general public from approaching closer than 20 feet to the abatement operation.
- (b) Signs shall be posted at all entrances to the regulated area and shall include the words "WARNING: LEAD AREA. POISON. NO SMOKING OR EATING" in bold lettering not smaller than two inches tall, with additional language or symbols prohibiting entry to the regulated area by uncertified personnel and the general public. All signs shall be in a language that is easily recognizable by all certified lead professionals and by members of the general public where the lead abatement activities are taking place.
- (c) Any heating and cooling system within the regulated area shall be shut down and the vents sealed with 6-mil polyethylene sheeting to prevent lead dust accumulation within the system.
- (d) All items shall be cleaned within the regulated area by HEPA vacuuming or wet wiping with a cleaning solution, or both. Items shall then be either removed from the area or covered with 6-mil polyethylene sheeting and sealed with duct tape, to provide an airtight and watertight seal.
- (e) At least two layers of 6-mil, or thicker, polyethylene sheeting shall be placed on the floor at the base of the component and extend at least 10 feet beyond the perimeter of the component to be replaced.
- (f) The component and the area adjacent to the component shall be thoroughly wetted using a garden sprayer, airless mister, or other appropriate means to reduce airborne dust.
- (g) After removal of the component, the surface behind the removed component shall be thoroughly wetted to reduce airborne dust.
- (h) The component shall be wrapped or bagged completely in 6-mil polyethylene sheeting and sealed with duct tape to prevent loss of debris or dust.
- (i) Before installing a new component, the area of replacement shall be cleaned by HEPA vacuuming the area again. Cleaning shall begin at the end of the work area farthest from the main entrance to the area and from the top to the bottom of the regulated area. (Authorized by and implementing K.S.A. 65-1,202; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended April 9, 2010.)

28-72-18b

Work practice standards; lead abatement: enclosure. When conducting a lead abatement project using the enclosure strategy, the certified lead professional shall meet the following minimum requirements:

- (a) The site shall be prepared by first establishing a regulated area using fencing, barrier tape, or other appropriate barriers. The regulated area shall be marked to prevent uncertified personnel and the general public from approaching closer than 20 feet to the abatement project.

- (b) Signs shall be posted at all entrances to the regulated area and shall include the words “WARNING; LEAD AREA. POISON. NO SMOKING OR EATING” in bold lettering not smaller than two inches tall, with additional language or symbols prohibiting entry to the regulated area by uncertified personnel and the general public. All signs shall be in a language that is easily recognized by all certified lead professionals and by members of the general public where the lead abatement activities are taking place.
- (c) Any heating and cooling systems within the regulated area shall be shut down and the vents sealed with 6-mil polyethylene sheeting to prevent lead dust accumulation within the system.
- (d) All items shall be cleaned within the regulated area by HEPA vacuuming or wet wiping with a cleaning solution, or both. Items shall then be either removed from the area or covered with 6-mil polyethylene sheeting and sealed with duct tape.
- (e) At least one layer of 6-mil, or thicker, polyethylene sheeting shall be placed on the floor at the base of the component and extend at least 10 feet beyond the perimeter of the component to be enclosed.
- (f) The surface to be enclosed shall be permanently labeled behind the enclosure horizontally and vertically, approximately every two feet with this warning: “Danger: Lead-Based Paint.” The lettering on the label shall be boldfaced, at least two inches tall, and in a contrasting color.
- (g)
 - (1) The enclosure shall be applied directly onto the painted surface, or a frame shall be constructed of wood or metal, using nails, staples, or screws. Glue may be used in conjunction with the aforementioned fasteners, but shall not be used alone. All enclosure items shall be back-caulked at all edges, seams, and abutment edges.
 - (2) The material used for the enclosure barrier shall be solid and rigid enough to provide adequate protection. Wallpaper, contact paper, films, folding walls, drapes, and similar materials shall not meet this requirement.
 - (3) Enclosure systems and their adhesives shall be designed to last at least 20 years.
 - (4) The substrate or building structure to which the enclosure is fastened shall be structurally sufficient to support the enclosure barrier for at least 20 years. If there is deterioration of the substrate or building structure that may impair the enclosure from remaining dust-tight for a minimum of 20 years, the substrate or building structure shall be repaired before attaching the enclosure. This deterioration may include mildew, water damage, dry rot, termite damage, or any structural damage.
- (h) Preformed steel, aluminum, vinyl, or other construction material may be used for window frames, exterior siding, trim casings, column enclosures, moldings, or other similar components if they can be sealed.
- (i) A material equivalent to one-quarter inch rubber or vinyl may be used to enclose stairs.
- (j) The seams, edges, and fastener holes shall be sealed with caulk or other sealant, providing a dust-tight system.
- (k) All equipment used in the regulated area shall be thoroughly cleaned with a cleaning solution or vacuumed with a HEPA vacuum, or both, before removal from the regulated area.
- (l) Before clearance, the installed enclosure and surrounding regulated area shall be cleaned by vacuuming with a HEPA vacuum, wiping down all surfaces with a cleaning solution, rinsing all surfaces, and then HEPA vacuuming the area again. Cleaning shall begin at the end of the work area farthest from the main entrance to the area and from the top to the bottom of the regulated area.

- (m) All enclosure systems used shall meet the requirements of all applicable building codes and fire, health, safety, and environmental regulations. (Authorized by and implementing K.S.A. 65-1,202; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended April 9, 2010.)

28-72-18c

Work practice standards; lead abatement: encapsulation.

- (a) The encapsulation strategy of lead abatement shall not be used on the following:
- (1) Friction surfaces, including window sashes and parting beads, door jams and hinges, floors, and door thresholds;
 - (2) Deteriorated components, including rotten wood, rusted metal, spalled or cracked plaster, and loose masonry;
 - (3) Impact surfaces, including doorstops, window wells, and headers;
 - (4) Deteriorated surface coatings if the adhesion or cohesion of the surface coating is uncertain or indeterminable; and
 - (5) Incompatible coatings
- (b) When conducting a lead abatement project using the encapsulation strategy, the certified personnel shall comply with the following minimum requirements:
- (1) The certified lead professional or licensed firm shall select an encapsulant that is a low volatile organic compound (V.O.C.), that is warranted by the manufacturer to last for at least 20 years, and that meets the requirements of all applicable building codes as well as fire, health, and environmental regulations.
 - (2) Each surface to be encapsulated shall have sound structural integrity and sound surface coating integrity and shall be prepared according to the manufacturer's recommendations.
 - (3) The site shall be prepared by first establishing a regulated area using fencing, barrier tape, or other appropriate barriers. The regulated area shall be marked to prevent uncertified personnel and the general public from approaching closer than 20 feet to the abatement project.
 - (4) Signs shall be posted at all entrances to the regulated area and shall include the words "WARNING: LEAD AREA. POISON. NO SMOKING OR EATING" in bold lettering at least two inches tall, with additional language or symbols prohibiting entry to the regulated area by uncertified personnel and the general public. All signs shall be in a language that is easily recognized by all certified lead professionals and by members of the general public where the lead abatement activities are taking place.
 - (5) Any heating and cooling systems within the regulated area shall be shut down and the vents sealed with 6-mil polyethylene sheeting to prevent lead dust accumulation within the system.
 - (6) All items shall be cleaned within the regulated area by HEPA vacuuming or wet wiping with a cleaning solution, or both. Items shall then be either removed from the area or covered with 6-mil polyethylene sheeting and sealed with duct tape.
 - (7) At least two layers of 6-mil, or thicker, polyethylene sheeting shall be placed on the ground at the base of the component and shall extend at least 10 feet beyond the perimeter of the component to be encapsulated.
 - (8) A patch test shall be conducted in accordance with the HUD guidelines adopted by reference in K.A.R. 28-72-13 (d)(1) before general application of the encapsulant to determine the adhesive and cohesive properties of the encapsulant on the surface to be encapsulated. The encapsulant shall be applied in accordance with the manufacturer's recommendations.
 - (9) After the manufacturer's recommended curing time, the entire encapsulated surface shall be inspected by a lead abatement supervisor or a project designer. Each unacceptable area shall be evaluated to determine if

a complete failure of the system is indicated or if the system can be patched or repaired. Unacceptable areas shall be evidenced by delamination, wrinkling, blistering, cracking, cratering, and bubbling of the encapsulant.

- (10) After the encapsulation is complete, the regulated area shall be cleaned by vacuuming with a HEPA vacuum, wiping down all surfaces with a cleaning solution, rinsing all surfaces, and then HEPA vacuuming the area again. Cleaning shall begin at the end of the work area farthest from the main entrance to the area and from the top to the bottom of the regulated area.
- (11) All equipment used in the regulated area shall be thoroughly cleaned with a cleaning solution or vacuumed with a HEPA vacuum, or both, before removal from the regulated area. (Authorized by and implementing K.S.A. 65-1, 202; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended April 9, 2010.)

28-72-18d

Work practice standards; lead abatement: removal

- (a) Removal strategies. Acceptable removal strategies shall include the following:
 - (1) Manual wet strategies. Manual wet scraping or manual wet sanding shall be acceptable for the removal of lead surface coatings.
 - (2) Mechanical removal strategies. Using power tools that are HEPA-shrouded or locally exhausted shall be acceptable removal strategies for lead surface coatings. HEPA-shrouded or exhausted mechanical abrasion devices, including sanders, saws, drills, roto-peens, vacuum blasters, and needle guns shall be acceptable.
 - (3) Chemical removal strategies. Chemical strippers shall be used in compliance with the manufacturer's recommendations.
- (b) Soil abatement. When soil abatement is conducted, the lead-bearing soil shall be removed, tilled, or permanently covered in place as indicated in this subsection.
 - (1) Removed soil shall be replaced with fill material containing no more than 100 ppm of lead. Soil that is removed shall not be reused as topsoil.
 - (2) If tiling is selected, soil in a child-accessible area shall be tilled to a depth that results in less than 400 ppm lead of the homogenized soil, or other concentrations approved by the department. Soil in an area not accessible to children shall be tilled to a depth that results in less than 1,200 ppm lead of the homogenized soil.
 - (3) "Permanently covered soil" shall have the meaning specified in K.A.R. 28-72-1p(c).
 - (4) Soil abatement shall be conducted to prevent lead-contaminated soil from being blown from the site or from being carried away by water runoff or thorough percolation to groundwater.
- (c) Interior removal. When conducting a lead abatement project using the removal strategy on interior surfaces, the certified lead professional or licensed firm shall meet the following minimum requirements:
 - (1) The site shall be prepared by first establishing a regulated area using fencing, barrier tape, or other appropriate barriers. The regulated area shall be marked to prevent uncertified personnel and the general public from approaching closer than 20 feet to the abatement project.
 - (2) Signs shall be posted at all entrances to the regulated area and shall include the words "WARNING: LEAD AREA. POISON. NO SMOKING OR EATING" in bold lettering at least two inches tall, with additional language or symbols prohibiting entrance to the regulated area by uncertified personnel and the general public. All signs shall be in a language that is easily recognized by all certified lead professionals and by members of the general public where the lead abatement activities are taking place.
 - (3) Each heating and cooling system within the regulated area shall be shut down and the vents shall be sealed with 6-mil polyethylene sheeting to prevent lead dust accumulation within the system.

- (4) All items within the regulated area shall be cleaned by HEPA vacuuming or wet wiping with a cleaning solution, or both. Items shall then be either removed from the area or covered with 6-mil polyethylene sheeting and sealed with duct tape.
 - (5) All windows below and within the regulated area shall be closed.
 - (6) A critical barrier shall be constructed.
 - (7) At least two layers of 6-mil, or thicker, polyethylene sheeting shall be placed on the floor at the base of the component and shall extend at least 10 feet beyond the perimeter of the component being abated. If the chemical strategy is used, the certified lead professional or licensed firm shall follow the manufacturer's recommendations regarding a chemical-resistant floor cover.
 - (8) All equipment used in the regulated area shall be thoroughly cleaned with a cleaning solution or vacuumed with a HEPA vacuum, or both, before removal from the regulated area.
 - (9) At the end of each work shift, the top layer of 6-mil polyethylene sheeting shall be removed and used to wrap and contain the debris generated by the shift. The 6-mil polyethylene sheeting shall then be sealed with duct tape and kept in a secured area until final disposal. The second layer of 6-mil polyethylene sheeting shall be HEPA vacuumed, left in place, and used during the next shift. A single layer of 6-mil polyethylene sheeting shall be placed on this remaining polyethylene sheeting before lead abatement resumes.
 - (10) After the removal is complete, the regulated area shall be cleaned by vacuuming with a HEPA vacuum, wiping down all surfaces with a cleaning solution, rinsing all surfaces, and then HEPA vacuuming the area again. Cleaning shall begin at the end of the work area farthest from the entrance to the area and from the top to the bottom of the regulated area.
- (d) Exterior removal. When conducting a lead abatement project using the removal strategy on exterior surfaces, these minimum requirements shall be met:
- (1) The site shall be prepared by first establishing a regulated area using fencing, barrier tape, or other appropriate barriers. The regulated area shall be marked to prevent uncertified personnel and the general public from approaching closer than 20 feet to the abatement project.
 - (2) Signs shall be posted at all entrances to the regulated area and shall include the words "WARNING: LEAD AREA. POISON. NO SMOKING OR EATING" in bold lettering at least two inches tall, with additional language or symbols prohibiting entry to the regulated area by uncertified personnel. All signs shall be in a language that is easily recognized by all certified lead professionals and by members of the general public where the abatement activities are taking place.
 - (3) All movable items shall be moved 20 feet from working surfaces. Items that cannot be readily moved 20 feet from working surfaces shall be covered with 6-mil polyethylene sheeting and sealed with duct tape.
 - (4) At least one layer of 6-mil, or thicker, polyethylene sheeting shall be placed on the ground and shall extend at least 10 feet from the abated surface, plus another five feet out for each additional 10 feet in surface height over 20 feet. In addition, the polyethylene sheeting shall meet the following criteria:
 - (A) Be securely attached to the side of the building, with cover provided to all ground plants and shrubs in the regulated area;
 - (B) Be protected from tearing or perforating;
 - (C) Contain any water, including rainfall, that may accumulate during the lead abatement; and
 - (D) Be weighted down to prevent disruption by wind gusts.
 - (5) All windows in the regulated area and all windows below and within 20 feet of working surfaces shall be closed.
 - (6) Work shall cease if constant wind speeds are greater than 15 miles per hour.
 - (7) Work shall cease and cleanup shall occur if rain begins.
 - (8) All equipment used in the regulated area shall be thoroughly cleaned with a cleaning solution or vacuumed with a HEPA vacuum, or both, before removal from the regulated area.

- (9) The regulated area shall be HEPA vacuumed and cleaned of lead-based paint chips, polyethylene sheeting, and other debris generated by the abatement project work at the end of each workday. Debris shall be kept in a secured area until final disposal. (Authorized by and implementing K.S.A. 65-1,202; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended April 9, 2010.)

28-72-18e

Work practice standards; postabatement clearance procedures. Except as provided in K.S.A. 65-1,203 and amendments thereto, the following postabatement or lead hazard control clearance procedures shall be performed only by a risk assessor:

- (a) Following lead abatement or required lead hazard control, a visual inspection shall be performed to determine if deteriorated painted surfaces or visible amounts of dust, debris, or residue are still present. These conditions shall be eliminated before continuation of the clearance procedures.
- (b) Following the visual inspection and any post-abatement or lead hazard control cleanup required by subsection (a), clearance sampling for lead-contaminated dust shall be conducted. Clearance sampling shall be conducted by employing single-surface sampling techniques.
- (c)
 - (1) Dust samples for clearance purposes shall be taken using one or more of the documented methodologies in K.A.R. 28-72-13(d)(1).
 - (2) Dust samples for clearance purposes shall be taken a minimum of one hour after completion of final postabatement or lead hazard control cleanup activities.
- (d) The following postabatement or lead hazard control activities shall be conducted as appropriate, based upon the extent or manner of lead abatement activities conducted in or to the residential dwelling or child-occupied facility:
 - (1) After conducting a lead abatement or lead hazard control with containment between abated and unabated areas, one dust sample shall be taken from one window, if available, and at least one dust sample shall be taken from the floors of no fewer than four rooms, hallways, or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are fewer than four rooms, hallways, or stairwells within the containment area, then all rooms, hallways, or stairwells shall be sampled.
 - (2) After conducting a lead abatement or lead hazard control in which no containment was utilized, two dust samples shall be taken from no fewer than four rooms, hallways, or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one window, if available, and one dust sample shall be taken from the floor of each room, hallway, or stairwell selected. If there are fewer than four rooms, hallways, or stairwells within the residential dwelling or child-occupied facility, then all rooms, hallways, or stairwells shall be sampled.
 - (3) Following an exterior paint abatement or lead hazard control, a visual inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be free of visible dust and debris. In addition, a visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated. If paint chips are present, they shall be removed from the site and properly disposed of, according to all applicable federal, state, and local requirements.

- (e) The rooms, hallways, or stairwells selected for sampling shall be selected according to one or more of the documented methodologies in K.A.R. 28-72-13(d)(1).
- (f) The risk assessor shall compare the residual lead level, as determined by the laboratory analysis, from each dust sample with applicable clearance levels for lead in dust on floors and windows as established below in this subsection. If the residual lead levels in a dust sample exceed the clearance levels, all the components represented by the failed sample shall be recleaned and retested until clearance levels are met. Following completion of a lead abatement activity, all dust, soil, and water samples shall comply with the following clearance levels:
- | | |
|--|-----------------------------------|
| (1) Dust samples: | |
| Media | Clearance Level |
| Floors | less than 40 Ug/ft ² |
| Interior windowsills | less than 250 Ug/ft ² |
| Window troughs & exterior walking surfaces | less than 400 Ug/ft ² |
| (2) Soil samples: | |
| Media | Clearance Level |
| Bare soil (rest of yard) | less than 1,200 ppm or 1,200 mg/l |
| Bare soil (small, high-contact areas,
Including sand boxes and gardens) | less than 400 ppm |
| (3) Water | less than 15 ppb or 15 Ug/L |
- (g) In a multifamily dwelling with similarly constructed and maintained residential dwellings, random sampling for the purposes of clearance may be conducted if the following conditions are met:
- (1) The certified individuals who abate, perform lead hazard control, or clean the residential dwelling do not know which residential dwelling will be selected for the random sample.
 - (2) A sufficient number of residential dwellings are selected for dust sampling to provide a 95 percent level of confidence that no more than five percent or 50 of the residential dwellings, whichever is smaller, in the randomly sampled population exceed the appropriate clearance levels.
 - (3) The randomly selected residential dwellings are sampled and evaluated for the clearance according to the procedures found in this regulation.
- (h) A postabatement or post-lead hazard control clearance report shall be prepared by a lead abatement supervisor. The postabatement or post-lead hazard control clearance report shall include the following information:
- (1) The start and completion dates of the lead abatement or lead hazard control;
 - (2) The names and address of each licensed lead activity firm conducting the lead abatement or lead hazard control and the name of each lead abatement supervisor assigned to the lead abatement or lead hazard control project;
 - (3) The name, address, and signature of each risk assessor conducting clearance sampling and the date of clearance testing;
 - (4) The results of clearance testing and soil analysis, if applicable, and the name of each recognized laboratory that conducted the analysis;
 - (5) A detailed written description of the abatement or lead hazard control, including the lead abatement or lead hazard control methods used, locations of rooms or components where abatement or lead hazard control

occurred, reason for selecting particular abatement or lead hazard control methods for each component, and any suggested monitoring of encapsulants or enclosures; and

(6) A written certification from the firm stating that all lead abatement or lead hazard control has taken place in accordance with all applicable local, state, and federal laws and regulations.

(i) Time frame for submission of reports. The clearance report shall be provided to the owner of the property within 20 business days after completion of the clearance inspection. (Authorized by and implementing K.S.A. 65-1,202 and 65-1,203; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-19

Work practice standards; collection and laboratory analysis of samples. All paint chip, dust, and soil samples collected pursuant to the work practice standards contained in this article shall meet the following conditions:

(a) Be collected by a lead inspector, risk assessor, or elevated blood lead level investigator using adequate quality control; and

(b) Be analyzed by a recognized laboratory. (Authorized by and implementing K.S.A. 65-1,202; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-20

Work practice standards; composite dust sampling prohibited. Composite dust sampling shall not be allowed. (Authorized by and implementing K.S.A. 65-1,202; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended April 9, 2010.)

28-72-21

Work practice standards; quarterly reports; recordkeeping

(a) All reports and plans required in this article shall be maintained for at least three years by the licensed lead activity firm or certified individual who prepared the report or plan.

(b) Each lead activity firm that employs or contracts with lead abatement professionals shall submit to KDHE a written report listing all lead abatement, lead hazard control, and lead abatement clearance projects occurring during each calendar quarter in the state of Kansas, on or before the following dates each year:

- (1) January 10;
- (2) April 10;
- (3) July 10, and
- (4) October 10.

(c) Each report shall include the following information:

- (1) The name, address, and license number of the lead activity firm;
- (2) The complete mailing address of the property where the lead activity work occurred, including the zip code;
- (3) A description of the type of activity that occurred;
- (4) The date the activity was completed;

- (5) A listing of the names of all lead professionals who performed the work for the lead activity firm during the reporting period, including the complete names, certificate numbers, and certificate expiration dates; and
- (6) The signature of the owner or authorized representative of the lead activity firm. (Authorized by and implementing K.S.A. 65-1,202; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

28-72-22

Enforcement

- (a) A notice of noncompliance (NON) may be issued by the secretary for any violation of the act or this article. A NON shall be the recommended response for a first-time violator of this article. Compliance assistance information shall be included in the NON to ensure future compliance with KDHE regulations.
- (b)
 - (1) The NON shall require the violator to take corrective action in order to comply with this article. The corrective action shall depend upon the specific violations. The NON may require that proof of action be submitted to the secretary by a date specified in the NON.
 - (2) Mitigating factors in each case in which a NON has been issued shall be documented in the case file. (Authorized by K.S.A. 65-1,202; implementing K.S.A. 65-1,202 and 65-1,208; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended April 9, 2010.)

28-72-51 **Definitions.** For purposes of this article, the definitions in K.A.R. 28-72-1a through K.A.R. 28-72-1x, as well as the following definitions, shall apply:

- (a) **Acknowledgement statement** means a form that is signed by the owner or occupant of housing confirming that the owner or occupant received a copy of the pamphlet and renovation notice before the renovation began.
- (b) **Certificate of mailing** means a receipt from the postal service that provides evidence that the renovator mailed the pamphlet and a renovation notice to each owner or occupant. The pamphlet and renovation notice shall be mailed at least seven days before the start of renovation.
- (c) **Compensation** means payment or goods received for services rendered. Payment may be in the form of money, goods, services, or bartering.
- (d) **Emergency renovation operations** means unplanned renovation activities performed in response to a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard or threatens property with significant damage. Emergency renovation operations shall include renovations to repair damage from a tree that fell on a house and renovations to repair a water pipe break in an apartment complex.
- (e) **EPA** is defined in K.A.R. 28-72-1e.
- (f) **Housing for the elderly** means retirement or similar types of housing specifically reserved for households of one or more persons 62 years of age or older at the time the unit is first occupied.

- (g) **Lead-based-paint-free housing** means target housing that has been determined by a certified inspector or certified risk assessor to be free of paint or other surface coatings that contain lead equal to or in excess of one milligram per square centimeter or 0.5 percent by weight.
- (h) **Lessor** means any entity that offers target housing for lease, rent, or sublease, including the following:
- (1) Individuals;
 - (2) Partnerships;
 - (3) Corporations;
 - (4) Trusts;
 - (5) Government agencies;
 - (6) Housing agencies; and
 - (7) Nonprofit organizations.
- (i) **Minor repair and maintenance** means activities including the following:
- (1) Performing minor electrical work that disturbs six square feet or less of painted surface per component;
 - (2) Drilling holes in the wall to run an electrical line; or
 - (3) Replacing a light fixture.
- (j) **Occupant** means any person or entity that enters into an agreement to lease, rent, or sublease target housing or any person that inhabits target housing, including the following:
- (1) Individuals
 - (2) Partnerships;
 - (3) Corporations;
 - (4) Trusts;
 - (5) Government agencies;
 - (6) Housing agencies; and
 - (7) Nonprofit organizations.
- (k) **Owner** means any person or entity that has legal title to housing, including the following:
- (1) Individuals;
 - (2) Partnerships;
 - (3) Corporations;
 - (4) Trusts;
 - (5) Government agencies;
 - (6) Housing agencies; and
 - (7) Nonprofit organizations.
- (l) **Pamphlet** has the meaning specified in 40 CFR 745.83 as adopted in K.A.R. 28-72-2.
- (m) **Record of notification** means a written statement documenting the steps taken to provide pamphlets and renovation notices to occupants and owners in residential dwellings.
- (n) **Renovation** has the meaning specified in 40 CFR 745.83 as adopted in K.A.R. 28-72-2.
- (o) **Renovation firm** means any individual, organization, or entity that has met the requirements for licensing by KDHE as specified in K.A.R. 28-72-10a.

- (p) **Renovation notice** means a notice of renovation activities to occupants and owners of residential dwellings. The notice shall describe the scope, location, and expected duration of the renovation activity.
- (q) **Renovator** means a person who has received certification from the secretary, as specified in K.A.R. 28-72-7a, and is receiving compensation for a renovation.
- (r) **Self-certification of delivery** means an alternative method of documenting the delivery of the pamphlet and renovation notice to the occupant. This method may be used whenever the occupant is unavailable or unwilling to sign a confirmation of receipt of pamphlet.
- (s) **Supplemental renovation** notice means any additional notification that is required when the scope, location, or duration of a project changes.
- (t) **Zero-bedroom dwelling** means any residential dwelling in which the living area is not separated from the sleeping area. This term shall include dormitory housing and military barracks. This term shall not include efficiency and studio apartments. (Authorized by and implementing K.S.A. 65-1,202; effective June 23, 2000; amended April 9, 2010.)

28-72-52

Applicability

- (a) Except as provided in subsection (b) of this regulation, this article and the requirements of 40 CFR 745.80 through 745.91, as adopted in K.A.R. 28-72-2, shall apply to all renovation of target housing performed for compensation.
- (b) This article shall not apply to renovation activities that are limited to any of the following:
 - (1) Minor repair and maintenance activities, including minor electrical work and plumbing, that disrupt six square feet or less of painted surface per component;
 - (2) Emergency renovation operations; or
 - (3) If the renovator has obtained a copy of the determination, any renovation in target housing in which a written determination has been made by an inspector or risk assessor who has been certified in accordance with this article that the components affected by the renovation are free of paint and other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight. (Authorized by and implementing K.S.A. 65-1,202; effective June 23, 2000; amended April 9, 2010.)

28-72-53

Information distribution requirements

- (a) Renovations in target housing. No more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the renovator shall perform the following:
 - (1) Provide the owner of the unit with the pamphlet and renovation notice and comply with one of the following:
 - (A) Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet and renovation notice; or
 - (B) Obtain a certificate of mailing at least seven days before the renovation; and

- (2) If the owner does not occupy the dwelling unit, provide an adult occupant of the unit with the pamphlet and renovation notice and comply with one of the following:
 - (A) Obtain from the adult occupant a written acknowledgment that the occupant has received the pamphlet and renovation notice, or certify in writing that the pamphlet and renovation notice have been delivered to the dwelling and that the renovator has been unsuccessful in obtaining a written acknowledgment from an adult occupant. This certification shall include the following:
 - (i) The address of the unit undergoing renovation;
 - (ii) The date and method of delivery of the pamphlet and renovation notice;
 - (iii) The names of persons delivering the pamphlet and renovation notice;
 - (iv) The reasons for lack of acknowledgment, including the occupant's refusal to sign and unavailability of adult occupants;
 - (v) The signature of the renovator; and
 - (vi) The date of signature; or
 - (B) Obtain a certificate of mailing at least seven days before the renovation.
- (b) Renovations in common areas. No more than 60 days before beginning renovation activities in common areas of multifamily housing, the renovator shall perform the following:
 - (1) Provide the owner with the pamphlet and renovation notice and comply with one of the following:
 - (A) Obtain from the owner a written acknowledgement that the owner has received the pamphlet and renovation notice; or
 - (B) Obtain a certificate of mailing at least seven days before the renovation;
 - (2) Provide a pamphlet and a renovation notice to each unit of the multifamily housing before the start of renovation. This notification shall be accomplished by distributing written notice to each affected unit. The notice from the renovator shall describe the general nature and locations of the planned renovation activities and the expected starting and ending dates; and
 - (3) If the scope, location, or expected starting and ending dates of planned renovation activities change after the initial notification, provide further written notification to the owners and occupants providing revised information on the ongoing or planned activities. This subsequent notification shall be provided before the renovator initiates work beyond that which was described in the original notice.
- (c) Written acknowledgment. Sample language for the written acknowledgments required in paragraphs (a)(1)(A), (a)(2)(A), and (b)(1)(A) shall be provided by the KDHE upon request from the renovator. These acknowledgments shall be written in the same language as that in the text of the contract agreement for the renovation or, in the case of non-owner-occupied target housing, in the same language as that in the lease or rental agreement or the pamphlet and shall include the following:
 - (1) A statement recording the owner or occupant's name and acknowledging receipt of the pamphlet and renovation notice before the start of renovation, the address of the unit undergoing renovation, signature of the owner or occupant as applicable, and the date of the signature; and
 - (2) Either a separate sheet or part of any written contract or service agreement for the renovation.
- (d) Lead poisoning prevention poster.
 - (1) Each commercial establishment that offers paint or supplies intended for the removal or application of paint shall display, in a conspicuous location near the painting supplies, a poster containing a warning statement, with the following information at a minimum:
 - (A) The dry sanding and the dry scraping of paint in dwellings built before 1978 are dangerous.
 - (B) The improper removal of old paint is a significant source of lead dust and the primary cause of lead poisoning.

- (C) Renovators are required by regulation to notify owners and occupants of the hazards associated with lead paint before doing work. The commercial establishment shall also include contact information so that consumers and renovators can obtain more information.
- (2) Sample posters and materials that commercial establishments may use to comply with this subsection shall be available from KDHE.
- (e) Compliance. A commercial establishment shall be deemed to be in compliance with this regulation if the commercial establishment displays the lead poisoning prevention poster as required in subsection (d) and makes the pamphlet available to its customers. (Authorized by and implementing K.S.A. 65-1,202; effective June 23, 2000; amended April 9, 2010.)

28-72-54

Recordkeeping requirements

- (a) Each renovator shall retain and, if requested, make available to KDHE all records necessary to demonstrate compliance with this article for a period of three years following completion of the renovation in target housing.
- (b) Records shall be retained as specified in subsection (a) of this regulation, if applicable. These records shall include the following:
 - (1) Reports certifying that a determination had been made by an inspector who has been certified in accordance with this article that lead-based paint is not present in the area affected by the renovation as described in K.A.R. 28-72-52(b)(3);
 - (2) Signed and dated acknowledgments of receipt as described in K.A.R. 28-72-53(a)(1)(A), (a)(2)(A), and (b)(1)(A);
 - (3) Certifications of attempted delivery as described in K.A.R. 28-72-53(a)(2)(A);
 - (4) Certificates of mailing as described in K.A.R. 28-72-53, (a)(1)(B), (a)(2)(B), and (b)(1)(B); and
 - (5) Records of renovation notices to tenants and owners of residential dwellings as described in K.A.R. 28-72-54. (Authorized by and implementing K.S.A. 1999 Supp. 65-1,202; effective June 23, 2000.)