

U.S. Environmental Protection Agency
Office of Pollution Prevention and Toxics

INTERPRETIVE GUIDANCE FOR THE FEDERAL PROGRAM
TSCA SECTIONS 402/403

FINAL 12/15/99

Q/A(2) Persons at Abatement Job Sites

- “Scope and Applicability”
- “Certification”
- “Work Practice Standards”

745.220 Scope and applicability

(b) This subpart applies to all individuals and firms who are engaged in lead-based paint activities as defined in Sec. 745.223, except persons who perform these activities within residential dwellings that they own, unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level. This subpart applies only in those States or Indian Country that do not have an authorized State or Tribal program pursuant to Sec. 745.324 of subpart Q.

745.223 Definitions

“Interim controls” means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

“Lead-based paint activities” means, in the case of target housing and child-occupied facilities, inspection, risk assessment, and abatement, as defined in this subpart. [see also definitions for each activity and discipline].

745.226 Certification of individuals and firms engaged in lead-based paint activities: target housing and child-occupied facilities.

(g) Suspension, revocation, and modification of certifications of individuals engaged in lead-based paint activities. (1) EPA may, after notice and opportunity for hearing, suspend, revoke, or modify an individual's certification if an individual has:

(vi) Performed work for which certification is required, but for which appropriate certification has not been received.

(vii) Failed to comply with the appropriate work practice standards for lead-based paint activities at Sec. 745.227.

(viii) Failed to comply with Federal, State, or local lead-based paint statutes or regulations.

745.227 Work practice standards for conducting lead-based paint activities: target housing and child-occupied facilities.

(a) Effective date, applicability, and terms.

(2) When performing any lead-based paint activity described by the certified individual as an inspection, lead-hazard screen, risk assessment or abatement, a

certified individual must perform that activity in compliance with the appropriate requirements below.

[Requirements in 745.227(b) Inspection, (c) Lead hazard screen, (d) Risk assessment, and (e) Abatement specify the discipline(s) that may perform each lead-based paint activity.]

Q1: Must all persons present on an abatement job site be certified?

A1: No. The regulations at 745.220(b) require that persons engaged in lead-based paint activities defined in 745.223 must be certified. The work practice standards at 745.227 are specific as to which disciplines may perform which lead-based paint activities. However, EPA recognizes that other activities such as interim controls may also be conducted at sites simultaneously with abatement and other lead-based paint activities. Only persons working on abatement job sites who are engaged in activities described as inspections, lead-hazard screens, risk assessments or abatements would be required to be certified in the appropriate disciplines. Under 745.226(g)(1), EPA may suspend, revoke, or modify an individual's certification if an individual has performed work that required certification when appropriate certification had not previously been obtained or failed to comply with the work practice standards at 745.227 or with other appropriate lead-based paint regulations.