

## **APPENDIX 5**

### **Overview of EPA and State Certification Requirements**

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## **EPA AND STATE CERTIFICATION PROGRAMS AND THEIR TREATMENT OF INTERIM CONTROLS**

**I. EPA and State Certification.** On March 1, 2000, the training and certification requirements of TSCA section 402 were in full effect in the Federal program operating in non-authorized States and Tribes. All individuals and firms performing “lead-based paint activities” as defined in 745.223 must be certified under 745.226 and must perform lead-based paint activities according to the work practice standards in 745.227.

EPA has developed regulations under TSCA sections 402/404 covering individuals and firms who are conducting lead-based paint activities in target housing and child-occupied facilities. Lead-based paint activities include inspection, risk assessment, and abatement. The requirements that individuals and firms must meet depend where they wish to work. Some States and Indian tribes are running their own programs that were authorized by EPA (“EPA-authorized programs”). In other States and Tribes that do not have an authorized program, EPA is running the program (“Federal program”).

On March 1, 2000, EPA’s Federal program under 40 CFR part 745 subpart L became fully effective in every State and Tribe that did not already have an EPA-approved authorized program in operation. Therefore, since March 1, 2000, anyone conducting inspections, risk assessments and/or abatements in target housing or child-occupied facilities has been subject to training, certification and work practice standard requirements either under EPA’s Federal Program or an EPA-authorized State or Tribal program.

In EPA’s Federal program, individuals who want to work as inspectors, risk assessors, abatement supervisors, abatement workers, and/or project designers, must be certified first. Each of the five disciplines has different education, experience and training requirements. Individuals who wish to be certified as inspectors, risk assessors, or abatement supervisors must also take a third party certification exam. Certification is granted after individuals have sent in an application indicating they have completed an accredited training course, met any other qualifications, and sent in a certification fee. Certified individuals agree to follow EPA’s work practice standards. EPA’s federal program also requires that firms whose employees conduct lead-based paint activities also be certified. In the EPA application, the firm agrees (1) to use only certified employees for inspection, risk assessment and abatement; (2) to use the work practice standards that EPA requires; and (3) to keep appropriate records.

Some EPA-authorized programs (State Lead Programs) may have certification requirements for different individual disciplines than EPA’s Federal program and may or may not certify firms. There may also be differences in the types of activities regulated by EPA-authorized programs. For this reason, it is important for individuals and firms to understand the specific regulations that apply in the locations where they intend to work.

**II. Qualification for Interim Controls.** EPA, under the Federal program, does not regulate interim controls. However, EPA-authorized State and Tribal programs may regulate interim controls. Therefore, it is important for individuals and firms to review the specific regulations for the locations where they will be working.

HUD’s Lead Safe Housing rule requires individuals conducting interim controls to be trained in one of the acceptable training courses listed in the rule. Among courses listed are (1) an accredited lead-based paint abatement supervisor course, or (2) an accredited lead-based paint abatement worker course. Those two courses refer to courses accredited in EPA’s Federal program or an EPA authorized program.

## **EPA-AUTHORIZED STATES**

As of January 1, 2001, the following states operate their own lead programs:

Alabama	Mississippi
Arkansas	Missouri
California	New Hampshire
Colorado	New Jersey
Connecticut	North Carolina
Delaware	Ohio
District of Columbia	Oklahoma
Georgia	Oregon
Illinois	Pennsylvania
Indiana	Puerto Rico
Iowa	Rhode Island
Kansas	Tennessee
Kentucky	Texas
Louisiana	Utah
Maine	Vermont
Maryland	Virginia
Massachusetts	West Virginia
Michigan	Wisconsin
Minnesota	

## **EPA LEAD PROGRAM STATES**

As of January 1, 2001, the EPA operates the lead programs on behalf of the state:

Alaska, EPA Reg 10	New Mexico, EPA Reg 6
Arizona, EPA Reg 9	New York, EPA Reg 2
Florida, EPA Reg 4	North Dakota, EPA Reg 8
Guam, EPA Reg 9	South Carolina, EPA Reg 4
Hawaii, EPA Reg 9	South Dakota, EPA Reg 8
Idaho, EPA Reg 10	Virgin Islands, EPA Reg 2
Montana, EPA Reg 8	Washington, EPA Reg 10
Nebraska, EPA Reg 7	Wyoming, EPA Reg 8
Nevada, EPA Reg 9	

For more information and a list of state lead contacts, visit the web site of the National Conference of State Legislatures: [www.ncsl.org/programs/ESNR/pplans-99.htm](http://www.ncsl.org/programs/ESNR/pplans-99.htm), or call 1-800-424-LEAD.