

3701-32-01 Definitions.

As used in Chapters 3701-32 and 3701-82 of the Administrative Code:

- (A) "ASTM" means the American Society for Testing and Materials .
- (B) "Bare soil" means soil or sand, including sand found in sandboxes, not covered with grass, sod, or some other similar vegetation, or paving.
- (C) "Chewable surface" means any protruding interior or exterior painted or coated surface on which there is evidence of teeth marks.
- (D) "Child care facility" means each area of any of the following in which child care, defined in section 5104.01 of the Revised Code, is provided to children under six years of age:
 - (1) A child day-care center, type A family day-care home, or type B family day-care home as defined in section 5104.01 of the Revised Code; or
 - (2) A preschool program or school child program as defined in section 3301.52 of the Revised Code.
- (E) "Clearance area" means the portion of the property where lead abatement or non-abatement was performed and dust containment was established. The clearance area shall be the entire unit if dust containment was not established.
- (F) "Clearance examination" means an examination to determine whether the lead hazards in a residential unit, child care facility, or school have been sufficiently controlled. A clearance examination includes a visual assessment, collection, and analysis of environmental samples.
- (G) "Clearance technician" means a person, other than a licensed lead inspector or lead risk assessor, who performs a clearance examination.
- (H) "CLIA" means a clinical laboratory that is certified or in possession of a certificate of waiver issued by the United States Department of Health and Human Services pursuant to the "Clinical Laboratory Improvements Amendments of 1988" as set forth in Public Law 100578.
- (I) "Clinical laboratory" means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of substances derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease, or in the assessment or impairment of the health of human beings. "Clinical laboratory" does not include a facility that only collects or prepares specimens, or serves as a mailing service, and does not perform testing.
- (J) "Containment" means the physical measures taken to isolate the work area in order to ensure that dust and debris created or released during activities are not spread, blown or tracked outside the work area.
- (K) "Deteriorated paint" means any interior or exterior paint or other coating that is peeling, chipping, chalking, or cracking, or any paint or coating located on an

interior or exterior surface or fixture that is otherwise damaged or separated from the substrate, or paint on a friction or impact surface that shows abrasion or other evidence of damage to the paint from the friction or impact.

- (L) "Director" means the director of the Ohio department of health, the director's designee, or the director's authorized agent.
- (M) "Documented methodologies" means a method or methods, prescribed by legal requirements, recognized and published by a national organization, or developed and validated by the environmental lead analytical laboratory or personnel employing the method or methods. Sample collection methods, preparation procedures and analytical methods recommended by the United States environmental protection agency, national institutes of safety and health, ASTM, AOAC, APHA, the United States department of urban development and others may be acceptable if the environmental lead analytical laboratory or personnel has demonstrated acceptable performance for each particular matrix. Alternative procedures, or modifications, or both, of methods may be used only if they have been validated by the environmental lead analytical laboratory.
- (N) "ELPAT" means the environmental lead proficiency analytical testing program.
- (O) "Encapsulation" means the coating and sealing of surfaces with durable surface coating specifically formulated to be elastic, able to withstand sharp and blunt impacts, long-lasting, and resilient, while also resistant to cracking, peeling, algae, fungus, and ultraviolet light, so as to prevent any part of lead-containing paint from becoming part of house dust or otherwise accessible to children.
- (P) "Enclosure" means the resurfacing or covering of surfaces with durable materials such as wallboard or paneling, and the sealing or caulking of edges and joints to prevent or control chalking, flaking, peeling, scaling or loose lead-containing substances from becoming part of house dust or otherwise accessible to children.
- (Q) "Engineering controls" are measures, other than respiratory protection or administrative controls, implemented at the worksite to contain, control or otherwise reduce exposure to lead-containment dust and debris.
- (R) "Environmental lead analytical laboratory" means a facility that analyzes air, dust, soil, water, paint, film, or other substances, other than substances derived from the human body, for the presence and concentration of lead.
- (S) "Environmental samples" means paint-chip, dust, soil, water or air samples collected for the purpose of analysis.
- (T) "Essential maintenance practices" means preventive treatments performed as prescribed in section 3742.41 of the Revised Code in residential units, child care facilities or schools.
- (U) "Exterior living area" means a room equivalent located on the exterior of a residential unit, such as a porch, or patio that is used as living space as indicated by the presence of toys, other children's possessions or play patterns, information provided by the residents, property owners, or other observations.
- (V) "Flushed water sample" means a one-liter sample of tap water collected after the tap has been allowed to run at its maximum flow rate for a minimum of one minute before collecting the sample.

- (W) "Friction surface" means any interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.
- (X) "Hands-on assessment" means an evaluation which tests a trainee's ability to perform specified work practices and procedures in compliance with Chapters 3701-32 and 3701-82 of the Administrative Code.
- (Y) "Hands-on training" means direct practical experience in the operation or functioning of a skill or task and involves active participation by a student.
- (Z) "HEPA" means the designation given to a product, device, or system that has been equipped with a high-efficiency particulate air filter that is capable of removing particles of 0.3 microns or larger from air at 99.97 per cent or greater efficiency.
- (AA) "HEPA vacuum" means a vacuum cleaner that is HEPA rated by the manufacturer and that has been designed with a high-efficiency particulate air filter as the last filtration stage that is capable of capturing particles of 0.3 microns with 99.97 per cent or greater efficiency.
- (BB) "HUD " means the United States department of housing and urban development.
- (CC) "HUD guidelines" means the 2012 Edition of the "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing" issued by the United States department of housing and urban development pursuant to Section 1017 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, Public Law 102-550. The HUD guidelines may be accessed at www.hud.gov/lead.
- (DD) "Impact surface" means an interior or exterior surface that is subject to damage by repeated sudden force, such as certain parts of door frames.
- (EE) "Interim clearance examination" means a clearance examination performed prior to all abatement or non-abatement work being complete that may be used to show that an area of the property has been cleaned and hazards controlled well enough so that a non-licensed or non-certified person can occupy an area.
- (FF) "Interim controls" means a set of measures designed to reduce temporarily human exposure or likely human exposure to lead hazards. Interim controls include specialized cleaning, repairs, painting, temporary containment, ongoing lead hazard maintenance activities, and the establishment and operation of management and resident education programs.
- (GG) "Lead abatement":
- (1) Means a measure or a set of measures, designed for the single purpose of permanently eliminating lead hazards. "Lead abatement" includes all the following:
 - (a) Removal of lead-based paint and lead-contaminated dust;
 - (b) Permanent enclosure or encapsulation of lead-based paint;
 - (c) Replacement of surfaces or fixtures painted with lead-based paint;
 - (d) Removal or permanent covering of lead-contaminated soil;
 - (e) Preparation, cleanup, and disposal activities associated with lead abatement.

- (2) "Lead abatement" does not include any of the following:
- (a) Preventive treatments performed pursuant to section 3742.41 of the Revised Code;
 - (b) Implementation of interim controls;
 - (c) Activities performed by a property owner on a residential unit to which both of the following apply:
 - (i) It is a freestanding single-family home used as the property owner's private residence;
 - (ii) No child under six years of age who has lead poisoning resides in the unit.
- (HH) "Lead abatement contractor" means any individual who engages in or intends to engage in lead abatement and who employs or supervises one or more lead abatement workers, including on-site supervision of lead abatement projects, or prepares specifications, plans, or documents for a lead abatement project.
- (II) "Lead abatement project" means one or more lead activities that are conducted by a lead abatement contractor or lead abatement project designer and are reasonably related to each other.
- (JJ) "Lead abatement project designer" means a person who is responsible for designing lead abatement projects and preparing a pre-abatement plan for all designed projects.
- (KK) "Lead abatement worker" means an individual responsible in a non-supervisory capacity for the performance of lead abatement.
- (LL) "Lead activity" means:
- (1) Any aspect of a lead inspection, lead risk assessment, lead hazard screen risk assessment, clearance examination; or
 - (2) In the case of a lead abatement project, any aspect of lead abatement that is conducted by a lead abatement contractor, lead abatement project designer, or lead abatement worker.
- (MM) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health as set forth in rule 3701-32-19 of the Administrative Code.
- (NN) "Lead-based paint sampling" means limited paint-chip sampling or XRF analysis performed to determine the presence or absence of lead-based paint on deteriorated paint surfaces or painted surfaces in a residential unit, child care facility, or school.
- (OO) "Lead-contaminated dust" means surface dust that contains an area or mass concentration of lead at or in excess of the level that is hazardous to human health as set forth in rule 3701-32-19 of the Administrative Code.
- (PP) "Lead-contaminated soil" means soil that contains lead at or in excess of the level that is hazardous to human health as set forth in rule 3701-32-19 of the

Administrative Code.

- (QQ) "Lead-contaminated water pipes" means water pipes containing lead materials causing the water supply to contain lead levels at or in excess of the level that is hazardous to human health as set forth in rule 3701-32-19 of the Administrative Code.
- (RR) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as set forth in rule 3701-32-19 of the Administrative Code. "Lead hazard" includes lead-based paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes.
- (SS) "Lead hazard control" means measures taken to reduce or eliminate a lead hazard, which includes, but is not limited to, lead abatement, interim controls, or both, as appropriate.
- (TT) "Lead hazard control order" means an order issued by the director under section 3742.37 of the Revised Code.
- (UU) "Lead hazard screen risk assessment" means a risk assessment that involves limited paint and dust sampling and that is conducted in compliance with paragraph (J) of rule 3701-32-07 of the Administrative Code.
- (VV) "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint. The inspection shall use a sampling or testing technique set forth in rule 3701-32-06 of the Administrative Code. A licensed lead inspector or laboratory approved pursuant to rule 3701-82-02 of the Administrative Code shall certify in writing the precise results of the inspection.
- (WW) "Lead inspector" means any individual who conducts a lead inspection, provides professional advice regarding a lead inspection, or prepares a report explaining the results of a lead inspection.
- (XX) "Lead risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead hazards in a residential unit, child care facility, or school, including information gathering from the unit, facility, or school's current owner's knowledge regarding the age and painting history of the unit, facility, or school and occupancy by children under six years of age, visual inspection, limited wipe sampling or other environmental sampling techniques, and any other activity as may be appropriate.
- (YY) "Lead risk assessor" means a person who is responsible for developing a written inspection, risk assessment and analysis plan; conducting inspections for lead hazards in a residential unit, child care facility, or school; interpreting results of inspections or risk assessments; identifying hazard control strategies to reduce or eliminate lead exposures; and completing a risk assessment report.
- (ZZ) "Lead-safe renovation" means the supervision or performance of services for the general improvement of all or part of an existing structure, including a residential unit, child care facility, or school, when the services are supervised or performed by a lead-safe renovator.
- (AAA) "Lead-safe renovator" means a person who has successfully completed a training program in lead-safe renovation approved pursuant to rule 3701-32-16 of the Administrative Code.

- (BBB) "Manager" means a person, who may be the same person as the owner, responsible for the daily operation of a residential unit, child care facility, or school.
- (CCC) "NLLAP" means the national lead laboratory accreditation program.
- (DDD) "Non-abatement lead activity" means activities such as paint stabilization, lead-safe renovation or essential maintenance practices and preventive treatments performed pursuant to section 3742.41 of the Revised Code, interim controls, or lead-safe renovation.
- (EEE) "Non-abatement lead project" includes one or more non-abatement lead activities in the scope of work being conducted on a residential unit, child care facility, or school.
- (FFF) "On-site supervision" means the supervisor is physically present at the worksite or available for immediate consultation by phone, pager, or answering service and able to be present at the work site within two hours.
- (GGG) "OSHA" means the United States occupational safety and health administration.
- (HHH) "Other lead assessment activity" means limited evaluation or sampling performed in a residential unit, child care facility or school by a lead risk assessor to determine the existence, nature, severity and location of any lead hazards.
- (III) "Owner" means a person, firm, corporation, guardian, conservator, receiver, trustee, executor, or other judicial officer who, alone or with others, owns, holds, or controls the freehold or leasehold title or part of the title to property, with or without actually possessing it. Owner includes a vendee in possession, but does not include a mortgagee or an owner of a reversionary interest under a ground rent lease.
- (JJJ) "Paint" means any substance applied to a surface as a surface coating, including, but not limited to, household paints, varnishes and stains.
- (KKK) "Paint stabilization" means repairing any physical defect in the substrate of any painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint.
- (LLL) "Permanent" means an expected design life of at least twenty years.
- (MMM) "Play area" means an area of soil contact by children as indicated by, but not limited to, the presence of play equipment including, but not limited to sandboxes, swing sets, and sliding boards, toys, or other children's possessions, observations of play patterns, or information provided by parents, residents, care givers, or property owners.
- (NNN) "Principal instructor" means the individual who has primary responsibility for organizing and teaching a particular course.
- (OOO) "Proof of licensure" means the license certificate or the pocket license certificate.
- (PPP) "Replacement" means an activity that entails removing components such as windows, doors, and trim that have lead hazards on their surfaces and installing components free of lead hazards.

- (QQQ) "Residential unit" means a dwelling or any part of a building being used as an individual's private residence
- (RRR) "Room equivalent" means a separate part of the inside of a building, such as a bedroom, living room, dining room, kitchen, bathroom, laundry room, hallway, or utility room. To be considered a separate room, the room must be separated from adjoining rooms by built-in walls or archways that extend at least six inches from an intersecting wall. Half walls or bookcases count as room separators if built-in. Movable or collapsible partitions or partitions consisting solely of shelves or cabinets are not considered built-in walls. A screened in porch that is used as a living area is a room.
- (SSS) "School" means a public or nonpublic school in which children under six years of age receive education.
- (TTT) "Training hour" means at least fifty minutes of actual learning, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, or hands-on experience, or any combination of these processes.
- (UUU) "Training manager" means the individual responsible for administering a training program and monitoring the performance of the principal instructors, work practice instructors, and guest instructors.
- (VVV) "USEPA" means the United States environmental protection agency.
- (WWW) "Visual assessment" means the visual examination of a residential unit, child care facility or school to identify deteriorated paint, visible dust, paint-chips, debris or residue which may be lead-based.
- (XXX) "Window sill" means the portion of the horizontal window ledge that protrudes into the interior of the room, adjacent to the window sash when the window is closed. Window sill is often called the window stool.
- (YYY) "Window trough" or "window well" means, for the typical double-hung window, the portion of the exterior window sill between the interior window sill or stool and the frame of the storm window. If there is no storm window, the window trough is the area that receives the upper and lower window sashes when both sashes are lowered.
- (ZZZ) "Work practice instructor" means the individual who is responsible for teaching particular skills in a specific course.
- (AAAA) "XRF technology" means the science of the use of portable x-ray fluorescence lead in paint analyzers to determine lead concentration in paint.

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