

3701-32-17 Essential maintenance practices.

- (A) In order to obtain a rebuttable presumption, as specified in section 3742.41 of the Revised Code, that a residential unit, child care facility or school built before January 1, 1950 does not contain a lead hazard and is not the source of the lead poisoning of an individual who resides in the unit, facility or school, the owner or manager shall maintain documentation proving essential maintenance practices were performed according to section 3742.41 of the Revised Code and paragraphs (B), (C), (D) and (E) of this rule.
- (B) Essential maintenance practices shall be performed by an individual licensed as a lead abatement project designer, lead abatement contractor or a lead abatement worker licensed pursuant to section 3742.05 of the Revised Code, or by an individual who successfully completed an essential maintenance practices training course approved pursuant to section 3742.47 of the Revised Code and rule 3701-32-16 of the Administrative Code.
- (C) The areas of a residential unit, child care facility, or school that are subject to paragraph (A) of this rule include all of the following:
 - (1) The interior surfaces and all common areas of the unit, facility, or school;
 - (2) Every attached or unattached structure located within the same lot line as the unit, facility, or school that the owner or manager considers to be associated with the operation of the unit, facility, or school, including garages, play equipment, and fences; and
 - (3) The lot or land that the unit, facility, or school occupies.
- (D) Persons performing essential maintenance practices shall:
 - (1) Only allow persons performing the essential maintenance practices access to the area while work is underway until a clearance examination is passed;
 - (2) Cover the floor underneath the area receiving essential maintenance practices with six mil polyethylene plastic or its equivalent until final cleaning is completed;
 - (3) Assure that all persons involved in the essential maintenance practices follow the worker protection standards established pursuant to 29 C.F.R. 1926.62 (2012) by OSHA;
 - (4) Post signs clearly defining the work area and warning occupants and other persons not involved in essential maintenance practices to remain outside the work area;
 - (5) Before beginning the essential maintenance practices, isolate the work area so that no dust or debris leaves the work area while the work is being performed. In addition, maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced, and taking any steps necessary to ensure that no dust or debris leaves the work area while the work is being performed. Containment shall be established in such a manner

that it does not interfere with occupant and worker egress in an emergency;

- (6) In the case of interior work practices:
 - (a) Remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed;
 - (b) Close and cover all duct openings in the work area with taped-down plastic sheeting or other impermeable material;
 - (c) Close windows and doors in the work area. Doors used as an entrance to the work area must be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area;
 - (d) Cover all rough, pitted, or porous horizontal surfaces of the inhabited or occupied areas within the residential unit, child care facility, or school with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane, carpet, or linoleum;
 - (e) Cover the floor surface, including installed carpet with taped-down six mil plastic sheeting or other impermeable material in the work area six feet beyond the perimeter of surfaces undergoing essential maintenance practices or a sufficient distance to contain the dust, whichever is greater; and
 - (f) Ensure that all personnel, tools and other items, including the exteriors of containers of waste, are free of dust and debris before leaving the work area.
- (7) In the case of exterior work practices:
 - (a) Close all doors and windows within twenty feet of the renovation. On multi-story buildings, close all doors and windows within twenty feet of the renovation on the same floor as the renovation. On floors below the renovation, close all doors and windows directly beneath the work area;
 - (b) Ensure that doorways within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while containing dust and debris to the work area; and
 - (c) Cover the ground with plastic sheeting or other impermeable material extending ten feet beyond the perimeter of surfaces undergoing essential maintenance practices or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents ten feet of such ground covering.
- (8) Collect, wrap or bag, and seal all waste generated from the essential maintenance practices to prevent release of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work areas, it must be covered. In addition, the renovator shall comply with the following:

- (a) At the conclusion of each work day and at the conclusion of the essential maintenance practices, store waste under containment or behind a barrier that prevents access to the waste and any dust, debris or both; and
 - (b) During transport, waste shall be contained to prevent the release of dust and debris.
- (9) For interior and exterior essential maintenance practices, clean the work area until no dust, debris or residue remains and employ the following cleaning procedures:
- (a) Collect all paint chips and debris and, without dispersing any of it, seal this material in a heavy-duty plastic bag; and
 - (b) Remove the protective sheeting. Mist the sheeting before folding it, fold the dirty side inward, and either tape shut to seal or seal in heavy-duty plastic bags. Sheeting used to isolate contaminated rooms from non-contaminated rooms must remain in place until after the cleaning and removal of other sheeting. Dispose of the sheeting as waste.
- (10) In the case of interior work practices, individuals shall implement the following steps:
- (a) Clean walls starting at the ceiling and working down to the floor by either vacuuming with a HEPA vacuum or wiping with a damp cloth;
 - (b) Thoroughly vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA vacuum. The HEPA vacuum must be equipped with a beater bar when vacuuming carpets and rugs; and
 - (c) Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth. Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the two-bucket mopping method, or using a wet mopping system.
- (11) Perform visual examinations for deteriorated paint, underlying damage, and other conditions that may cause exposure to lead;
- (12) Promptly and safely repair deteriorated paint or other building components that may cause exposure to lead and eliminate the cause of the deterioration;
- (13) Ask tenants in a residential unit, and parents, guardians, and custodians of children in a child care facility or school, to report concerns about potential lead hazards by providing written notices to the tenants or parents, guardians, and custodians or by posting notices in conspicuous locations;
- (14) Cover any bare soil on the property, except soil proven not to be lead-contaminated; and
- (15) Not perform the following prohibited methods:
- (a) Open-flame burning, torching or charring of paint;
 - (b) Machine sanding or grinding or abrasive blasting or sandblasting paint unless

the machine used is equipped with a HEPA exhaust control;

- (c) Dry scraping or dry sanding paint unless the scraping is done in conjunction with heat guns or within one foot 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 twenty square feet on exterior surfaces;
 - (d) Use of a heat gun on paint above one thousand one hundred degrees Fahrenheit;
 - (e) Uncontained hydro-blasting or high pressure washing of lead-based paint; or
 - (f) Paint stripping in a poorly ventilated space using a volatile stripper that is considered a hazardous substance pursuant to 16 C.F.R 1500.3 (2011) or a hazardous chemical pursuant to 29 C.F.R. 1910.1200 (2013) or 29 C.F.R. 1926.59 (2013).
- (E) The owner or manager of a residential unit, child care facility or school shall:
- (1) Ensure that specialized cleaning associated with essential maintenance practices is performed on affected areas of the residential unit, child care facility or school in accordance with current and accepted methodologies, including, but not limited to, the procedures in Chapter 14 of the HUD guidelines and ensure that bare soil of the residential unit, child care facility or school is covered according in accordance with current and accepted methodologies, including, but not limited to, Chapter 11, or Chapter 12, or both, of the HUD guidelines.
 - (2) Ensure that a clearance technician, lead risk assessor or lead inspector performs a clearance examination annually in accordance with the procedures specified in rule 3701-32-12 of the Administrative Code. If the clearance examination indicates that the residential unit, child care facility or school does not meet the clearance examination standards set forth in rule 3701-32-19 of the Administrative Code, the owner or manager shall take any necessary steps to achieve the clearance standards. A clearance technician, lead risk assessor or lead inspector shall perform any necessary clearance examinations to ensure the residential unit, childcare facility or school meets the clearance standards.
 - (3) Maintain a record of all essential maintenance practices including the clearance examination report or reports for at least three years.

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Certification

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