

TO BE RESCINDED

3701-32-01 **Definitions.**

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

- (A) "Abatement product" or "abatement system" means a method of lead abatement that uses encapsulation.
- (B) "Accessible surface" means any protruding interior or exterior surface, such as an interior window sill that a young child can mouth or chew.
- (C) "Bare soil" means soil or sand not covered with grass, sod, or some other similar vegetation, or paving, and includes sand found in sandboxes.
- (D) "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.
- (E) "Deteriorated paint" means any paint or coating on a damaged or deteriorated surface or fixture, or any interior or exterior paint that is peeling, chipping, blistering, flaking, worn, chalking, alligating, cracking, or otherwise becoming separated from the substrate.
- (F) "Director" means the director of the Ohio department of health, the director's designee, or the director's authorized agent.
- (G) "Distinct painting history" means the application history, as indicated by its visual appearance or a record of application, over time, of paint or other surface coatings to a component of a structure.
- (H) "Encapsulation" means a method of abatement that involves 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.
- (I) "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 accessible to children.

- (J) "Engineering controls" are measures other than respiratory protection or administrative control implemented at the work-site to contain, control or otherwise reduce exposure to lead-contaminated dust and debris.
- (K) "Environmental lead analytical laboratory" means a facility approved by the director 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.
- (L) "Flushed 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.
- (M) "Friction surface" means any interior or exterior surface that is subject to abrasion or friction.
- (N) "Full abatement" means a lead abatement in which a measure or a set of measures are used to permanently remove lead-based paint or lead hazards from a structure so that the structure is free of the lead hazards specified in paragraphs (A)(1) to (A)(5) of rule 3701-32-07 of the Administrative Code.
- (O) "Hands-on assessment" means an evaluation which tests a trainee's ability to perform specified work practices and procedures in compliance with Chapter 3701-32 of the Administrative Code.
- (P) "Impact surface" means an interior or exterior surface, such as surfaces on doors, subject to damage by repeated impact or contact.
- (Q) "Lead abatement":
 - (1) Means a measure or a set of measures, including the following, designed and intended to eliminate lead hazards:
 - (a) Removal, encapsulation, or enclosure of lead hazards;
 - (b) Replacement of lead-contaminated surfaces or fixtures;
 - (c) Removal, cultivation, or permanent covering of lead-contaminated soil;

and

- (d) Preparation, cleanup, disposal, any post-abatement activities necessary to achieve the clearance standards recommended in Appendix A, record keeping, and monitoring associated with the abatement.
- (2) Does not mean the following set of measures designed to temporarily reduce lead hazards:
- (a) Vacuuming surfaces of a structure with a vacuum cleaner equipped with a high efficiency particulate air (HEPA) filter;
 - (b) Cleaning surfaces of a structure with a lead-specific or high-phosphate detergent;
 - (c) Wet-scrubbing no more than two square feet of a floor, wall, or ceiling surface to remove peeling, chipping, chalking or cracking paint prior to repainting; or
 - (d) Activities to change use patterns or establish barriers between children and lead-contaminated bare soil including the temporary covering of lead-contaminated bare soil with mulch or gravel, the planting of ground cover or shrubbery, or fencing lead-contaminated soil to restrict access.
- (3) Does not mean the removal of soil by a heavy equipment operator when the operator is supervised on site by a licensed lead abatement contractor.
- (R) "Lead abatement contractor" means any individual who engages in or intends to engage in lead abatement and who may employ or supervise one or more lead abatement workers, including on-site supervision of lead abatement projects. Lead abatement contractor includes, but is not limited to, individuals who:
- (1) Take personal air monitoring samples for workers to determine the workers' potential exposure to lead dust and other lead hazards; or
 - (2) Prepare specifications, plans or documents concerning the preabatement plan referenced in paragraph (F)(6) of rule 3701-32-02 of the Administrative Code.
- (S) "Lead abatement project":

- (1) Means one or more lead activities that are conducted by a lead abatement contractor or lead abatement worker, under the supervision of a lead abatement contractor, that are reasonably related to each other; and
 - (2) Does not include lead activities that an individual conducts on the individual's private residence.
- (T) "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.
- (U) "Lead abatement worker" means an individual who is responsible in a non-supervisory capacity for the performance of lead abatement.
- (V) "Lead activity" means:
- (1) Any aspect of a lead inspection, lead risk assessment, lead hazard screen risk assessment, post-abatement clearance examination or reexamination, or public health investigation; or
 - (2) In the case of a lead abatement project, any aspect of lead abatement that is conducted by a lead abatement contractor or lead abatement worker.
- (W) "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 3701-32-07 of the Administrative Code.
- (X) "Lead-contaminated dust" means surface dust in or on structures that contain 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 3701-32-07 of the Administrative Code.
- (Y) "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 3701-32-07 of the Administrative Code.
- (Z) "Lead hazard" means material such as lead-based paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes containing a level of lead at or in excess of the level hazardous to human health as set forth in rule 3701-32-07 of the Administrative Code.

- (AA) "Lead hazard screen risk assessment" means a risk assessment that involves limited paint and dust sampling and that is conducted in compliance with paragraph (E)(3) of rule 3701-32-02 of the Administrative Code.
- (BB) "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint in a structure.
- (CC) "Lead inspector" means an individual who performs a lead inspection, reports the findings of a lead inspection, collects environmental samples for laboratory analysis, performs a public health investigation, performs a post-abatement clearance examination or reexamination, or documents the successful completion of lead-hazard control activities.
- (DD) "Lead poisoning" means the level of lead in human blood that is hazardous to human health as set forth in rule 3701-32-07 of the Administrative Code.
- (EE) "Lead risk assessment" means an on-site investigation to determine the existence, nature, severity, and location of lead hazards in structures. An assessment may include information gathering regarding the age and history of the structure and occupancy by children under age six, visual inspection, limited wipe sampling or other environmental sampling techniques, other activity as may be appropriate, and provision of a report explaining the results of the investigation.
- (FF) "Lead risk assessor" means a person who performs a lead risk assessment or a lead hazard screen risk assessment, or identifies acceptable abatement strategies for reducing lead hazards. A licensed lead risk assessor can do any lead activities that a licensed lead inspector can legally do.
- (GG) "Licensed lead abatement contractor" means a person who is licensed in Ohio to perform lead abatement and who may employ or supervise one or more lead abatement workers.
- (HH) "Licensed lead abatement worker" means a person who is licensed in Ohio to perform lead abatement in a non-supervisory capacity.
- (II) "Licensed lead abatement project designer" means a person who is licensed in Ohio to design lead abatement projects and to prepare pre-abatement plans for all designed projects.
- (JJ) "Licensed lead inspector" means a person who is licensed in Ohio to perform a lead inspection.

- (KK) "Licensed lead risk assessor" means a person who is licensed in Ohio to perform a lead inspection, a lead risk assessment or a lead hazard screen risk assessment.
- (LL) "Owner" means a person, firm, corporation, guardian, conservator, receiver, trustee, executor, or other judicial officer who, alone or with others, owns, hold, or control 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.
- (MM) "Paint" means any substance applied to a surface as a surface coating, including, but not limited to, household paints, varnishes and stains.
- (NN) "Post-abatement clearance examination" means an examination of a structure to determine if the structure meets the clearance standard recommended in Appendix A.
- (OO) "Principal instructor" means the individual who has primary responsibility for organizing and teaching a particular course.
- (PP) "Proof of licensure" means the license certificate or the pocket license certificate.
- (QQ) "Public health investigation" means an investigation for the presence of lead-based paint or lead hazards conducted:
- (1) By a lead inspector, under the general supervision of a lead risk assessor, or lead risk assessor who is:
 - (a) An employee of the director or a designated board of health; or
 - (b) Under contract with the director or a designated board of health to conduct the inspections; and
 - (2) In accordance with the requirements of rule 3701-32-06 of the Administrative Code and in compliance with the recommendations contained in Appendix B.
- (RR) "Reexamination" means an additional post-abatement clearance examination conducted to determine if a structure that previously failed the clearance standard recommended in Appendix A meets the standard.
- (SS) "Replacement" means a lead activity that entails removing components such as

windows, doors, and trim that have lead-based paint on their surfaces and installing new or de-lead components free of lead-based paint.

(TT) "Structure" means any house, apartment, or building, used as an individual's private residence or commonly used as a place of education or day-care center for children under six years of age. For the purposes of this definition, "a place of education" or "day-care center for children" is a building, or a portion of a building, that is visited regularly by the same child, under six years of age, on at least two different days within any Sunday through Saturday weekly period; provided that each day's visit lasts at least three hours and the combined weekly visit lasts at least six hours, and the combined annual visits last at least sixty hours.

(1) A structure includes all of the following:

- (a) The interior and exterior surfaces and all common areas of the structure;
- (b) Every attached or unattached structure located within the same lot line, including garages, play equipment, and fences; and
- (c) The lot or land occupied by the structure.

(2) A structure does not include:

- (a) Housing for the elderly or persons with disabilities unless one or more children under age six years is expected to reside in the structure; or
- (b) Prison cells, college dormitory rooms, or hospital rooms which are not used to house children under age six.

(UU) "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, and/or hands-on experience.

(VV) "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.

(WW) "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. A window sill is often called the window stool.

- (XX) "Window well" means the space that provides exterior access and\or light to a window that is below the level of the surrounding earth or pavement.
- (YY) "Window trough" 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.
- (ZZ) "Work practice instructor" means the individual who is responsible for teaching particular skills in a specific course.

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