

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**H. B. No. 501**

**Representative Harris**

**Cosponsors: Representatives Weddington, Murray, Foley, Domenick,  
Newcomb, Hagan, Skindell**

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**A B I L L**

To amend sections 3742.01, 3742.02, 3742.03, 3742.04, 1  
3742.05, 3742.06, 3742.07, 3742.071, 3742.08, 2  
3742.09, 3742.10, 3742.15, 3742.16, 3742.17, 3  
3742.18, 3742.19, 3742.35, 3742.38, 3742.41, 4  
3742.42, 3742.44, 3742.45, 3742.49, 3742.50, 5  
3742.51, and 3742.99, to enact section 3742.55, 6  
and to repeal sections 3742.43, 3742.46, 3742.47, 7  
and 3742.48 of the Revised Code regarding lead 8  
abatement and lead-safe renovation. 9

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3742.01, 3742.02, 3742.03, 3742.04, 10  
3742.05, 3742.06, 3742.07, 3742.071, 3742.08, 3742.09, 3742.10, 11  
3742.15, 3742.16, 3742.17, 3742.18, 3742.19, 3742.35, 3742.38, 12  
3742.41, 3742.42, 3742.44, 3742.45, 3742.49, 3742.50, 3742.51, and 13  
3742.99 be amended and section 3742.55 of the Revised Code be 14  
enacted to read as follows: 15

**Sec. 3742.01.** As used in this chapter: 16

(A) "Board of health" means the board of health of a city or 17  
general health district or the authority having the duties of a 18

board of health under section 3709.05 of the Revised Code. 19

(B) "Business entity" means a partnership, firm, association, corporation, limited liability company, sole proprietorship, or other business concern. 20  
21  
22

(C) "Child care facility" means each area of ~~any~~ either of 23  
the following in which child care, as defined in section 5104.01 24  
of the Revised Code, is provided to children under six years of 25  
age: 26

(1) A child day-care center, type A family day-care home, or 27  
type B family day-care home as defined in section 5104.01 of the 28  
Revised Code; 29

~~(2) A type C family day-care home authorized to provide child 30  
care by Sub. H.B. 62 of the 121st general assembly, as amended by 31  
Am. Sub. S.B. 160 of the 121st general assembly and Sub. H.B. 407 32  
of the 123rd general assembly;~~ 33

~~(3)~~ A preschool program or school child program as defined in 34  
section 3301.52 of the Revised Code. 35

~~(C)~~(D) "Clearance examination" means an examination to 36  
determine whether ~~the lead hazards in a residential unit, child 37  
care facility, or school~~ have been sufficiently controlled. A 38  
clearance examination includes a visual assessment, collection, 39  
and analysis of environmental samples. 40

~~(D)~~(E) "Clearance technician" means ~~a person, other than a 41  
licensed lead inspector or licensed lead risk assessor, an 42  
individual~~ who performs a clearance examination for activities 43  
that are not lead abatement. 44

~~(E)~~(F) "Clinical laboratory" means a facility for the 45  
biological, microbiological, serological, chemical, 46  
immunohematological, hematological, biophysical, cytological, 47  
pathological, or other examination of substances derived from the 48

human body for the purpose of providing information for the 49  
diagnosis, prevention, or treatment of any disease, or in the 50  
assessment or impairment of the health of human beings. "Clinical 51  
laboratory" does not include a facility that only collects or 52  
prepares specimens, or serves as a mailing service, and does not 53  
perform testing. 54

~~(F)~~(G) "Encapsulation" means the coating and sealing of 55  
surfaces with durable surface coating specifically formulated to 56  
be elastic, able to withstand sharp and blunt impacts, 57  
long-lasting, and resilient, while also resistant to cracking, 58  
peeling, algae, fungus, and ultraviolet light, so as to prevent 59  
any part of lead-containing paint from becoming part of house dust 60  
or otherwise accessible to children. 61

~~(G)~~(H) "Enclosure" means the resurfacing or covering of 62  
surfaces with durable materials such as wallboard or paneling, and 63  
the sealing or caulking of edges and joints, so as to prevent or 64  
control chalking, flaking, peeling, scaling, or loose 65  
lead-containing substances from becoming part of house dust or 66  
otherwise accessible to children. 67

~~(H)~~(I) "Environmental lead analytical laboratory" means a 68  
facility that analyzes air, dust, soil, water, paint, film, or 69  
other substances, other than substances derived from the human 70  
body, for the presence and concentration of lead. 71

~~(I)~~(J) "Government entity" means the state or any of its 72  
political subdivisions or any agency or instrumentality of either. 73

~~(K)~~ "HEPA filter" means ~~the designation given to a product,~~ 74  
~~device, or system that has been equipped with a high-efficiency~~ 75  
~~particulate air filter, which is a filter capable of removing~~ 76  
capturing particles of 0.3 microns ~~or larger from air~~ at 99.97 per 77  
cent or greater efficiency. 78

~~(J)~~(L) "HEPA vacuum" means a vacuum cleaner that is designed 79

with a HEPA filter as the last filtration stage and designed so 80  
that all air drawn into the vacuum cleaner is expelled through the 81  
HEPA filter with no air leaking past the filter. 82

(M) "Interim controls" means a set of measures designed to 83  
reduce temporarily human exposure or likely human exposure to lead 84  
hazards. Interim controls include specialized cleaning, repairs, 85  
painting, temporary containment, ongoing lead hazard maintenance 86  
activities, and the establishment and operation of management and 87  
resident education programs. 88

~~(K)~~(N)(1) "Lead abatement" means a measure or set of measures 89  
designed for the single purpose of permanently eliminating lead 90  
hazards. "Lead abatement" includes all of the following: 91

(a) Removal of lead-based paint and lead-contaminated dust; 92

(b) Permanent enclosure or encapsulation of lead-based paint; 93

(c) Replacement of surfaces or fixtures painted with 94  
lead-based paint; 95

(d) Removal or permanent covering of lead-contaminated soil; 96

(e) Preparation, cleanup, and disposal activities associated 97  
with lead abatement. 98

(2) "Lead abatement" does not include any of the following: 99

(a) Preventive treatments performed pursuant to section 100  
3742.41 of the Revised Code; 101

(b) Implementation of interim controls; 102

(c) Activities performed by a property owner on a residential 103  
unit to which both of the following apply: 104

(i) It is a freestanding single-family home used as the 105  
property owner's private residence. 106

(ii) No child under six years of age who has lead poisoning 107  
resides in the unit. 108

~~(L)~~(O) "Lead abatement contractor" means ~~any individual who a~~ 109  
~~business entity or government entity that~~ engages in ~~or intends to~~ 110  
~~engage in~~ lead abatement and employs or supervises one or more 111  
~~lead abatement workers, including on-site supervision of lead~~ 112  
~~abatement projects, or prepares specifications, plans, or~~ 113  
~~documents for a lead abatement project~~ lead abatement supervisors. 114  
"Lead abatement contractor" does not include an employee of a lead 115  
abatement contractor, or a general contractor that subcontracts a 116  
lead abatement activity to a lead abatement contractor. 117

~~(M)~~(P) "Lead abatement project" means one or more lead 118  
abatement activities that are conducted by a lead abatement 119  
contractor and are reasonably related to each other. 120

~~(N)~~(O) "Lead abatement project designer" means ~~a person~~ an 121  
individual who is responsible for designing lead abatement 122  
projects and preparing a pre-abatement ~~plan~~ plans for ~~all~~ designed 123  
projects. 124

~~(O)~~(R) "Lead abatement supervisor" means an individual who is 125  
responsible for the on-site supervision or performance of lead 126  
abatement projects and preparing pre-abatement plans, occupant 127  
protection plans, compliance plans, and abatement reports. 128

(S) "Lead abatement worker" means an individual who is 129  
responsible in a nonsupervisory capacity for the performance of 130  
lead abatement. 131

~~(P)~~(T) "Lead-based paint" means any paint or other similar 132  
surface-coating substance containing lead at or in excess of the 133  
level that is hazardous to human health as established by rule of 134  
the public health council under section 3742.50 of the Revised 135  
Code. 136

~~(Q)~~(U) "Lead-contaminated dust" means dust that contains an 137  
area or mass concentration of lead at or in excess of the level 138  
that is hazardous to human health as established by rule of the 139

public health council under section 3742.50 of the Revised Code. 140

~~(R)~~(V) "Lead-contaminated soil" means soil that contains lead 141  
at or in excess of the level that is hazardous to human health as 142  
established by rule of the public health council under section 143  
3742.50 of the Revised Code. 144

~~(S)~~(W) "Lead hazard" means material that is likely to cause 145  
lead exposure and endanger an individual's health as determined by 146  
the public health council in rules adopted under section 3742.50 147  
of the Revised Code. "Lead hazard" includes lead-based paint, 148  
lead-contaminated dust, lead-contaminated soil, and 149  
lead-contaminated water pipes. 150

~~(T)~~(X) "Lead inspection" means a surface-by-surface 151  
investigation to determine the presence of lead-based paint. The 152  
inspection shall use a sampling or testing technique approved by 153  
the public health council in rules adopted by the council under 154  
section 3742.03 of the Revised Code. A licensed lead inspector or 155  
laboratory approved under section 3742.09 of the Revised Code 156  
shall certify in writing the precise results of the inspection. 157

~~(U)~~(Y) "Lead inspector" means ~~any~~ an individual who conducts 158  
a lead inspection, provides professional advice regarding a lead 159  
inspection, or prepares a report explaining the results of a lead 160  
inspection. 161

~~(V)~~(Z) "Lead poisoning" means the level of lead in human 162  
blood that is hazardous to human health, as specified in rules 163  
adopted under section 3742.50 of the Revised Code. 164

~~(W)~~(AA) "Lead risk assessment" means an on-site investigation 165  
to determine and report the existence, nature, severity, and 166  
location of lead hazards ~~in a residential unit, child care~~ 167  
~~facility, or school~~, including information gathering from the 168  
~~unit, facility, or school's~~ current property owner's knowledge 169  
regarding the age and painting history of the ~~unit, facility, or~~ 170

~~school and occupancy by children under six years of age~~ site being 171  
investigated, visual inspection, limited wipe sampling or other 172  
environmental sampling techniques, and any other activity as may 173  
be appropriate. 174

~~(X)(BB)~~ "Lead risk assessor" means ~~a person~~ an individual who 175  
is responsible for developing a written inspection, risk 176  
assessment, and analysis plan; conducting inspections for lead 177  
~~hazards in a residential unit, child care facility, or school;~~ 178  
interpreting results of inspections and risk assessments; 179  
identifying hazard control strategies to reduce or eliminate lead 180  
exposures; and completing a risk assessment report. 181

~~(Y)(CC)~~ "Lead-safe renovation contractor" means ~~the~~ 182  
~~supervision or performance of services for the general improvement~~ 183  
~~of all or part of an existing structure, including a residential~~ 184  
~~unit, child care facility, or school, when the services are~~ 185  
~~supervised or performed by a lead safe renovator~~ a business entity 186  
or government entity that engages in renovation. "Lead-safe 187  
renovation contractor" does not include an employee of a lead-safe 188  
renovation contractor. 189

~~(Z)(DD)~~ "Lead-safe renovator" means ~~a person who has~~ 190  
~~successfully completed a training program in lead safe renovation~~ 191  
~~approved under section 3742.47 of the Revised Code~~ an individual 192  
who is responsible for the on-site supervision or performance of a 193  
renovation project and preparing specifications, plans, or 194  
documents for a renovation project. 195

~~(AA)(EE)~~ "Manager" means ~~a person~~ an individual, who may be 196  
the same ~~person~~ individual as the owner, responsible for the daily 197  
operation of a residential unit, child care facility, or school. 198

~~(BB)(FF)~~ "Permanent" means an expected design life of at 199  
least twenty years. 200

~~(CC)(GG)(1)~~ "Renovation" means the modification, for 201

<u>compensation, of any existing structure or portion thereof</u>	202
<u>resulting in the disturbance of painted surfaces and includes all</u>	203
<u>of the following:</u>	204
<u>(a) Removal, modification, or repair of painted surfaces or</u>	205
<u>painted components such as doors and windows;</u>	206
<u>(b) Surface preparation activities such as sanding, scraping,</u>	207
<u>or related activities that may generate paint dust;</u>	208
<u>(c) Surface restoration;</u>	209
<u>(d) Removal of building components such as walls, ceilings,</u>	210
<u>plumbing, and windows;</u>	211
<u>(e) Weatherization projects such as cutting holes in painted</u>	212
<u>surfaces to blow in insulation or to gain access to attics or</u>	213
<u>planing thresholds to install weather stripping;</u>	214
<u>(f) Interim controls that disturb painted surfaces;</u>	215
<u>(g) Converting a building, or part of a building, into a</u>	216
<u>child-occupied facility.</u>	217
<u>(2) "Renovation" does not include either of the following:</u>	218
<u>(a) Activities performed as part of a lead abatement project;</u>	219
<u>(b) Minor repair and maintenance activities.</u>	220
<u>(HH) "Replacement" means an activity that entails removing</u>	221
<u>components such as windows, doors, and trim that have lead hazards</u>	222
<u>on their surfaces and installing components free of lead hazards.</u>	223
<del>(DD)</del> <u>(II) "Residential unit" means a dwelling or any part of a</u>	224
<u>building being used as an individual's private residence.</u>	225
<del>(EE)</del> <u>(JJ) "School" means a public or nonpublic school in which</u>	226
<u>children under six years of age receive education.</u>	227
<u>Sec. 3742.02. (A) No <del>person</del> individual, business entity, or</u>	228
<u>government entity shall do any of the following:</u>	229



(1) Violate any provision of this chapter or the rules adopted pursuant to it;	230 231
(2) Apply or cause to be applied any lead-based paint on or inside a residential unit, child care facility, or school, unless the public health council has determined by rule under section 3742.50 of the Revised Code that no suitable substitute exists;	232 233 234 235
(3) <u>Perform a lead inspection without a valid lead inspector license issued under section 3742.05 of the Revised Code;</u>	236 237
(4) <u>Perform a lead risk assessment or provide professional advice regarding lead abatement without a valid lead risk assessor license issued under section 3742.05 of the Revised Code;</u>	238 239 240
(5) <u>Interfere with an investigation conducted by the director of health or a board of health in accordance with section 3742.35 of the Revised Code;</u>	241 242 243
(6) <u>Perform a clearance examination without a valid clearance technician license issued under section 3742.05 of the Revised Code, unless the individual holds a valid lead inspector license or valid lead risk assessor license issued under that section;</u>	244 245 246 247
(7) <u>Hold itself out as a lead-safe renovation contractor without a valid lead-safe renovation contractor license issued under section 3742.05 of the Revised Code;</u>	248 249 250
(8) <u>Act as a lead-safe renovator without a valid lead-safe renovator license issued under section 3742.05 of the Revised Code;</u>	251 252 253
(9) <u>Perform training for the purposes of this chapter without a valid evidence of approval issued under section 3742.08 of the Revised Code;</u>	254 255 256
(10) <u>Perform interim controls without complying with standards established under 24 C.F.R. part 35 by the United States department of housing and urban development.</u>	257 258 259

~~(B) No person shall knowingly authorize or employ an individual to perform lead abatement on a residential unit, child care facility, or school unless the individual who will perform the lead abatement holds a valid license issued under section 3742.05 of the Revised Code.~~

~~(C) No person individual, business entity, or government entity shall do any of the following when a residential unit, child care facility, or school is involved:~~

~~(1) Perform a lead inspection without a valid lead inspector license issued under section 3742.05 of the Revised Code;~~

~~(2) Perform a lead risk assessment or provide professional advice regarding lead abatement without a valid lead risk assessor license issued under section 3742.05 of the Revised Code;~~

~~(3) Act Hold itself out as a lead abatement contractor without a valid lead abatement contractor's license issued under section 3742.05 of the Revised Code;~~

~~(4)(2) Act as a lead abatement project designer without a valid lead abatement project designer license issued under section 3742.05 of the Revised Code;~~

~~(5)(3) Perform lead abatement without a valid lead abatement supervisor or valid lead abatement worker license issued under section 3742.05 of the Revised Code;~~

~~(6) Effective one year after April 7, 2003, perform a clearance examination without a valid clearance technician license issued under section 3742.05 of the Revised Code, unless the person holds a valid lead inspector license or valid lead risk assessor license issued under that section (4) Act as a lead abatement supervisor without a valid lead abatement supervisor license issued under section 3742.05 of the Revised Code;~~

~~(7) Perform lead training for the licensing purposes of this~~

~~chapter without a valid approval from the director of health under 290  
section 3742.08 of the Revised Code; 291~~

~~(8) Perform interim controls without complying with 24 C.F.R. 292  
Part 35 (5) Knowingly authorize or employ an individual to perform 293  
lead abatement on the unit, facility, or school, unless the 294  
individual who will perform the lead abatement holds a valid 295  
license issued under section 3742.05 of the Revised Code. 296~~

~~(C) No lead inspector, lead abatement contractor, lead risk 297  
assessor, lead abatement supervisor, lead abatement project 298  
designer, clearance technician, lead-safe renovation contractor, 299  
or lead-safe renovator shall use the services of an environmental 300  
lead analytical laboratory that has not been approved by the 301  
director of health under section 3742.09 of the Revised Code. 302~~

**Sec. 3742.03.** The public health council shall adopt rules in 303  
accordance with Chapter 119. of the Revised Code for the 304  
administration and enforcement of sections 3742.01 to 3742.19, 305  
3742.42 to 3742.45, and 3742.99 of the Revised Code. The rules 306  
shall specify all of the following: 307

(A)(1) Procedures to be followed by a lead abatement 308  
contractor, lead abatement supervisor, lead abatement project 309  
designer, lead abatement worker, lead inspector, or lead risk 310  
assessor licensed under section 3742.05 of the Revised Code for 311  
undertaking lead abatement activities ~~and procedures;~~ 312

(2) Procedures to be followed by a clearance technician, lead 313  
inspector, or lead risk assessor in performing a clearance 314  
examination; 315

(3) Procedures to be followed by a lead-safe renovation 316  
contractor or lead-safe renovator licensed under section 3742.05 317  
of the Revised Code for undertaking renovation activities. 318

(B)(1) Requirements for training and licensure, in addition 319

to those established under section 3742.08 of the Revised Code, to 320  
include levels of training and periodic refresher training for 321  
~~each class of worker, and to be used for licensure~~ the individuals 322  
who hold licenses under section 3742.05 of the Revised Code. 323  
~~Except in the case of clearance technicians, these requirements~~ 324  
~~shall include at least twenty four classroom hours of training~~ 325  
~~based on the Occupational Safety and Health Act training program~~ 326  
~~for lead set forth in 29 C.F.R. 1926.62. For clearance~~ 327  
~~technicians, the training requirements to obtain an initial~~ 328  
~~license shall not exceed six hours and the requirements for~~ 329  
~~refresher training shall not exceed two hours every four years. In~~ 330  
~~establishing the training and licensure requirements, the public~~ 331  
~~health council shall consider the core of information that is~~ 332  
~~needed by all licensed persons, and establish the training~~ 333  
~~requirements so that persons who would seek licenses in more than~~ 334  
~~one area would not have to take duplicative course work.~~ 335

(2) ~~Persons~~ An individual certified by the American board of 336  
industrial hygiene as a certified industrial hygienist or as an 337  
industrial hygienist-in-training, and ~~persons~~ an individual 338  
registered as a sanitarian or sanitarian-in-training under Chapter 339  
4736. of the Revised Code, shall be exempt from any training 340  
requirements established under this chapter for initial licensure 341  
~~established under this chapter~~ as a lead abatement supervisor, 342  
lead abatement worker, lead abatement project designer, lead risk 343  
assessor, lead inspector, or clearance technician, but shall be 344  
required to take any examinations for licensure required under 345  
section 3742.05 of the Revised Code. 346

(C) Fees for licenses issued under section 3742.05 of the 347  
Revised Code and for their renewal, except that an elementary or 348  
secondary public or private school shall not be required to pay a 349  
fee for licensure as a lead-safe renovation contractor; 350

(D)(1) Procedures to be followed by lead inspectors, lead 351

abatement contractors, environmental lead analytical laboratories, 352  
lead risk assessors, lead abatement supervisors, lead abatement 353  
project designers, and lead abatement workers to prevent public 354  
exposure to lead hazards and ensure worker protection during lead 355  
abatement projects; 356

(2) Procedures to be followed by lead-safe renovation 357  
contractors and lead-safe renovators to prevent public exposure to 358  
lead hazards and ensure worker protection during renovation 359  
projects. 360

(E)(1)(a) Record-keeping and reporting requirements for 361  
clinical laboratories, environmental lead analytical laboratories, 362  
lead inspectors, lead abatement contractors, lead risk assessors, 363  
lead abatement supervisors, lead abatement project designers, and 364  
lead abatement workers for lead abatement projects ~~and~~ 365  
~~record-keeping;~~ 366

(b) Record-keeping and reporting requirements for clinical 367  
laboratories, environmental lead analytical laboratories, and 368  
clearance technicians for clearance examinations; 369

~~(2)(c)~~ Record-keeping and reporting requirements for 370  
lead-safe renovation contractors and lead-safe renovators for 371  
renovation projects; 372

(d) Record-keeping and reporting requirements regarding lead 373  
poisoning for physicians, in addition to the requirements of 374  
section 3701.25 of the Revised Code~~;~~ 375

~~(3)(2)~~ Information that is required to be reported under 376  
rules based on divisions (E)(1) ~~and (2)(a) to (d)~~ of this section 377  
and that is a medical record is not a public record under section 378  
149.43 of the Revised Code and shall not be released, except in 379  
aggregate statistical form. 380

(F) Environmental sampling techniques for use in collecting 381  
samples of air, water, dust, paint, and other materials; 382

(G) Requirements for a ~~respiratory protection~~ written  
pre-abatement plan prepared in accordance with section 3742.07 of  
the Revised Code;

(H) Requirements under which a manufacturer of encapsulants  
must demonstrate evidence of the safety and durability of its  
encapsulants by providing results of testing from an independent  
laboratory indicating that the encapsulants meet the standards  
developed by the "E06.23.30 task group on encapsulants," which is  
the task group of the lead hazards associated with buildings  
subcommittee of the performance of buildings committee of the  
American society for testing and materials.

**Sec. 3742.04.** (A) The director of health shall do all of the  
following:

(1) Administer and enforce the requirements of ~~sections~~  
~~3742.01 to 3742.19 and 3742.99 of the Revised Code~~ this chapter  
and the rules adopted ~~pursuant to those sections~~ under it;

(2) Examine records and reports submitted by lead inspectors,  
lead abatement contractors, lead abatement supervisors, lead risk  
assessors, lead abatement project designers, lead abatement  
workers, lead-safe renovation contractors, lead-safe renovators,  
and clearance technicians in accordance with section 3742.05 of  
the Revised Code to determine whether the requirements of this  
chapter are being met;

(3) Examine records and reports submitted by physicians,  
clinical laboratories, and environmental lead analytical  
laboratories under section 3701.25 or 3742.09 of the Revised Code;

(4) Issue approval to manufacturers of encapsulants that have  
done all of the following:

(a) Submitted an application for approval to the director on  
a form prescribed by the director;

(b) Paid the application fee established by the director;	413
(c) Submitted results from an independent laboratory	414
indicating that the manufacturer's encapsulants satisfy the	415
requirements established in rules adopted under division (H) of	416
section 3742.03 of the Revised Code;	417
(d) Complied with rules adopted by the public health council	418
regarding durability and safety to workers and residents.	419
(5) Establish liaisons and cooperate with the directors or	420
agencies in states having lead abatement <u>programs, including</u>	421
<u>programs with</u> licensing, accreditation, certification, and	422
approval <u>programs requirements</u> , to promote consistency between the	423
requirements of this chapter and those of other states in order to	424
facilitate reciprocity of the programs among states;	425
(6) Establish a program to monitor and audit the quality of	426
work of lead inspectors, lead risk assessors, lead abatement	427
project designers, lead abatement contractors, <u>lead abatement</u>	428
<u>supervisors</u> , lead abatement workers, <u>lead-safe renovation</u>	429
<u>contractors, lead-safe renovators</u> , and clearance technicians. The	430
director may refer improper work discovered through the program to	431
the attorney general for appropriate action.	432
(B) In addition to any other authority granted by this	433
chapter, the director of health may do any of the following:	434
(1) Employ <del>persons</del> <u>individuals</u> who have received training	435
from a program the director has determined provides the necessary	436
background. The appropriate training may be obtained in a state	437
that has an ongoing lead abatement program under which it conducts	438
educational programs.	439
(2) Cooperate with the United States environmental protection	440
agency in any joint oversight procedures the agency may propose	441
for laboratories that offer lead analysis services and are	442
accredited under the agency's laboratory accreditation program;	443

(3) Advise, consult, cooperate with, or enter into contracts 444  
or cooperative agreements with any ~~person~~ individual, business 445  
entity, government entity, interstate agency, or the federal 446  
government as the director considers necessary to fulfill the 447  
requirements of this chapter and the rules adopted under it; 448

(4) Conduct on-site inspections of any location at which a 449  
lead abatement or renovation project is planned, in progress, or 450  
completed; 451

(5) Conduct an on-site audit of a lead hazard training course 452  
or lead-safe renovation training course during the time in which 453  
the course is being conducted by a training program approved under 454  
section 3742.08 of the Revised Code; 455

(6) Evaluate an individual's, a business entity's, or a 456  
government entity's performance of activities pursuant to this 457  
chapter; 458

(7) Evaluate an individual's, a business entity's, or a 459  
government entity's compliance with the requirements of this 460  
chapter and the rules adopted under it. 461

**Sec. 3742.05.** (A)(1) The director of health shall issue lead 462  
inspector, lead abatement contractor, lead abatement supervisor, 463  
lead risk assessor, lead abatement project designer, lead 464  
abatement worker, lead-safe renovation contractor, lead-safe 465  
renovator, and clearance technician licenses. The director shall 466  
issue a license to an applicant who meets all of the following 467  
requirements: 468

(a) Submits an application to the director on a form 469  
prescribed by the director; 470

(b) Meets the licensing and training requirements established 471  
by the public health council under section 3742.03 of the Revised 472  
Code; 473



(c) ~~Successfully~~ Except for lead abatement contractors and lead-safe renovation contractors, successfully completes the licensing examination for the applicant's area of expertise administered under section 3742.08 of the Revised Code and any training required by the director under that section;

(d) Pays the license fee established by the public health council under section 3742.03 of the Revised Code;

(e) Provides the applicant's social security number and any information the director may require to demonstrate the applicant's compliance with this chapter and the rules adopted under it.

(2) An individual, business entity, or government entity may hold more than one license issued under this section, but a separate application is required for each license.

(B) A license issued under this section expires two years after the date of issuance. The director shall renew a license in accordance with the standard renewal procedure set forth in Chapter 4745. of the Revised Code, if the licensee does all of the following:

(1) Continues to meet the requirements of division (A) of this section;

(2) Demonstrates compliance with procedures to prevent public exposure to lead hazards and for worker protection during lead abatement projects or renovation projects, as established by rule adopted by the public health council under section 3742.03 of the Revised Code;

(3) Meets the record-keeping and reporting requirements for lead abatement projects, renovation projects, or clearance examinations, as established by rule adopted by the public health council under section 3742.03 of the Revised Code;

(4) Pays the license renewal fee established by rule adopted 504  
by the public health council under section 3742.03 of the Revised 505  
Code. 506

(C) An individual, business entity, or government entity 507  
licensed, certified, or otherwise approved under federal law or 508  
the law of another state to perform functions substantially 509  
similar to those of a lead inspector, lead abatement contractor, 510  
lead abatement supervisor, lead risk assessor, lead abatement 511  
project designer, lead abatement worker, lead-safe renovation 512  
contractor, lead-safe renovator, or clearance technician may apply 513  
to the director of health for licensure in accordance with the 514  
procedures set forth in division (A) of this section. The director 515  
shall license an individual, business entity, or government entity 516  
under this division on a determination that the standards for 517  
licensure, certification, or approval in that state are at least 518  
substantially equivalent to those established by this chapter and 519  
the rules adopted under it. ~~The~~ Except for lead abatement 520  
contractors and lead-safe renovation contractors, the director may 521  
require an examination for licensure under this division. 522

**Sec. 3742.06.** All of the following apply to a residential 523  
unit, child care facility, or school: 524

(A) No lead abatement contractor shall provide lead testing 525  
services or professional advice regarding lead abatement unless 526  
that service or advice is provided by a lead inspector or lead 527  
risk assessor who is licensed under section 3742.05 of the Revised 528  
Code and is employed by the lead abatement contractor. 529

(B) No ~~person~~ individual shall provide advice on the need for 530  
lead abatement and then participate in a lead abatement project 531  
resulting from that advice unless either of the following applies: 532

(1) The ~~person~~ individual is employed as a member of the 533  
staff of the owner or manager of the property on which the lead 534

abatement is to be performed; 535

(2) A written contract for lead abatement is entered into 536  
that states both of the following: 537

(a) The ~~person~~ individual was involved in the lead testing, 538  
or in the provision of professional advice, that led to the lead 539  
abatement contract; 540

(b) The party contracting for lead abatement services should 541  
obtain a second opinion to verify any lead test results and assure 542  
that the proposed lead abatement or project design is appropriate. 543

~~(C) No lead inspector, lead abatement contractor, lead risk 544  
assessor, lead abatement project designer, or clearance technician 545  
shall use the services of an environmental lead analytical 546  
laboratory that has not been approved by the director of health 547  
under section 3742.09 of the Revised Code. 548~~

~~(D) No lead abatement contractor or lead abatement worker 549  
shall perform lead abatement without the on-site supervision of a 550  
licensed lead abatement ~~contractor~~ supervisor. 551~~

~~(E) No person shall have lead safe renovation performed in 552  
lieu of having lead abatement performed on a property at which a 553  
lead poisoned child under six years of age has been identified. 554~~

**Sec. 3742.07.** (A) Prior to engaging in any lead abatement 555  
project on a residential unit, child care facility, or school, the 556  
lead abatement contractor primarily responsible for the project 557  
shall do all of the following: 558

(1) Prepare a written ~~respiratory protection~~ pre-abatement 559  
plan that meets requirements established by rule adopted under 560  
section 3742.03 of the Revised Code and ~~make the plan available to 561  
the department of health and all lead abatement workers at the 562  
project site;~~ 563

~~(2) Ensure that each lead abatement worker who is or will be 564~~

~~involved in a lead abatement project has been examined by a~~ 565  
~~licensed physician within the preceding calendar year and has been~~ 566  
~~declared by the physician to be physically capable of working~~ 567  
~~while wearing a respirator;~~ 568

~~(3) Ensure includes all of the following:~~ 569

(a) Protection measures and management procedures that will 570  
be taken to protect lead abatement personnel and other individuals 571  
at the project site from exposure to lead hazards; 572

(b) A respiratory protection plan developed in accordance 573  
with standards established under 29 C.F.R. 1926.62 by the United 574  
States occupational safety and health administration; 575

(c) A hazard communication plan developed in accordance with 576  
standards established under 29 C.F.R. 1910.1200 by the United 577  
States occupational safety and health administration. 578

(2) Make the portion of the pre-abatement plan regarding the 579  
protection measures and management procedures that will be taken 580  
to protect individuals at the project site who are not lead 581  
abatement personnel available to the department of health; 582

(3) Make the portion of the pre-abatement plan regarding the 583  
protection measures and management procedures that will be taken 584  
to protect lead abatement personnel available to all lead 585  
abatement supervisors and workers at the project site; 586

(4) Ensure that each employee or agent who will come in 587  
contact with lead hazards at the project site or will be 588  
responsible for a the lead abatement project receives a license 589  
and appropriate training as required by this chapter before 590  
engaging in a the lead abatement project; 591

~~(4) At least ten days prior to the commencement of a project,~~ 592  
~~notify~~ (5) Notify the department of health, on a form prescribed 593  
by the director of health, of the date a the lead abatement 594

project will commence. 595

(B) During each lead abatement project, the lead abatement 596  
contractor primarily responsible for the project shall ensure that 597  
all ~~persons~~ individuals involved in the project follow the worker 598  
protection standards established under 29 C.F.R. 1926.62 by the 599  
United States occupational safety and health administration. 600

**Sec. 3742.071.** All of the following apply in the performance 601  
of activities ~~by persons licensed~~ under this chapter: 602

(A) A lead risk assessor shall certify in writing the precise 603  
results of a lead risk assessment and recommend options for 604  
reducing identified lead hazards. 605

(B) A clearance technician may perform a clearance 606  
examination when the examination is in connection with activities 607  
other than a lead abatement project. A clearance examination 608  
performed in connection with a lead abatement project shall be 609  
performed only by a lead inspector or lead risk assessor. 610

(C) The director of health may issue an immediate cease work 611  
order to a ~~person licensed under this chapter~~ an individual, 612  
business entity, or government entity if the director determines 613  
that the ~~license holder~~ individual or entity is violating ~~the~~ 614  
~~terms or conditions of the license~~ any provision of this chapter 615  
in a manner that endangers or materially impairs the health or 616  
well-being of an occupant of a residential unit, child care 617  
facility, or school or a ~~person~~ an individual employed to perform 618  
lead abatement activities or renovation activities. 619

**Sec. 3742.08.** (A)(1) The director of health shall conduct, 620  
specify requirements by rule, or approve training programs for 621  
licensure of lead inspectors, lead abatement ~~contractors~~ 622  
supervisors, lead risk assessors, lead abatement project 623  
designers, lead abatement workers, lead-safe renovators, and 624

clearance technicians. In accordance with Chapter 119. of the Revised Code, the director shall adopt rules establishing all of the following:

(a) A system for ~~accreditation~~ of approving training programs and the requirements for ~~accreditation~~ approval, including curriculum requirements, hour requirements, hands-on training requirements, trainee competency and proficiency requirements, and requirements for quality control;

(b) Fees for application for approval of a training program and for participating in any program conducted by the director;

(c) Any other requirements pertinent to the operation of a training program.

(2) Each applicant for approval of a training program shall submit a completed application to the director on a form the director shall prescribe and provide. The director shall issue evidence of approval to each applicant who meets the requirements of division (A)(1) of this section and the criteria for approval established by rule adopted under this section and pays the fee.

(B) The director shall administer examinations for licensure under this chapter by conducting examinations, contracting pursuant to section 3701.044 of the Revised Code for another entity to conduct the examinations, or approving examinations. In accordance with Chapter 119. of the Revised Code, the director shall adopt rules specifying requirements for the administration of licensing examinations. The rules shall include requirements regarding the qualifications of examination administrators, fees to cover the cost of conducting the examinations, and any other requirements pertinent to the examinations.

If the director implements a system of approving examinations, the rules shall include procedures and criteria for approval and fees for the approval. Each applicant for approval

shall submit a completed application to the director on a form the 656  
director shall prescribe and provide. The director shall issue 657  
evidence of approval to each applicant who meets the criteria for 658  
approval established in rules adopted under this division. 659

**Sec. 3742.09.** (A) ~~Any person desiring~~ An individual, business 660  
entity, or government entity seeking approval from the director of 661  
health for an environmental lead analytical laboratory or a 662  
clinical laboratory to perform lead testing shall submit an 663  
application for approval to the director on forms that ~~he~~ the 664  
director shall prescribe and provide. 665

(B) The director shall adopt rules in accordance with Chapter 666  
119. of the Revised Code to establish all of the following: 667

(1) Procedures and criteria for approval of clinical 668  
laboratories and environmental lead analytical ~~laboratories~~ 669  
laboratories, including lead testing requirements and the 670  
qualification of laboratory owners and personnel; 671

(2) Fees for application for approval of laboratories; 672

(3) Any other requirements pertinent to the operation of a 673  
clinical laboratory or an environmental lead analytical 674  
laboratory. 675

(C) The director shall issue the appropriate approval to any 676  
applicant who meets the requirements of division (A) of this 677  
section and rules adopted under division (B) of this section, pays 678  
the application fee, and demonstrates compliance with the 679  
record-keeping and reporting requirements established by rule 680  
adopted under section 3742.03 of the Revised Code. 681

(D) Each clinical laboratory approved under this section 682  
shall report to the director the presence, at levels established 683  
by rule adopted under section 3742.03 of the Revised Code, of 684  
lead, cadmium, mercury, or arsenic in a blood or urine specimen. 685

The report shall be made on a form prescribed by the director. 686

**Sec. 3742.10.** (A) The director of health shall maintain a 687  
list of both of the following: 688

(1) Lead inspectors, lead abatement contractors, lead 689  
abatement supervisors, lead risk assessors, lead abatement project 690  
designers, lead abatement workers, lead-safe renovation 691  
contractors, lead-safe renovators, and clearance technicians 692  
licensed under this chapter; 693

(2) Training programs approved under section 3742.08 of the 694  
Revised Code. 695

(B) Information contained in any list maintained under this 696  
section is a public record for the purposes of section 149.43 of 697  
the Revised Code and is subject to inspection and copying under 698  
section 1347.08 of the Revised Code. 699

**Sec. 3742.15.** Any ~~person~~ individual may file a complaint with 700  
the director of health concerning ~~a lead inspector, a lead~~ 701  
~~abatement contractor, a lead risk assessor, a lead abatement~~ 702  
~~project designer, a lead abatement worker, a clearance technician~~ 703  
an individual, business entity, or government entity licensed 704  
under section 3742.05 of the Revised Code, a clinical laboratory, 705  
an environmental lead analytical laboratory, or a training course. 706  
The complainant's name shall be confidential and shall not be 707  
released without the complainant's written consent. The director 708  
may investigate the complaint and take action under this chapter 709  
as the director considers appropriate. 710

**Sec. 3742.16.** In accordance with Chapter 119. of the Revised 711  
Code, the director of health may refuse to issue or renew, or may 712  
suspend or revoke, a license, ~~an accreditation or certification,~~ 713  
or an approval of any ~~person~~ individual, business entity, 714



government entity, training program, or laboratory for one or more 715  
of the following reasons: 716

(A) Violation of any provision of this chapter or the rules 717  
adopted under it; 718

(B) Failure to pay the fee for the issuance or renewal of a 719  
license, ~~an accreditation or certification,~~ or an approval; 720

(C) Any material misrepresentation in an application for a 721  
license, ~~an accreditation or certification,~~ or an approval; 722

(D) Interference with an investigation made pursuant to 723  
section 3742.35 of the Revised Code; 724

(E) Failure to meet the licensing requirements established by 725  
rule adopted under section 3742.03 of the Revised Code; 726

(F) Employment or use of lead abatement personnel ~~that~~ who 727  
are not licensed under this chapter; 728

(G) Employment or use of a lead-safe renovation contractor or 729  
lead-safe renovator who is not licensed under this chapter. 730

**Sec. 3742.17.** (A) Where any ~~person~~ individual, business 731  
entity, or government entity is licensed by the department of 732  
health to engage in lead abatement, lead inspection, lead 733  
abatement supervision, lead risk assessment, renovation, clearance 734  
examination, or any other activity under this chapter, the 735  
liability of that ~~person~~ individual or entity, when performing the 736  
activity in accordance with procedures established pursuant to 737  
state or federal law, for an injury to any individual or property 738  
caused or related to the activity shall be limited to acts or 739  
omissions of the ~~person~~ individual or entity during the course of 740  
performing the activity that can be shown, based on a 741  
preponderance of the evidence, to have been negligent. For the 742  
purposes of this section, the demonstration that acts or omissions 743

of a ~~person~~ an individual or entity performing lead abatement, 744  
lead inspection, lead abatement supervision, lead risk assessment, 745  
renovation, clearance examination, or other activities under this 746  
chapter were in accordance with generally accepted practice and 747  
with procedures established by state or federal law at the time 748  
the abatement, inspection, supervision, assessment, renovation, 749  
examination, or other activity was performed creates a rebuttable 750  
presumption that the acts or omissions were not negligent. 751

(B) Where any ~~person~~ individual, business entity, or 752  
government entity contracts with a ~~person~~ an individual, business 753  
entity, or government entity licensed as a lead inspector, lead 754  
abatement contractor, lead abatement supervisor, lead risk 755  
assessor, lead abatement project designer, lead abatement worker, 756  
lead-safe contractor, lead-safe renovator, or clearance technician 757  
the liability of that ~~person~~ individual or entity for lead-related 758  
injuries caused by the ~~person's contractee~~ licensee in the 759  
performance of lead abatement, lead inspection, lead abatement 760  
supervision, lead risk assessment, renovation, clearance 761  
examination, or other activities under this chapter shall be 762  
limited to those lead-related injuries arising from acts or 763  
omissions that the ~~person~~ individual or entity knew, or could 764  
reasonably have been expected to know, were not in accordance with 765  
generally accepted practices or with procedures established by 766  
state or federal law at the time the activity took place. 767

(C) Notwithstanding any other provisions of the Revised Code 768  
or rules of a court to the contrary, this section governs all 769  
claims for lead-related injuries to individuals or property 770  
arising from lead abatement, lead inspection, lead abatement 771  
supervision, lead risk assessment, renovation, clearance 772  
examination, or other activities for which a license is required 773  
under this chapter. 774

**Sec. 3742.18.** At the request of the director of health, the attorney general may commence a civil action for civil penalties and injunctive and other equitable relief against any ~~person who~~ individual, business entity, or government entity that violates section 3742.02, 3742.06, or 3742.07 of the Revised Code. The action shall be commenced in the court of common pleas of the county in which the violation occurred or is about to occur.

The court shall grant injunctive and other equitable relief on a showing that the ~~person~~ individual, business entity, or government entity has violated or is about to violate section 3742.02, 3742.06, or 3742.07 of the Revised Code. On a finding of a violation, the court shall assess a civil penalty of not more than one thousand dollars. Each day a violation continues is a separate violation. All civil penalties collected by the court under this section shall be deposited into the state treasury to the credit of the lead abatement personnel licensing fund created under section 3742.19 of the Revised Code.

**Sec. 3742.19.** (A) Except for any licensing examination fee collected and retained by an entity under contract pursuant to division (B) of section 3742.08 of the Revised Code, all fees collected under sections 3742.01 to 3742.18 of the Revised Code; any grant, contribution, or other moneys received for the purposes of those sections; and fines collected under section 3742.99 of the Revised Code shall be deposited into the state treasury to the credit of the lead abatement personnel licensing fund, which is hereby created. The Except as provided in division (B) of this section, moneys in the fund shall be used solely for the administration and enforcement of sections 3742.01 to 3742.18 of the Revised Code and the rules adopted under those sections.

(B) If the director of health determines that the amount in the fund exceeds the amount necessary to cover the anticipated

expenses of administering and enforcing sections 3742.01 to 806  
3742.18 of the Revised Code and the rules adopted under those 807  
sections for a six-month period in the fiscal year in which the 808  
determination is made, the director may request that the director 809  
of budget and management transfer all or part of the excess amount 810  
to the lead poisoning prevention fund created under section 811  
3742.51 of the Revised Code. If the director of budget and 812  
management agrees with the determination made by the director of 813  
health, the director of budget and management shall transfer all 814  
or part of the excess amount. 815

**Sec. 3742.35.** When the director of health or a board of 816  
health authorized to enforce sections 3742.35 to 3742.40 of the 817  
Revised Code becomes aware that an individual under six years of 818  
age has lead poisoning, the director or board shall conduct an 819  
investigation to determine the source of the lead poisoning. The 820  
director or board may conduct such an investigation when the 821  
director or board becomes aware that an individual six years of 822  
age or older has lead poisoning. The director or board shall 823  
conduct the investigation in accordance with rules adopted under 824  
section 3742.50 of the Revised Code. 825

In conducting the investigation, the director or board may 826  
request permission to enter the residential unit, child care 827  
facility, or school that the director or board reasonably suspects 828  
to be the source of the lead poisoning. If the property is 829  
occupied, the director or board shall ask the occupant for 830  
permission. If the property is not occupied, the director or board 831  
shall ask the property owner or manager for permission. If the 832  
occupant, owner, or manager fails or refuses to permit entry, the 833  
director or board may petition and obtain an order to enter the 834  
property from a court of competent jurisdiction in the county in 835  
which the property is located. 836

As part of the investigation, the director or board may 837  
review the records and reports, if any, maintained by a lead 838  
inspector, lead abatement contractor, lead abatement supervisor, 839  
lead risk assessor, lead abatement project designer, lead 840  
abatement worker, lead-safe renovation contractor, lead-safe 841  
renovator, or clearance technician. 842

**Sec. 3742.38.** The owner and manager of a residential unit, 843  
child care facility, or school that is subject to a lead hazard 844  
control order issued under section 3742.37 of the Revised Code 845  
shall cooperate with the director of health or board of health 846  
that issued the order in controlling each lead hazard specified in 847  
the order. The owner or manager shall choose a method of 848  
controlling each lead hazard that enables the residential unit, 849  
child care facility, or school to pass a clearance examination. 850  
The method chosen may be the owner or manager's personal 851  
preference, a proposal made by ~~a person~~ an individual, business 852  
entity, or government entity under contract with the owner or 853  
manager, or a recommendation that the director or board may 854  
provide. The owner or manager shall inform the director or board 855  
of the method that the owner or manager chooses to control each 856  
lead hazard. 857

**Sec. 3742.41.** (A) A property constructed before January 1, 858  
~~1950~~ 1978, that is used as a residential unit, child care 859  
facility, or school shall be legally presumed not to contain a 860  
lead hazard and not to be the source of the lead poisoning of an 861  
individual who resides in the unit or receives child care or 862  
education at the facility or school if the owner or manager of the 863  
unit, facility, or school successfully completes both of the 864  
following preventive treatments: 865

(1) Follows the essential maintenance practices specified in 866  
section 3742.42 of the Revised Code for the control of lead 867

hazards; 868

(2) Covers all rough, pitted, or porous horizontal surfaces 869  
of the inhabited or occupied areas within the unit, facility, or 870  
school with a smooth, cleanable covering or coating, such as metal 871  
coil stock, plastic, polyurethane, carpet, or linoleum. 872

(B) The owner or manager of a residential unit, child care 873  
facility, or school has successfully completed the preventive 874  
treatments specified in division (A) of this section if the unit, 875  
facility, or school passes a clearance examination in accordance 876  
with standards for passage established by rules adopted under 877  
section ~~3742.49~~ 3742.50 of the Revised Code. 878

(C) The legal presumption established under this section is 879  
rebuttable in a court of law only on a showing of clear and 880  
convincing evidence to the contrary. 881

**Sec. 3742.42.** (A) In completing the essential maintenance 882  
practices portion of the preventive treatments specified in 883  
section 3742.41 of the Revised Code, the owner or manager of a 884  
residential unit, child care facility, or school shall do all of 885  
the following: 886

~~(1) Use only safe work practices, which include compliance 887  
with section 3742.44 of the Revised Code, to prevent the spread of 888  
lead-contaminated dust;~~ 889

~~(2) Perform visual examinations for deteriorated paint, 890  
underlying damage, and other conditions that may cause exposure to 891  
lead;~~ 892

~~(3) Promptly and safely repair deteriorated paint or other 893  
building components that may cause exposure to lead and eliminate 894  
the cause of the deterioration;~~ 895

~~(4)~~(2) Ask tenants in a residential unit, and parents, 896  
guardians, and custodians of children in a child care facility or 897

school, to report concerns about potential lead hazards by 898  
providing written notices to the tenants or parents, guardians, 899  
and custodians or by posting notices in conspicuous locations; 900

~~(5) Perform~~ (3) Ensure that only an individual, business 901  
entity, or government entity licensed under this chapter performs 902  
the following activities: 903

(a) Promptly and safely repairs deteriorated paint or other 904  
building components that may cause exposure to lead and 905  
eliminating the cause of the deterioration; 906

(b) Performs specialized cleaning, as described in accordance 907  
with section 3742.45 of the Revised Code, to control 908  
lead-contaminated dust; 909

~~(6) Cover~~ (c) Covers any bare soil on the property, except 910  
soil proven not to be lead-contaminated; 911

(d) Performs all other activities necessary for carrying out 912  
the purposes of this section that are otherwise required by this 913  
chapter, and rules adopted under it, to be conducted by a licensed 914  
individual, business entity, or government entity. 915

~~(7)~~(4) Maintain a record of essential maintenance practices 916  
for at least three years that documents all essential maintenance 917  
practices; 918

~~(8) Successfully complete a training program in essential 919  
maintenance practices that has been approved under section 3742.47 920  
of the Revised Code. 921~~

(B) The areas of a residential unit, child care facility, or 922  
school that are subject to division (A) of this section include 923  
all of the following: 924

(1) The interior surfaces and all common areas of the unit, 925  
facility, or school; 926

(2) Every attached or unattached structure located within the 927

same lot line as the unit, facility, or school that the owner or 928  
manager considers to be associated with the operation of the unit, 929  
facility, or school, including garages, play equipment, and 930  
fences; 931

(3) The lot or land that the unit, facility, or school 932  
occupies. 933

**Sec. 3742.44.** ~~(A)~~ The following activities shall be 934  
considered unsafe work practices due to the likelihood that 935  
engaging in the activities will create lead hazards, and in no 936  
event shall any ~~person~~ individual, business entity, or government 937  
entity engage in the following activities when implementing the 938  
essential maintenance practices portion of the preventive 939  
treatments specified in section 3742.41 of the Revised Code: 940

~~(1)~~(A) Open flame burning or torching; 941

~~(2)~~(B) Machine sanding or grinding without a HEPA ~~local~~ 942  
vacuum exhaust tool; 943

~~(3)~~(C) Abrasive blasting or sandblasting without a HEPA ~~local~~ 944  
vacuum exhaust tool; 945

~~(4)~~(D) Use of a heat gun operating above one thousand one 946  
hundred degrees fahrenheit; 947

~~(5)~~(E) Charring paint; 948

~~(6)~~(F) Dry sanding; 949

~~(7)~~(G) Dry scraping, except when done as follows: 950

~~(a)~~(1) In conjunction with a heat gun operating at not more 951  
than one thousand one hundred degrees fahrenheit; 952

~~(b)~~(2) Within one foot of an electrical outlet; 953

~~(c)~~(3) To treat defective paint spots totaling not more than 954  
two square feet in an interior room or space or twenty square feet 955  
on an exterior surface. 956



<del>(8)(H)</del> Uncontained hydroblasting or high-pressure washing;	957
<del>(9)(I)</del> Paint stripping in a poorly ventilated space using a volatile stripper that is considered a hazardous substance under 16 C.F.R. 1500.3 or a hazardous chemical under 29 C.F.R. 1910.1200 or 29 C.F.R. 1926.59 in the type of work being performed.	958 959 960 961
<del>(B) A person may engage in the following activities when implementing the essential maintenance practices portion of the preventive treatments specified in section 3742.41 of the Revised Code, but only if licensed under this chapter or trained in essential maintenance practices as required by this chapter:</del>	962 963 964 965 966
<del>(1) Machine sanding or grinding performed with a HEPA local vacuum exhaust tool;</del>	967 968
<del>(2) Abrasive blasting or sandblasting performed with a HEPA local vacuum exhaust tool;</del>	969 970
<del>(3) Hydroblasting or high pressure washing if the activity is contained.</del>	971 972
<b>Sec. 3742.45.</b> (A) Specialized cleaning methods used to control lead-contaminated dust when implementing the essential maintenance practices portion of the preventive treatments specified in section 3742.41 of the Revised Code may include any of the following:	973 974 975 976 977
(1) Cleaning potentially lead-contaminated surfaces with a detergent;	978 979
(2) Vacuuming potentially lead-contaminated surfaces with a HEPA vacuum;	980 981
(3) Covering potentially lead-contaminated soil.	982
(B) <del>A person</del> <u>An individual</u> who uses or provides for others to use the specialized cleaning methods specified in division (A) of this section shall ensure that the cleaning is performed as	983 984 985

follows:	986
(1) The common areas of a building with more than one residential unit must undergo specialized cleaning at least annually, including hallways, stairways, laundry rooms, recreational rooms, playgrounds, boundary fences, and other portions of the building and its surroundings that are generally accessible to all residents.	987 988 989 990 991 992
(2) The interior of a residential unit that is vacated by its occupants must undergo specialized cleaning before it may be reoccupied.	993 994 995
(3) A child care facility or school must undergo specialized cleaning at least annually at a time when children are not present at the facility or school.	996 997 998
(4) In a residential unit, child care facility, or school, on completion of any maintenance or repair work that disturbs surfaces suspected or known to be painted with lead-based paint, the maintenance or repair work area must undergo specialized cleaning <del>if the area of the disturbed surfaces suspected or known to be painted with lead based paint totals more than one of the following:</del>	999 1000 1001 1002 1003 1004 1005
<del>(a) Twenty square feet or two square meters on exterior surfaces;</del>	1006 1007
<del>(b) Two square feet or two tenths of one square meter in any one interior room or space;</del>	1008 1009
<del>(c) Ten per cent of the total surface area on an interior or exterior component with a small surface area, such as window sills, baseboards, and trim.</del>	1010 1011 1012
<b>Sec. 3742.49.</b> The director of health, in consultation with the individual authorized by the governor to act as the state historic preservation officer, shall develop recommendations for	1013 1014 1015

controlling lead hazards that take into consideration the historic 1016  
nature of the property in which the hazards are located. The 1017  
director shall provide periodic notifications of the 1018  
recommendations to all ~~persons~~ individuals, business entities, and 1019  
public entities licensed under this chapter. All lead hazard 1020  
control orders issued under section 3742.37 of the Revised Code 1021  
shall inform the recipient of the recommendations developed under 1022  
this section. 1023

In no event shall ~~a person use~~ the recommendations be used as 1024  
justification for refusing to comply with a lead hazard control 1025  
order issued under section 3742.37 of the Revised Code. 1026

**Sec. 3742.50.** ~~(A)~~ The public health council shall adopt rules 1027  
in accordance with Chapter 119. of the Revised Code establishing 1028  
all of the following: 1029

~~(1)~~(A) Procedures necessary for the development and operation 1030  
of the child lead poisoning prevention program established under 1031  
section 3742.31 of the Revised Code; 1032

~~(2)~~(B) Standards and procedures for conducting investigations 1033  
and risk assessments under sections 3742.35 and 3742.36 of the 1034  
Revised Code; 1035

~~(3)~~(C) Standards and procedures for issuing lead hazard 1036  
control orders under section 3742.37 of the Revised Code, 1037  
including standards and procedures for determining appropriate 1038  
deadlines for complying with lead hazard control orders; 1039

~~(4)~~(D) The level of lead in human blood that is hazardous to 1040  
human health, consistent with the guidelines issued by the centers 1041  
for disease control and prevention in the public health service of 1042  
the United States department of health and human services; 1043

~~(5)~~(E) The level of lead in paint, dust, and soil that is 1044  
hazardous to human health; 1045

~~(6)(F)~~ Standards and procedures to be followed when 1046  
implementing preventive treatments for the control of lead hazards 1047  
pursuant to section 3742.41 of the Revised Code that are based on 1048  
information from the United States environmental protection 1049  
agency, department of housing and urban development, occupational 1050  
safety and health administration, or other agencies with 1051  
recommendations or guidelines regarding implementation of 1052  
preventive treatments; 1053

~~(7)(G)~~ Standards that must be met to pass a clearance 1054  
examination; 1055

~~(8)~~ Procedures for approving under section 3742.47 of the 1056  
Revised Code training programs in essential maintenance practices 1057  
and lead safe renovation and requirements, in addition to those 1058  
specified in section 3742.47 of the Revised Code, that a program 1059  
must meet to receive approval; 1060

~~(9)~~ The examination to be administered by a training program 1061  
approved under section 3742.47 of the Revised Code and the 1062  
examination's passing score. 1063

~~(B)~~ The public health council shall establish procedures for 1064  
revising its rules to ensure that the child lead poisoning 1065  
prevention activities conducted under this chapter continue to 1066  
meet the requirements necessary to obtain any federal funding 1067  
available for those activities, including requirements established 1068  
by the United States environmental protection agency, United 1069  
States department of housing and urban development, or any other 1070  
federal agency with jurisdiction over activities pertaining to 1071  
child lead poisoning prevention. 1072

**Sec. 3742.51.** (A) There is hereby created in the state 1073  
treasury the lead poisoning prevention fund. The fund shall 1074  
include all moneys appropriated to the department of health for 1075  
the administration and enforcement of sections 3742.31 to 3742.50 1076

3742.45 of the Revised Code and the rules adopted under those 1077  
sections. The fund shall also include any amounts transferred to 1078  
the fund under section 3742.19 of the Revised Code. Any grants, 1079  
contributions, or other moneys collected by the department for 1080  
purposes of preventing lead poisoning shall be deposited in the 1081  
state treasury to the credit of the fund. 1082

(B) Moneys in the fund shall be used solely for the purposes 1083  
of the child lead poisoning prevention program established under 1084  
section 3742.31 of the Revised Code, including providing financial 1085  
assistance to individuals who are unable to pay for the following: 1086

(1) Costs associated with obtaining lead tests and lead 1087  
poisoning treatment for children under six years of age who are 1088  
not covered by private medical insurance or are underinsured, are 1089  
not eligible for the medicaid program established under Chapter 1090  
5111. of the Revised Code or any other government health program, 1091  
and do not have access to another source of funds to cover the 1092  
cost of lead tests and any indicated treatments; 1093

(2) Costs associated with having lead abatement performed or 1094  
having the preventive treatments specified in section 3742.41 of 1095  
the Revised Code performed. 1096

**Sec. 3742.55.** In adopting rules under this chapter, the 1097  
public health council shall do both of the following: 1098

(A) Adopt rules that are at least as stringent as the 1099  
regulations established by the United States environmental 1100  
protection agency, United States department of housing and urban 1101  
development, or any other federal agency with jurisdiction over 1102  
activities pertaining to lead poisoning prevention. 1103

(B) Modify the rules as necessary to ensure that this state 1104  
continues to meet the requirements necessary to obtain any federal 1105  
funds available for activities pertaining to lead poisoning 1106

prevention, including requirements established by the United 1107  
States environmental protection agency, United States department 1108  
of housing and urban development, or any other federal agency with 1109  
jurisdiction over such activities. 1110

**Sec. 3742.99.** (A) At the request of the director of health or 1111  
a board of health, a prosecuting attorney, city director of law, 1112  
village solicitor, or similar chief legal officer may commence a 1113  
criminal action against ~~any person who~~ an individual or business 1114  
entity that violates any provision of section 3742.02, 3742.06, or 1115  
3742.07 of the Revised Code, any rule adopted under this chapter 1116  
that is directly related to any of the provisions of those 1117  
sections, or any order issued pursuant to this chapter that is 1118  
directly related to any of the provisions of those sections. 1119

(B) Upon conviction, the ~~person~~ individual or business entity 1120  
is subject to: 1121

(1) A fine of not more than one thousand dollars or 1122  
imprisonment for not more than six months, or both, for a first 1123  
offense; 1124

(2) A fine of at least one thousand but not more than five 1125  
thousand dollars or imprisonment for at least six months but not 1126  
more than three years, or both, for a second or subsequent 1127  
offense. Each day of violation is a separate offense. 1128

**Section 2.** That existing sections 3742.01, 3742.02, 3742.03, 1129  
3742.04, 3742.05, 3742.06, 3742.07, 3742.071, 3742.08, 3742.09, 1130  
3742.10, 3742.15, 3742.16, 3742.17, 3742.18, 3742.19, 3742.35, 1131  
3742.38, 3742.41, 3742.42, 3742.44, 3742.45, 3742.49, 3742.50, 1132  
3742.51, and 3742.99 and sections 3742.43, 3742.46, 3742.47, and 1133  
3742.48 of the Revised Code are hereby repealed. 1134