

1 Department of Health

2

3 Adopted Permanent Rules Relating to Lead Abatement

4

5 Rules as Adopted

6 4761.0100 APPLICABILITY.

7 Chapter 4761 applies to boards of health and any person  
 8 performing or ordering performance of lead abatement on  
 9 residential property and playgrounds. ~~In addition to lead~~  
 10 ~~abatement contractors and boards of health, this applicability~~  
 11 ~~includes, but is not limited to:~~

12 A. A property owner who personally performs lead  
 13 abatement, either is not exempt from this chapter, whether or  
 14 not the abatement is performed under an order to abate or  
 15 voluntarily, and whether or not the abatement is performed on a  
 16 residence that the owner occupies, and.

17 B. A tenant who personally performs lead abatement on  
 18 a the tenant's residence that the tenant occupies is not exempt  
 19 from this chapter.

20 C. Pursuant to Minnesota Statutes, section 144.878,  
 21 subdivision 5, after July 1, 1994, a person who performs work  
 22 that removes intact paint on residences built before February  
 23 27, 1978, must determine whether lead sources are present and  
 24 whether the planned work would be lead abatement as defined in  
 25 Minnesota Statutes, section 144.871, subdivision 2. This  
 26 determination may be made by quantitative chemical analysis,  
 27 x-ray fluorescence analyzer, or chemical spot test using sodium  
 28 rhodizonate. If lead sources are identified, the work must be  
 29 performed by a licensed lead abatement contractor. An owner of  
 30 an owner-occupied residence with one or two units is not subject  
 31 to the requirements of this item on either of the units owned.

32 4761.0200 DEFINITIONS.

33 [For text of subs 1 to 3, see M.R.]

34 Subp. 4. **Abrasive blasting.** "Abrasive blasting" has the  
 35 meaning given in part 7005.6020, subpart 2.

1 Subp. 5. **Assessment.** "Assessment" means preabatement  
2 sampling and analysis of residential property and playgrounds,  
3 as described in part 4761.0400.

4 Subp. 6. **Bare soil.** "Bare soil" means an outdoor area  
5 where soil is visible over a continuous area of one square foot  
6 or more.

7 [For text of subp 7, see M.R.]

8 Subp. 7a. **Child.** "Child" means a child as described in  
9 Minnesota Statutes, section 144.871.

10 [For text of subp 8, see M.R.]

11 Subp. 9. ~~Elevated-blood-lead-level--~~"Elevated-blood-lead  
12 level"--means-at-least-ten-micrograms-of-lead-per-decilitr-of  
13 whole-blood- [See repealer.]

14 [For text of subps 10 to 12, see M.R.]

15 Subp. 12a. **Lead abatement trainer.** "Lead abatement  
16 trainer" means an individual who educates contractors, workers,  
17 or other trainers about lead abatement.

18 Subp. 12b. **Lead abatement worker.** "Lead abatement worker"  
19 means an individual employed directly or indirectly to perform  
20 lead abatement as defined in Minnesota Statutes, section  
21 144.871, subdivision 2.

22 Subp. 13. ~~Modified-wet abrasive blasting.~~ "Modified-wet  
23 abrasive blasting" has the meaning given in part 7005.6020,  
24 subpart 8.

25 Subp. 13a. **Person.** "Person" has the meaning given in  
26 Minnesota Statutes, section 103I.005, subdivision 16.

27 Subp. 13c. ~~Point-of-use device.~~ "Point-of-use device"  
28 means a filter or water conditioner for drinking water that is  
29 attached at the tap.

30 Subp. 14. **Reassessment.** "Reassessment" means  
31 postabatement sampling and analysis of residential property and  
32 playgrounds, as described in part 4761.0600.

33 [For text of subp 15, see M.R.]

34 Subp. 15b. **Response action.** "Response action" means  
35 action to limit exposure to lead contaminated bare soil sites,  
36 including fencing, covering sites with vegetation, removal and

1 replacement of contaminated bare soil, and other appropriate  
2 action.

3 Subp. 15d. **Sponsor.** "Sponsor" means the person  
4 responsible for organizing and presenting a lead abatement  
5 training course or lead abatement annual refresher course to  
6 another person or group of persons.

7 [For text of subp 16, see M.R.]

8 Subp. 16a. **Swab team.** "Swab team" has the meaning given  
9 in Minnesota Statutes, section 144.871, subdivision 9.

10 Subp. 17. **Vacuum blasting.** "Vacuum blasting" has the  
11 meaning given in part 7005.6020, subpart 14.

12 [For text of subps 18 to 21, see M.R.]

13 4761.0300 STANDARDS.

14 Subpart 1. **Paint.** Residential paint must not:

15 A. contain lead in a concentration of one-half of one  
16 percent (5,000 parts per million) or more by dry weight as  
17 measured by quantitative chemical analysis; or

18 B. register one milligram of lead per square  
19 centimeter or more as measured by x-ray fluorescence analyzer  
20 unless quantitative chemical analysis shows that the lead  
21 content is less than one-half of one percent by dry weight.

22 [For text of subp 2, see M.R.]

23 Subp. 3. **Drinking water.** Drinking water must not contain  
24 15 micrograms of lead or more per liter of water.

25 Subp. 4. Bare soil. Bare soil on residential property or  
26 on playgrounds must not contain lead in a concentration of 1/100  
27 of one percent (100 parts per million) or more by weight.

28 4761.0400 ASSESSMENT.

29 Subpart 1. **General.** A board of health must conduct an  
30 assessment of ~~the~~ residential property and the bare soil in a  
31 playground known to be used by a pregnant woman or child with a  
32 blood lead level as described in Minnesota Statutes, section  
33 144.874, subdivision 1, and act on the findings of the  
34 assessment ~~as-described-in-this-part~~. If an assessment of ~~the~~  
35 residential property or playground fails to identify ~~one-or-more~~

1 ~~probable-sources-of-lead-exposure~~ paint, soil, dust, or drinking  
 2 water that exceeds a standard specified in part 4761.0300, then  
 3 the board of health must provide information to the resident  
 4 identifying the following as possible sources of lead exposure:

5 A. painted articles including toys and furniture;

6 B. metal objects including toys, jewelry, gunshot,  
 7 bullets, beads, fishing sinkers, and collapsable dispensing  
 8 tubes;

9 C. printed material, especially colored pictures in  
 10 magazines and newspapers;

11 D. ceramic containers;

12 E. matches;

13 F. tobacco items;

14 G. cosmetics and their containers, especially hair  
 15 preparations and folk cosmetics;

16 H. folk remedies including azarcon, greta, kohl,  
 17 surman, and pay-loo-ah;

18 I. cans of shellac, lacquer, drying agents, pigments,  
 19 epoxy resins, pipe sealants, putty, dyes, industrial crayons,  
 20 gasoline, and paint;

21 J. fungicides, insecticides, and pesticides;

22 K. batteries and battery casings;

23 L. materials burned for heat including painted wood  
 24 and battery casings;

25 M. parents' occupations; and

26 N. other locations where the child regularly spends  
 27 time.

28 Subp. 2. **Assessment required** contracting; optional testing.

29 ~~A-board-of-health-must-conduct-an-assessment-of-a-residence-to~~  
 30 ~~determine-sources-of-lead-exposure-if-a-pregnant-woman-in-the~~  
 31 ~~residence-has-a-blood-lead-level-of-at-least-ten-micrograms-per~~  
 32 ~~deciliter-or-if-a-child-in-the-residence-has-a-blood-lead-level~~  
 33 ~~of-at-least-20-micrograms-per-deciliter-or-has-had-a-blood-lead~~  
 34 ~~level-of-at-least-15-but-less-than-20-micrograms-per-deciliter~~  
 35 ~~for-90-days.~~ A board of health may contract for

36 assessments. ~~Notwithstanding-any-requirement-in-subparts-47-57~~

1 ~~and-67-a~~ Board of health ~~need-not-test~~ testing of the following  
 2 items under subparts 4, 5, and 6, is optional:

3 A. any material ~~that-would~~ not be subject to an  
 4 abatement order,--such-as;

5 B. intact paint ~~that-is~~ not ~~dust-producing,~~ producing  
 6 dust; and ~~need-not-test~~

7 C. any material ~~that-the~~ a property owner agrees has  
 8 agreed in writing to abate ~~as-a-lead-source.~~

9 Subp. 2a. Variance. A board of health may request a  
 10 variance from part 4761.0400 according to the procedures and  
 11 criteria specified in parts 4717.7000 to 4717.7050.

12 Subp. 3. Abatement required. A board of health must order  
 13 a property owner to perform abatement on a lead source that  
 14 exceeds a standard in part 4761.0300 at the residence of a  
 15 pregnant woman ~~who-has-a-blood-lead-level-of-at-least-ten~~  
 16 ~~micrograms-per-decilitr~~ or of a child who has a blood lead  
 17 level ~~of-at-least-20-micrograms-per-decilitr~~ or ~~who-has-had-a~~  
 18 ~~blood-lead-level-of-at-least-15-but-less-than-20-micrograms-per~~  
 19 ~~decilitr-for-90-days~~ as described in Minnesota Statutes,  
 20 section 144.874, subdivision 1. A board of health may order  
 21 in-place management of lead sources. In-place management of  
 22 lead sources includes encapsulation or the activities described  
 23 in Minnesota Statutes, section 144.871, subdivision 9.  
 24 Encapsulation is another means of in-place management.

25 Subp. 4. Paint. In conducting an assessment, a board of  
 26 health must test paint in a residence built prior to February  
 27 27, 1978, and must test paint from each type of surface, such as  
 28 a wall, floor, window well, windowsill, ceiling, shelf, door, or  
 29 fixture. A board of health must test deteriorating paint and  
 30 must test intact paint on surfaces that are accessible to small  
 31 children as chewable or lead-dust producing surfaces and that  
 32 are sources of actual lead exposure. A board of health is not  
 33 required to test paint on every surface within a residence. The  
 34 selected surfaces must be tested by either:

35 [For text of items A and B, see M.R.]

36 Subp. 5. Dust. In conducting an assessment, a board of

1 health must test dust from each type of horizontal hard surface,  
2 such as a floor, window well, windowsill, shelf, or fixture.  
3 Carpeting, if any, must be tested for lead in dust nearest the  
4 main entrance to the residence and elsewhere within the  
5 residence if the carpet appears to the board of health to be in  
6 a soiled or worn condition or has not been subject to regular  
7 cleaning with a vacuum cleaner. A board of health must also  
8 test dust from surfaces that are accessible to small children,  
9 that are lead-dust producing, and that are actual sources of  
10 lead exposure. A board of health is not required to test dust  
11 on every surface within a residence. Dust samples from hard  
12 surfaces must be analyzed by a method approved by the United  
13 States Environmental Protection Agency as described in subpart  
14 4, item B. Dust samples from carpeting must be analyzed by this  
15 method or by a method described in "Determination of Lead in  
16 Soil," Soil Testing and Research Analytical Laboratories,  
17 Department of Soil Science/Agricultural Experiment Station,  
18 University of Minnesota, Saint Paul, Minnesota, July 1990. This  
19 publication is incorporated by reference and is available  
20 through the Minitex interlibrary loan system. This publication  
21 is not subject to frequent change. A dust sample must be  
22 collected from an area of one square foot, if possible. For  
23 hard surfaces, either the method described in item A or B may be  
24 used. For carpeting, the method described in item B must be  
25 used. If the method in item B fails to collect enough of a dust  
26 sample from carpeting to conduct analysis, then the carpeting is  
27 considered to be in compliance. The information listed in item  
28 C must be recorded for each dust sample.

29 [For text of item A, see M.R.]

30 B. The person collecting the dust sample must use the  
31 following method:

32 (1) use a calibrated air pump at a flow rate of  
33 at least five liters of air per minute to draw air and dust into  
34 the sampling port of a filter cassette containing a high  
35 efficiency particulate filter through a three-millimeter  
36 interior diameter sampling tube cut at a 45-degree angle;

1 (2) pass the sampling tube over the surface three  
2 times, alternating directions; and

3 (3) disconnect and seal the filter cassette until  
4 analysis.

5 [For text of item C, see M.R.]

6 Subp. 6. **Drinking water.** In conducting an assessment, the  
7 board of health must test the drinking water in the residence.  
8 One liter of tap water that has been in plumbing pipes at least  
9 six hours must be collected without running any water to waste.  
10 This water sample must be drawn directly from either the  
11 cold-water kitchen tap or cold-water bathroom tap. A  
12 point-of-use device must be disconnected or bypassed while the  
13 sample is collected. Drinking water must be analyzed by a  
14 method approved by the United States Environmental Protection  
15 Agency in Code of Federal Regulations, chapter 40, part 136,  
16 table 1B "List of Approved Inorganic Test Procedures for Atomic  
17 Absorption or Inductively Coupled Plasma," Washington, D.C.,  
18 Government Printing Office.

19 Subp. 7. **Bare soil.** In conducting an assessment, the  
20 board of health must test bare soil from the residence. The  
21 board of health need not collect and test soil from the  
22 residence for possible soil lead if the property owner agrees to  
23 treat the bare soil according to the abatement procedures  
24 adopted by the Pollution Control Agency under Minnesota  
25 Statutes, section 144.878, subdivision 2, paragraph (b). Soil  
26 must be collected according to items A to F and must be analyzed  
27 by a method approved by the United States Environmental  
28 Protection Agency as described in subpart 4, item B, or  
29 described in "Determination of Lead in Soil," prepared by the  
30 Soil Testing and Research Analytical Laboratories, Department of  
31 Soil Science/Agricultural Experiment Station, University of  
32 Minnesota, Saint Paul, Minnesota, July 1990. This publication  
33 is available through the Minitex interlibrary loan system and is  
34 incorporated by reference. This publication is not subject to  
35 frequent change.

36 [For text of items A to F, see M.R.]

1       Subp. 8. **Bare soil assessment beyond a residence.** If a  
2 board of health undertakes the assessment of lead contamination  
3 in an area beyond a residence, the board of health must conduct  
4 the assessment according to the methods described in this  
5 subpart.

6                   [For text of items A to F, see M.R.]

7 4761.0500 LEAD ABATEMENT METHODS.

8       Subpart 1. **General.** Any person performing lead abatement  
9 must use the preparations, abatement methods, and cleanup  
10 methods in this part. In addition, this part applies whether  
11 the abatement was ordered by a board of health or undertaken  
12 voluntarily. Lead abatement ordered by a board of health must  
13 not begin until an assessment of lead sources within the  
14 residence is completed by the board of health according to part  
15 4761.0400 or until the property owner agrees in writing with the  
16 board of health to treat all paint, dust, drinking water, and  
17 bare soil according to the requirements of this part.

18                   [For text of subps 2 to 8, see M.R.]

19       Subp. 9. **Bare soil abatement.** The abatement methods  
20 prescribed in this subpart and subparts 10 to 14 apply to a  
21 person conducting abatement of bare soil that has been  
22 determined to exceed the bare soil standard established in part  
23 4761.0300.

24       Unless the bare soil contains visible paint chips, a person  
25 who is performing abatement of bare soil may elect either to  
26 cover the bare soil to prevent exposure or to remove the soil.  
27 Depending on which alternative is selected, the person must  
28 comply with the requirements applicable to the alternative  
29 selected.

30       Subp. 10. **Soil cover.** A person performing abatement of  
31 bare soil by covering the soil must comply with the requirements  
32 in items A to C.

33       A. **Living ground cover.** If the person intends to  
34 cover the bare soil with sod or other living material, the  
35 person must first till and rake the soil before laying the sod



1 or other living material.

2           B. Impervious cover. If the person intends to cover  
3 the bare soil with concrete, asphalt, or other similar material,  
4 the person must compact the soil prior to laying the concrete,  
5 asphalt, or other similar material.

6           C. Other cover material. If the person intends to  
7 cover the bare soil with sand, wood chips, or other nonliving,  
8 pervious material, no preparation to the bare soil is required  
9 prior to application of the sand, wood chips, or other material.

10          Subp. 11. **Soil removal.** A person performing abatement of  
11 bare soil must remove the soil if the soil contains visible  
12 paint chips. A person performing abatement of bare soil by  
13 removing the soil must either remove the soil from the premises  
14 and dispose of it in accordance with requirements of the  
15 Pollution Control Agency or bury the soil on the property under  
16 clean soil that has been excavated from the premises. In the  
17 event the commissioner determines that burial of the bare soil  
18 on the premises would threaten the groundwater or cause other  
19 environmental damage, the bare soil must be removed from the  
20 premises and disposed of in accordance with requirements of the  
21 Pollution Control Agency.

22          Subp. 12. **Abatement implementation.** A person who is  
23 performing abatement of bare soil, regardless of the method  
24 selected or required, must comply with items A to D.

25           A. Children must be prohibited from playing or  
26 otherwise coming in contact with the soil being disrupted during  
27 abatement.

28           B. Soil that is removed must be properly stored or  
29 disposed of at the end of each work day.

30           C. Soil on steps and walkways must be removed and  
31 steps, walkways, and foundations must be hosed off with water at  
32 the end of each work day and before replacing soil or new sod  
33 each day.

34           D. During installation of the soil cover, the person  
35 performing the abatement must keep the soil moist.

36          Subp. 13. **Abatement priority.** If abatement of bare soil

1 is done at a residential property or a playground in conjunction  
2 with other types of lead abatement, the abatement of the bare  
3 soil must be done after paint abatement but before interior dust  
4 abatement.

5 Subp. 14. **Abatement area.** In the event data establish  
6 that only a portion of the bare soil on a residential property  
7 or playground exceeds the bare soil standard, the person  
8 performing abatement is only required to abate the bare soil  
9 that exceeds the standard.

10 4761.0600 REASSESSMENT.

11 Subpart 1. **Reassessment required.** Abatement of lead in  
12 paint, dust, drinking water, ~~and~~ or bare soil is considered  
13 successfully completed when reassessment demonstrates compliance  
14 with standards in part 4761.0300. A board of health must  
15 conduct the reassessment of a residence or playground for which  
16 orders were issued under part 4761.0400, subpart 1.

17 Subp. 2. **Sample collection.** In conducting a reassessment,  
18 a board of health must collect interior dust samples from each  
19 type of horizontal surface that has been abated or exposed to  
20 dust from abatement. A board of health is not required to  
21 sample dust from every surface within a residence. A board of  
22 health must collect dust samples according to the method  
23 described in part 4761.0400, subpart 5. A board of health must  
24 collect a one-liter water sample ~~after-running-water-to-waste~~  
25 ~~for-30-seconds~~ from the tap from which the original sample was  
26 drawn. A point-of-use device must be disconnected or bypassed  
27 while the sample is collected unless the board of health orders  
28 that a point-of-use device be used to remove lead.

29 Subp. 3. **Sample analysis.** Dust samples must be analyzed  
30 by a method described in part 4761.0400. A water sample must be  
31 analyzed by the method described in part 4761.0400, subpart 6.

32 4761.0700 LEAD ABATEMENT CONTRACTOR DUTIES.

33 [For text of subps 1 and 2, see M.R.]

34 Subp. 3. **License and certificate.** A lead abatement  
35 contractor must obtain a license as required by part 4761.0710

1 and must ensure that each lead abatement worker employed by the  
2 contractor has obtained a certificate as required by part  
3 4761.0720.

4 Subp. 4. **Swab team.** Each member of a swab team is  
5 required to be a certified lead abatement worker.

6 4761.0710 LICENSING REQUIREMENTS FOR LEAD ABATEMENT CONTRACTORS.

7 Subpart 1. **License required.** A lead abatement contractor  
8 must obtain a license before doing lead abatement and must renew  
9 it annually. The license must be readily available at the  
10 contractor's primary place of business for inspection by the  
11 commissioner or by staff of a board of health with jurisdiction  
12 over a worksite. A license cannot be transferred. ~~A-property~~  
13 The owner of an owner-occupied residence with one or two units  
14 who personally performs lead abatement on a either of the units  
15 of the residence that-the-property-owner-occupies is not  
16 required to obtain this license but must comply with part  
17 4761.0500.

18 Subp. 2. **License application.** An application for license  
19 or license renewal must be on a form provided by the  
20 commissioner and must include:

21 A. a \$100 nonrefundable fee, in the form of a check;  
22 and

23 B. evidence that the applicant has successfully  
24 completed the lead abatement training course identified in part  
25 4761.0740, subpart 1, or has, within the previous 180 days,  
26 successfully completed an initial lead abatement training course  
27 approved under part 4761.0740.

28 Subp. 3. **License renewal.** A license is valid for one year  
29 from the issuance date unless the commissioner revokes it. An  
30 applicant must successfully complete either an initial lead  
31 abatement training course or an annual refresher lead abatement  
32 training course to apply for license renewal.

33 Subp. 4. **License replacement.** A licensed lead abatement  
34 contractor may obtain a replacement license by reapplying for a  
35 license. A replacement expires on the same date as the original

1 license. A nonrefundable \$50 fee is required with each  
2 replacement application.

3 Subp. 5. **Denial of license application.** An application  
4 for licensure or a replacement license must be denied for a  
5 reason listed in part 4761.0750, subpart 1. An applicant who  
6 submits an approvable application within 60 days of initial  
7 denial is not required to pay a second fee.

8 4761.0720 CERTIFICATION OF LEAD ABATEMENT WORKERS.

9 Subpart 1. **Certificate required.** A lead abatement worker  
10 must obtain a certificate before doing lead abatement and must  
11 renew it annually. The lead abatement worker must have the  
12 certificate readily available at lead abatement worksites for  
13 inspection by the commissioner or by staff of a board of health  
14 with jurisdiction at a worksite. A certificate must not be  
15 copied and cannot be transferred. A property owner who  
16 personally performs lead abatement on a residence that the  
17 property owner occupies is not required to have a lead abatement  
18 worker's certificate but must comply with part 4761.0500.

19 Subp. 2. **Certificate application.** An application for  
20 certification and certificate renewal must:

21 A. be on a form provided by the commissioner and  
22 include a nonrefundable fee of \$50 in the form of a check; and

23 B. include evidence that the applicant has  
24 successfully completed the training course identified in part  
25 4761.0740, subpart 1, or has, within the previous 180 days,  
26 successfully completed an initial lead abatement training course  
27 approved under part 4761.0740.

28 Subp. 3. **Certificate renewal.** A certificate is valid for  
29 one year from the issuance date unless the commissioner revokes  
30 it. An applicant must successfully complete either an initial  
31 lead abatement training course or an annual refresher lead  
32 abatement training course to apply for certificate renewal.

33 Subp. 4. **Certificate replacement.** A lead abatement worker  
34 may obtain a replacement by reapplying for a certificate. A  
35 replacement expires on the same date as the original

1 certificate. A nonrefundable \$25 fee is required with each  
2 application for a replacement certificate.

3 Subp. 5. **Denial of certificate application.** An  
4 application for certification or a replacement certificate must  
5 be denied for a reason listed in part 4761.0750, subpart 1. A  
6 person who submits an approvable application within 60 days of  
7 initial denial is not required to pay a second fee.

8 4761.0730 CERTIFICATION OF LEAD ABATEMENT TRAINERS.

9 Subpart 1. **Certificate required.** A person who provides  
10 lead abatement training, which is not part of a lead abatement  
11 training course approved under part 4761.0740, must obtain a  
12 certificate before providing lead abatement training and must  
13 renew it annually. A lead abatement trainer must have the  
14 certificate readily available at training sites for inspection  
15 by the commissioner or by staff of a board of health with  
16 jurisdiction at a training site. A certificate must not be  
17 copied and cannot be transferred.

18 Subp. 2. **Certificate application.** An application for  
19 certification and certificate renewal must:

20 A. be on a form provided by the commissioner and  
21 include a nonrefundable fee of \$50 in the form of a check; and

22 B. include evidence that the applicant has  
23 successfully completed the training course identified in part  
24 4761.0740, subpart 1, or has, within the previous 180 days,  
25 successfully completed an initial lead abatement training course  
26 approved under part 4761.0740.

27 Subp. 3. **Certificate renewal.** A certificate is valid for  
28 one year from the issuance date unless the commissioner revokes  
29 it. An applicant must successfully complete either an initial  
30 lead abatement training course or an annual refresher lead  
31 abatement training course to apply for certificate renewal.

32 Subp. 4. **Certificate replacement.** A lead abatement  
33 trainer may obtain a replacement certificate by reapplying for a  
34 certificate. A replacement expires on the same date as the  
35 original certificate. A nonrefundable \$25 fee is required with

1 each replacement application.

2 Subp. 5. Denial of certificate application. An  
3 application for certification or a replacement certificate must  
4 be denied for a reason listed in part 4761.0750, subpart 1. A  
5 person who submits an approvable application within 60 days of  
6 denial is not required to pay a second fee.

7 4761.0740 APPROVAL OF LEAD ABATEMENT TRAINING COURSES.

8 Subpart 1. Approved lead abatement training course. The  
9 course titled "Lead-Based Paint Detection and Abatement in  
10 Residential Housing," presented March 31 to April 2, 1992, under  
11 contract to the Department of Health is an approved initial lead  
12 abatement training course. A lead abatement course sponsored by  
13 a regional lead training center established by the United States  
14 Environmental Protection Agency is also an approved initial lead  
15 abatement training course.

16 Subp. 2. Approval of lead abatement training course. A  
17 sponsor of a lead abatement initial or annual refresher training  
18 course must meet the requirements in this part and must be  
19 approved by the commissioner in writing. A sponsor must present  
20 the course at least annually and renew course approval  
21 biennially or when the course content is modified. The fee  
22 required in this subpart is required with initial and biennial  
23 applications for course approval and with modification of any of  
24 the course content. At least ~~90~~ 30 days before the start of a  
25 lead abatement training course, a sponsor must inform the  
26 commissioner in writing of the schedule for the course. A  
27 sponsor must permit the commissioner to attend, evaluate, and  
28 monitor a lead abatement training course and course examinations  
29 at no cost. The commissioner need not give advance notice of  
30 attendance. An application must be on a form provided by the  
31 commissioner and must include:

32 A. a \$100 nonrefundable fee, in the form of a check;

33 B. the course instructors' qualifications in  
34 presenting adult education and in lead abatement;

35 C. the course outline and manual and a description of

1 the presentation method, such as live lecture or videotape, for  
2 each topic; and

3 D. copies of any materials to be projected, such as  
4 photographic slides.

5 Subp. 3. **Initial lead abatement training course**  
6 **requirements.** An initial lead abatement training course must  
7 meet the requirements of this subpart to be approved.  
8 Videotapes may be used to present topics but an instructor must  
9 be present to answer questions. Live lectures must be provided  
10 on any change in federal or state laws governing lead abatement  
11 during the preceding year. An examination must be provided that  
12 addresses all the topics in item E. When the commissioner  
13 prepares a standard examination, the standard examination must  
14 be administered to course participants. For an initial lead  
15 abatement training course, a sponsor must:

16 A. require that course participants attend the entire  
17 training course as a condition for successful course completion  
18 and maintain a daily sign-in attendance sheet to document  
19 attendance at each training course and provide a copy of this  
20 record to the commissioner;

21 B. ensure that demonstrations and hands-on training  
22 are taught by instructors with experience in lead abatement;

23 C. administer and monitor a written, closed-book  
24 examination and ensure that the examination is passed on  
25 personal merit;

26 D. present an initial training course that lasts at  
27 least three 24 hours, minus breaks and meals, which must be  
28 completed within 30 calendar days of-eight-hours-each, minus  
29 breaks-and-lunch from the start of the course;

30 E. address the following topics:

31 (1) history of the commercial use of lead;  
32 (2) health effects of lead exposure on children  
33 and adults, especially lead abatement workers;

34 (3) this chapter 4761;

35 (4) lead abatement requirements of the United  
36 States Department of Housing and Urban Development as described

1 in "Lead-Based Paint: Interim Guidelines for Hazard  
2 Identification and Abatement in Public and Indian Housing,"  
3 September 1990, Office of Public and Indian Housing;

4 (5) lead exposure regulations under the  
5 Occupational Safety and Health Act, Code of Federal Regulations,  
6 title 29, section 1910;

7 (6) legal and insurance issues related to lead  
8 abatement;

9 (7) respiratory protection including hands-on  
10 respirator inspection, cleaning, and fit testing;

11 (8) personal protective clothing and equipment  
12 including demonstrations of use;

13 (9) lead abatement methods including removal,  
14 replacement, and encapsulation;

15 (10) site preparation including containment  
16 methods and cleanup including demonstrations of a high  
17 efficiency particle accumulator vacuum;

18 (11) planning lead abatement work including  
19 contract specifications and project management;

20 (12) clearance criteria; and

21 (13) residential sources of asbestos; and

22 F. after July 1, 1993, in addition to item D, an  
23 initial lead abatement training course must include ~~an~~  
24 ~~eight-hour-session~~ eight hours on lead abatement training in  
25 which each participant practices use of personal protection  
26 equipment, site preparation, lead abatement methods, and  
27 cleanup. The total training time required by this item and item  
28 D, is 32 hours of training which must be completed within 30  
29 calendar days of the start of the course.

30 Subp. 4. **Annual refresher lead abatement course**  
31 **requirements.** An annual refresher lead abatement training  
32 course must meet the requirements of subpart 3, items A, B, and  
33 C, and must last at least eight hours, minus breaks and lunch,  
34 to be approved. Videotapes may be used to present course topics  
35 but an instructor must be present to answer questions. Live  
36 lectures must be presented on any change in federal or state



1 laws governing lead abatement during the preceding year. An  
2 examination that addresses all the topics in subpart 3, item E,  
3 must be administered. When the commissioner prepares a standard  
4 examination, the standard examination must be administered to  
5 course participants.

6       **Subp. 5. Duration of lead abatement training course**  
7 **approval.** Approval of an initial lead abatement training course  
8 or an annual refresher lead abatement training course is valid  
9 for two years unless the commissioner revokes the approval.

10 4761.0750 DISCIPLINARY ACTION.

11       **Subpart 1. Commissioner action.** The commissioner may deny  
12 an application, revoke, or impose limitations or conditions on a  
13 license, certificate, or training course approval if the  
14 licensed lead abatement contractor, certified lead abatement  
15 worker, certified lead abatement trainer, or approved lead  
16 abatement training course sponsor:

17           A. violates a provision of this chapter;

18           B. submits an application that is incomplete,  
19 inaccurate, lacks the required fee, or submitted an invalid  
20 check;

21           C. obtains a license, certificate, or approval  
22 through error, fraud, or cheating;

23           D. provides false or fraudulent information on forms;

24           E. aids or allows an unlicensed or uncertified person  
25 to engage in activities for which a license or certificate is  
26 required;

27           F. endangers public health or safety;

28           G. has been convicted during the previous five years  
29 of a felony or gross misdemeanor related to residential lead  
30 abatement; or

31           H. has violated any provision of Minnesota Statutes,  
32 section 270.72, 325F.69, or 325F.71.

33       **Subp. 2. Revoked license, certificate, or course**  
34 **approval.** An application for licensure, certification, or  
35 course approval that has been denied may be resubmitted when the

1 reasons for denial have been corrected. A person whose license,  
2 certificate, or course approval is revoked may not apply for a  
3 license, certificate, or course approval within one year of the  
4 date of revocation. After one year, the application  
5 requirements in parts 4761.0710 to 4761.0740, as appropriate,  
6 must be followed by an applicant for a license, certificate, or  
7 course approval.

8 4761.0760 PRIORITIES FOR RESPONSE ACTION FOR RESIDENTIAL SITES  
9 AND PLAYGROUNDS.

10 Parts 4761.0760 to 4761.0790 establish procedures for  
11 determining priorities for response action for residential sites  
12 and playgrounds in the state where soils are found to be  
13 contaminated with lead, as required by Minnesota Statutes,  
14 section 144.878, subdivision 2a.

15 4761.0780 ABATEMENT PRIORITY LIST.

16 A distributing authority shall prepare an abatement  
17 priority list that ranks known sites within the distributing  
18 authority's jurisdiction according to the priorities established  
19 in part 4761.0770. The abatement list must list those known  
20 residences and playgrounds that are priority one or priority two  
21 and those known census tracts as priority 3A, 3B, 3C, or 3D.  
22 The abatement list must be prepared before the distributing  
23 authority uses public funds to abate any site.

24 4761.0790 RESPONSE ACTION.

25 Subpart 1. **Use of public funds.** No distributing authority  
26 shall authorize public funds for abatement until the authority  
27 has prepared an abatement priority list. Public funds shall be  
28 used for abatement in order of priority established by the  
29 abatement priority list.

30 Subp. 2. **Additional abatement.** Nothing in parts 4761.0760  
31 to 4761.0790 shall be construed to preclude any person from  
32 abating any site, regardless of priority, if the person pays for  
33 the abatement without the use of public funds or if the soil  
34 abatement is part of a publicly funded abatement project that is

1 not strictly limited to soil lead abatement.

2 Subp. 3. **Abatement not required.** Parts 4761.0760 to  
3 4761.0790 do not require:

4 A. any person to abate any site at that person's  
5 expense; or

6 B. a distributing authority to abate any site that  
7 does not exceed the soil lead standard in part 4761.0300.

8 4761.0795 LOCAL ENFORCEMENT.

9 Nothing in this chapter shall be construed to restrict the  
10 authority of any local governmental body from enforcing  
11 applicable laws regulating the amount of lead in material.

12

13 RENUMBERER. Minnesota Rules, parts 4760.0015, subpart 8, is  
14 renumbered as 4761.0200, subpart 13b; 4760.0015, subpart 9, is  
15 renumbered as 4761.0200, subpart 15a; ~~4760.0020-is-renumbered-as~~  
16 ~~4761.0300,-subpart-4;~~ 4760.0510, subpart 3, is renumbered as  
17 4761.0200, subpart 8a; 4760.0510, subpart 9, is renumbered as  
18 4761.0200, subpart 15c; ~~4760.0520-is-renumbered-as-4761.0770;~~  
19 4760.0530, subpart 2, is renumbered as 4761.0780, subpart 2; and  
20 4760.0530, subpart 3, is renumbered as 4761.0780, subpart 3.

21 REPEALER. Minnesota Rules, parts 4760.0010; 4760.0015, subparts  
22 1, 2, 3, 4, 5, and 7; 4760.0020; 4760.0030; 4760.0040;  
23 4760.0045; 4760.0050; 4760.0500; 4760.0510, subparts 1, 2, 4, 5,  
24 6, 7, and 8; 4760.0520; 4760.0530, subpart 1; ~~and 4760.0540;~~ and  
25 4761.0200, subpart 9, are repealed.