

1.1 **Department of Health**

1.2 **Proposed Permanent Rules Governing Lead Renovation, Repair, and Paint**

1.3 **4620.6000 GENERAL.**

1.4 Subpart 1. **Applicability.** A renovation is subject to parts 4620.6000 to 4620.6725 if
1.5 a renovation is performed for compensation and:

1.6 A. disrupts more than six square feet of paint in an interior room;

1.7 B. disrupts more than 20 square feet of paint on an exterior surface;

1.8 C. is less than six square feet in an interior room and involves the use of prohibited
1.9 practices under part 4620.6250;

1.10 D. is less than 20 square feet on exterior surfaces and involves the use of prohibited
1.11 practices under part 4620.6250; or

1.12 E. involves window replacement.

1.13 Subp. 2. **Exemptions.** The following activities are exempt from parts 4620.6000 to
1.14 4620.6725:

1.15 A. a renovation where:

1.16 (1) a licensed lead inspector or a licensed lead risk assessor makes a written
1.17 determination that the building components affected by the renovation are free of lead-based
1.18 paint; and

1.19 (2) the person performing the renovation has obtained a copy of the written
1.20 determination under subitem (1);

1.21 B. a renovation where a lead renovator tests each building component affected
1.22 by the renovation using a recognized test kit and makes a written determination that all
1.23 building components are free of lead-based paint;

C. a project that involves the complete demolition of an affected property;

D. a work area involving asbestos abatement that is regulated under parts 4620.3000 to 4620.3724;

E. an emergency renovation until the cause of the emergency is controlled; and

F. a renovation performed by a domiciled homeowner.

Subp. 3. **Renovation; lead hazard.** All renovation involving a lead hazard identified during a risk assessment must be performed by a certified lead firm according to parts 4761.2000 to 4761.2700.

4620.6025 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4620.6000 to 4620.6725 have the meanings given them in this part.

Subp. 2. **Affected property.** "Affected property" means any property constructed before 1978 and includes:

A. a building used as single-family habitation, including attached structures such as porches, stoops, and all other structures located within the same lot;

B. a dwelling unit within a building used as multifamily habitation, including common areas located within the same building and exterior structures; and

C. a child-occupied facility in a building, or portion of a building, that is visited by the same child who is under six years of age and:

(1) the combined weekly visits last at least six hours; and

(2) the combined annual visits last at least 60 hours.

Subp. 3. **Area preparation.** "Area preparation" means:

A. removing objects from the work area;

3.1 B. installing work area barriers to isolate objects from the work area; and

3.2 C. covering objects and structures in the work area.

3.3 Subp. 4. **Building component.** "Building component" means specific design elements,
3.4 structural elements, or fixtures of an affected property that are distinguished from each other
3.5 by form, function, and location.

3.6 Subp. 5. **Certified renovation firm.** "Certified renovation firm" has the meaning
3.7 given in Minnesota Statutes, section 144.9501, subdivision 6e.

3.8 Subp. 6. **Cleaning verification card.** "Cleaning verification card" means a card that
3.9 is developed, distributed, and approved by the EPA and used for determining if
3.10 postrenovation cleaning is complete by comparing the card with wet and dry disposable
3.11 cleaning cloths.

3.12 Subp. 7. **Commissioner.** "Commissioner" means the commissioner of health or the
3.13 commissioner's designee.

3.14 Subp. 8. **Common area.** "Common area" means a portion of a building that is generally
3.15 accessible to all residential occupants, including a hallway, stairway, laundry or recreational
3.16 room, play area, community center, on-site day care facility, garage, or boundary fence.

3.17 Subp. 9. **Compensation.** "Compensation" means money or other mutually agreed
3.18 upon form of payment given or received as an equivalent for services.

3.19 Subp. 10. **Contracting entity.** "Contracting entity" has the meaning given in Minnesota
3.20 Statutes, section 144.9501, subdivision 7b.

3.21 Subp. 11. **Demolition.** "Demolition" means:

3.22 A. wrecking or taking out of any load-supporting structural member of the facility
3.23 together with any related handling operations; or

3.24 B. burning the facility.

4.1 Subp. 12. **Dry disposable cleaning cloth.** "Dry disposable cleaning cloth" means a
4.2 commercially available, dry, electrostatically charged, disposable cloth designed for cleaning
4.3 hard surfaces such as an uncarpeted floor or a countertop.

4.4 Subp. 13. **Emergency renovation.** "Emergency renovation" means an unplanned
4.5 renovation activity conducted in response to an unexpected event that, if not addressed
4.6 immediately, results in one or more of the following:

4.7 A. a safety hazard;

4.8 B. a public health hazard;

4.9 C. equipment damage; or

4.10 D. property damage.

4.11 Subp. 14. **EPA.** "EPA" means the United States Environmental Protection Agency.

4.12 Subp. 15. **High-efficiency particulate air filter or HEPA filter.** "High-efficiency
4.13 particulate air filter" or "HEPA filter" means a filter capable of trapping and retaining at
4.14 least 99.97 percent of all monodispersed particles 0.3 microns in diameter or larger.

4.15 Subp. 16. **HEPA vacuum.** "HEPA vacuum" means a vacuum cleaner that is designed
4.16 with a HEPA filter as the last filtration stage where all the air drawn into the machine is
4.17 expelled through the HEPA filter.

4.18 Subp. 17. **Lead-based.** "Lead-based" means paint that:

4.19 A. contains lead in a concentration of at least one-half of one percent (5,000 parts
4.20 per million) or more by dry weight as measured by atomic absorption spectrophotometry
4.21 or by quantitative chemical analyses; or

4.22 B. registers at least one milligram of lead per square centimeter or more as
4.23 measured by an x-ray fluorescence analyzer, unless atomic absorption spectrophotometry

5.1 or quantitative chemical analyses show that the lead content is less than one-half of one
5.2 percent by dry weight.

5.3 Subp. 18. **Lead inspector.** "Lead inspector" has the meaning given in Minnesota
5.4 Statutes, section 144.9501, subdivision 19.

5.5 Subp. 19. **Lead renovator.** "Lead renovator" has the meaning given in Minnesota
5.6 Statutes, section 144.9501, subdivision 26c, and means an individual who holds a valid
5.7 training course diploma from a training course accepted by the commissioner.

5.8 Subp. 20. **Lead risk assessor.** "Lead risk assessor" has the meaning given in Minnesota
5.9 Statutes, section 144.9501, subdivision 20c.

5.10 Subp. 21. **Lead sampling technician or dust sampling technician.** "Lead sampling
5.11 technician" or "dust sampling technician" has the meaning given in Minnesota Statutes,
5.12 section 144.9501, subdivision 22b, and means an individual who holds a valid training
5.13 course diploma from a training course accepted by the commissioner.

5.14 Subp. 22. **Lead supervisor.** "Lead supervisor" has the meaning given in Minnesota
5.15 Statutes, section 144.9501, subdivision 22a.

5.16 Subp. 23. **Lead worker.** "Lead worker" has the meaning given in Minnesota Statutes,
5.17 section 144.9501, subdivision 23.

5.18 Subp. 24. **Person.** "Person" has the meaning given in Minnesota Statutes, section
5.19 326.71, subdivision 8.

5.20 Subp. 25. **Paint.** "Paint" means a film-forming material applied to coat or penetrate
5.21 a surface. Examples include latex and oil-based paint, stain, varnish, glaze, and sealant.

5.22 Subp. 26. **Pamphlet.** "Pamphlet" means the EPA pamphlet entitled Renovate Right:
5.23 Important Lead Hazard Information for Families, Child Care Providers and Schools

6.1 developed under United States Code, title 15, parts 2601 to 2692, section 406(a), or any
6.2 state or tribal pamphlet approved by the EPA.

6.3 Subp. 27. **Recognized test kit.** "Recognized test kit" means a commercially available
6.4 kit, approved by the EPA under Code of Federal Regulations, title 40, section 745.88, that
6.5 allows a user to determine the presence of lead-based paint.

6.6 Subp. 28. **Renovation.** "Renovation" means the modification of any pre-1978 affected
6.7 property that results in the disturbance of known or presumed lead-containing painted
6.8 surfaces. A renovation performed for the purpose of converting a building, or part of a
6.9 building, into an affected property or a child-occupied facility is a renovation.

6.10 Subp. 29. **Responsible individual.** "Responsible individual" means an individual who
6.11 has the authority to represent a certified renovation firm in all matters related to certification
6.12 and is trained as a lead renovator under part 4620.6100.

6.13 Subp. 30. **Training course.** "Training course" means an instruction course, permitted
6.14 by the commissioner, for a lead renovator or a lead or dust sampling technician.

6.15 Subp. 31. **Training hour.** "Training hour" means at least 50 minutes of instruction,
6.16 including time devoted to lecture, learning activities, small group activities, demonstrations,
6.17 evaluations, and hands-on experience.

6.18 Subp. 32. **Vertical containment.** "Vertical containment" means a vertical barrier
6.19 consisting of plastic sheeting or other disposable, impermeable material to contain the work
6.20 area.

6.21 Subp. 33. **Wet disposable cleaning cloth.** "Wet disposable cleaning cloth" means a
6.22 commercially available, premoistened, disposable cloth that is white and designed for
6.23 cleaning hard surfaces such as an uncarpeted floor or a countertop.

7.1 Subp. 34. **Wet mopping system.** "Wet mopping system" means a device with a long
7.2 handle, a mop head designed for use with disposable cleaning pads, and a mechanism for
7.3 spraying the cleaning solution onto a floor.

7.4 Subp. 35. **Work area.** "Work area" means an area that a certified renovator establishes
7.5 to contain the dust and debris generated by a renovation.

7.6 Subp. 36. **Work area barrier.** "Work area barrier" means a barrier constructed to
7.7 separate and isolate a work area, including a barrier constructed over doors, windows, and
7.8 air passageways.

7.9 Subp. 37. **Work plan.** "Work plan" means the written plan developed and used by a
7.10 certified renovation firm to identify the work site, specific work areas, and renovation
7.11 methods used. A work plan may be written, electronic, or digitally based.

7.12 Subp. 38. **Written acknowledgment.** "Written acknowledgment" means documentation
7.13 that a pamphlet was delivered to the adult occupant of an affected property to be renovated.

7.14 **4620.6050 RENOVATION FIRM CERTIFICATION.**

7.15 Subpart 1. **General requirements.** A person performing renovation must be certified
7.16 as a renovation firm.

7.17 Subp. 2. **Certification application.** An applicant for renovation firm certification
7.18 must submit to the commissioner:

7.19 A. a completed application on a form provided by the commissioner;

7.20 B. a nonrefundable application fee, required under Minnesota Statutes, section
7.21 144.9505, subdivision 1h, payable to the Minnesota Department of Health;

7.22 C. the name, contact information, and renovation course diploma number of the
7.23 responsible individual; and

7.24 D. the Minnesota business identification number.

8.1 Subp. 3. **Workers' compensation.** As part of the renovation firm application, an
8.2 applicant must provide:

8.3 A. evidence of workers' compensation insurance as required under Minnesota
8.4 Statutes, section 176.182; or

8.5 B. a letter to the commissioner stating why the applicant is not liable to pay
8.6 workers' compensation under Minnesota Statutes, chapter 176. The letter must be signed
8.7 and dated by the responsible individual or a designated company representative.

8.8 Subp. 4. **Responsible individual.**

8.9 A. A certified renovation firm must, at all times, have a responsible individual
8.10 who represents the firm.

8.11 B. Within 14 days of a change in the responsible individual, a certified renovation
8.12 firm must provide a written statement to the commissioner that includes:

8.13 (1) the name of the new responsible individual;

8.14 (2) the date when the new responsible individual assumed the duties; and

8.15 (3) a copy of the current renovator training diploma number for the new
8.16 responsible individual.

8.17 Subp. 5. **Denial of renovation firm certification application.**

8.18 A. The commissioner shall deny an application for a renovation firm certification
8.19 if an applicant fails to comply with the requirements of subparts 2 to 4.

8.20 B. The commissioner shall follow the criteria for a denial of an application under
8.21 Minnesota Statutes, section 144.99, subdivision 8, paragraph (a) or (b).

8.22 C. The commissioner must notify an applicant in writing of the denial of the
8.23 license application and provide the reason for the denial.

9.1 D. An applicant is not required to reapply and submit an additional application
9.2 fee if the applicant submits the corrected deficiencies enumerated in the commissioner's
9.3 denial notification within 30 days of receipt of the denial notification.

9.4 E. An applicant must submit a fee for all subsequent applications.

9.5 Subp. 6. **Term of renovation firm certification.** A renovation firm certification is
9.6 valid for two years from the date of issuance unless the certification is revoked or suspended
9.7 by the commissioner. A renovation firm certification is not transferable.

9.8 Subp. 7. **Renovation firm certification renewal.** An applicant may renew renovation
9.9 firm certification according to subpart 2.

9.10 Subp. 8. **Procedure for obtaining duplicate certificate.** The commissioner shall
9.11 issue a duplicate certificate upon request from a certified renovation firm. The commissioner
9.12 shall not charge a fee for a duplicate certificate.

9.13 **4620.6075 USE OF QUALIFIED INDIVIDUALS.**

9.14 Subpart 1. **Qualified individuals.** A certified renovation firm must use only the
9.15 following individuals to perform renovation:

9.16 A. a lead renovator;

9.17 B. a licensed lead supervisor;

9.18 C. a licensed lead worker; or

9.19 D. an individual who is trained by a lead renovator.

9.20 Subp. 2. **Training conducted by a lead renovator.**

9.21 A. A lead renovator may train an individual on specific work practices.

9.22 B. The training an individual receives from a lead renovator under item A is valid
9.23 for four years.

10.1 C. A certified renovation firm must document the training under item A and
10.2 include the:

10.3 (1) name of the lead renovator who conducted the training;

10.4 (2) names of all individuals trained;

10.5 (3) date of the training;

10.6 (4) specific work practices included in the training for each individual.

10.7 Subp. 3. **Required work site personnel.** A certified renovation firm must have a
10.8 trained renovator present at the renovation site at all times during area preparation and
10.9 cleaning verification.

10.10 Subp. 4. **Lead sampling activities.** A certified renovation firm must use only a trained
10.11 lead or dust sampling technician, licensed lead inspector, or licensed lead risk assessor to
10.12 perform lead sampling technician activities.

10.13 **4620.6100 LEAD RENOVATOR TRAINING.**

10.14 Subpart 1. **Training required.** An individual who supervises renovation or has the
10.15 authority to act as the responsible individual of the certified renovation firm at the renovation
10.16 site must be trained as a lead renovator.

10.17 Subp. 2. **Training requirements.**

10.18 A. An individual must complete an initial renovator training course to perform
10.19 lead renovation activities under parts 4620.6000 to 4620.6725.

10.20 B. Lead renovator training is valid for 48 months from the course completion date
10.21 on the diploma.

10.22 C. An individual may renew lead renovator training under subpart 4.

11.1 Subp. 3. **Previous training.** The commissioner shall approve an individual as a trained
11.2 lead renovator if the individual:

11.3 A. is a licensed lead worker;

11.4 B. is a licensed lead supervisor; or

11.5 C. is currently certified by an accredited EPA or state-approved renovation training
11.6 program; and

11.7 D. has completed a lead renovator refresher course approved by the commissioner.

11.8 Subp. 4. **Renewal requirements.**

11.9 A. An individual may renew training by completing renovator refresher training
11.10 within 48 months of the course completion date on the diploma.

11.11 B. A renovator renewal training is valid for 48 months.

11.12 C. If more than 48 months have elapsed since the course completion date on the
11.13 diploma, then an individual must complete an initial renovator training course.

11.14 Subp. 5. **Training documentation.** A lead renovator must have a copy of the current
11.15 training diploma available at the renovation site for review by the commissioner. For purposes
11.16 of this subpart, the copy must be legible, the photograph must be recognizable, and the copy
11.17 may be provided in an electronic format.

11.18 **4620.6125 LEAD OR DUST SAMPLING TECHNICIAN TRAINING.**

11.19 Subpart 1. **Training required.** An individual who performs lead or dust sampling
11.20 activities must be trained as a lead or dust sampling technician.

11.21 Subp. 2. **Training requirements.**

11.22 A. An individual must complete a lead or dust sampling technician training course
11.23 to perform lead or dust sampling activities under parts 4620.6000 to 4620.6725.

12.1 B. Lead or dust sampling technician training is valid for 48 months from the course
12.2 completion date on the diploma.

12.3 C. An individual may renew lead or dust sampling technician training under
12.4 subpart 5.

12.5 Subp. 3. **Previous training.** An individual may perform lead or dust sampling activities
12.6 under parts 4620.6000 to 4620.6725 and is only required to take a lead or dust sampling
12.7 refresher course accepted by the commissioner if the individual:

12.8 A. is a licensed lead risk inspector;

12.9 B. is a licensed lead risk assessor; or

12.10 C. has completed a lead or dust sampling technician course approved by the EPA
12.11 or an authorized state renovation program.

12.12 Subp. 4. **Renewal requirements.**

12.13 A. A trained lead or dust sampling technician may renew training by completing
12.14 a lead sampling technician refresher training within 48 months of the course completion
12.15 date on the diploma.

12.16 B. A lead sampling technician renewal training is valid for 48 months.

12.17 C. If more than 48 months have elapsed since the course completion date on the
12.18 diploma, an individual must complete an initial lead or dust sampling technician training
12.19 course before performing lead or dust sampling activities.

12.20 Subp. 5. **Training documentation.** A trained lead or dust sampling technician must
12.21 have a copy of the current training diploma available at the renovation site for review by
12.22 the commissioner. For purposes of this subpart, the copy must be legible, the photograph
12.23 must be recognizable, and the copy may be provided in an electronic format.

13.1 **4620.6150 RECORDS.**

13.2 Subpart 1. **Renovation-site records.** A certified renovation firm performing renovation
13.3 must have the records in this part available for review by the commissioner at the renovation
13.4 site for the duration of the renovation. For purposes of this part, a copy of the records must
13.5 be legible and may be provided in an electronic format. The required renovation-site records
13.6 include:

13.7 A. a daily sign-in and sign-out sheet identifying all individuals entering the work
13.8 area by name, work activity, and length of time spent in the work area;

13.9 B. a copy of the work plan;

13.10 C. a copy of the written acknowledgment, or certificate of mailing, required under
13.11 part 4620.6200;

13.12 D. copies of the training documentation required under part 4620.6075, subpart
13.13 2; and

13.14 E. copies of reports or written determinations used to comply with part 4620.6000,
13.15 subpart 2.

13.16 Subp. 2. **Project records.** A certified renovation firm performing renovation must
13.17 maintain the following records in addition to the records under subpart 1:

13.18 A. the renovation project report; and

13.19 B. all cleaning verification or dust clearance testing results.

13.20 Subp. 3. **Record retention.**

13.21 A. The records under this part must be retained by a certified renovation firm for
13.22 three years after completion of a renovation.

13.23 B. Within 20 calendar days of a certified renovation firm ceasing operation, the
13.24 responsible individual must submit written notice to the commissioner that includes the

14.1 name, address, and telephone number of the person with whom the records required under
14.2 subpart 1 are transferred.

14.3 **4620.6175 DUTIES OF CONTRACTING ENTITY.**

14.4 Subpart 1. **Contracting entity; duties.** A contracting entity must follow the
14.5 requirements under Minnesota Statutes, section 144.9505, subdivision 6.

14.6 Subp. 2. **Requirements before renovation.** Before starting renovation, a contracting
14.7 entity must:

14.8 A. identify the work activities to be performed as either renovation or lead hazard
14.9 reduction in the specifications or contract;

14.10 B. include in the specifications or contract for renovation the requirements that:

14.11 (1) the renovation is performed by a person who is certified by the
14.12 commissioner under part 4620.6050; and

14.13 (2) any lead hazard reduction work is performed by a person who is certified
14.14 by the commissioner under part 4761.2200; and

14.15 C. verify that the person hired to perform the renovation holds a valid renovation
14.16 firm certification.

14.17 **4620.6200 RENOVATION DISCLOSURE REQUIREMENTS.**

14.18 Subpart 1. **Property owner; notice requirement.** A certified renovation firm must:

14.19 A. provide the owner of the affected property being renovated with a pamphlet
14.20 no more than 60 days before renovation work begins; and

14.21 B. obtain a written acknowledgment confirming that the owner of the affected
14.22 property being renovated has received the pamphlet; or

15.1 C. obtain a certificate of mailing confirming that the owner of the affected property
15.2 being renovated was sent the pamphlet at least seven days before renovation begins.

15.3 Subp. 2. **Residential tenant; notice requirement.** A certified renovation firm must:

15.4 A. provide the residential tenant of the affected property being renovated with the
15.5 pamphlet no more than 60 days before the renovation begins; and

15.6 B. obtain a written acknowledgment confirming that the residential tenant of the
15.7 affected property being renovated has received the pamphlet; or

15.8 C. obtain a certificate of mailing confirming that the residential tenant of the
15.9 affected property being renovated was sent the pamphlet at least seven days before the
15.10 renovation begins.

15.11 Subp. 3. **Common area; notice requirements.** A certified renovation firm must post
15.12 informational signs before work area preparation begins for renovation performed in common
15.13 areas of an affected property. The informational signs must:

15.14 A. indicate the name of the certified renovation firm performing the renovation;

15.15 B. indicate contact information of the certified renovation firm performing the
15.16 renovation;

15.17 C. identify the location of the renovation;

15.18 D. include the dates of the renovation;

15.19 E. include information on how to receive the copies of the pamphlet described in
15.20 subpart 2;

15.21 F. be displayed in a prominent location within the public viewing area; and

15.22 G. remain in place for the duration of the renovation.

16.1 Subp. 4. **Child-occupied facility; notice requirements.** A certified renovation firm
16.2 must:

16.3 A. provide the owner of a child-occupied facility being renovated with the pamphlet
16.4 no more than 60 days before renovation work begins; and

16.5 B. obtain a written acknowledgment confirming that the owner of the
16.6 child-occupied facility being renovated has received the pamphlet; or

16.7 C. obtain a certificate of mailing confirming that the owner of the child-occupied
16.8 facility being renovated was sent the pamphlet at least seven days before renovation; and

16.9 D. provide items A to C to the operator of the child-occupied facility if the operator
16.10 of the child-occupied facility is not the property owner; and

16.11 E. post informational signs before work area preparation begins for renovation
16.12 performed in a child-occupied facility. The informational signs must:

16.13 (1) indicate the name of the certified renovation firm performing the
16.14 renovation;

16.15 (2) indicate contact information of the certified renovation firm performing
16.16 the renovation;

16.17 (3) identify the location of the renovation;

16.18 (4) include the dates of the renovation;

16.19 (5) include information on how the parents or guardians of the children
16.20 attending the child-occupied facility can receive copies of the pamphlet described in item
16.21 A;

16.22 (6) be displayed in a prominent location within the public viewing area; and

16.23 (7) remain in place for the duration of the renovation.

17.1 **4620.6225 WORK PLAN.**

17.2 Subpart 1. **Applicability.** A certified renovation firm performing renovation must
17.3 prepare a work plan for each renovation project.

17.4 Subp. 2. **Work plan requirements.** Before work area preparation, a person performing
17.5 renovation must have a completed work plan available for inspection by the commissioner
17.6 at the renovation site.

17.7 A. The work plan must include:

17.8 (1) the name of the certified renovation firm performing renovation;

17.9 (2) the contact information of the certified renovation firm;

17.10 (3) the name of the responsible individual;

17.11 (4) the name of the renovation work site;

17.12 (5) the address of the renovation work site;

17.13 (6) dates when the renovation is being performed;

17.14 (7) a list of the work areas;

17.15 (8) a description of the renovation work practices used in each work area;

17.16 (9) a description of the engineering controls to reduce the dust generated
17.17 during the renovation;

17.18 (10) a written description of the hygiene station; and

17.19 (11) documentation that warning signs under part 4620.6275 were posted.

17.20 B. A certified renovation firm performing renovation must make the work plan
17.21 available according to part 4620.6150 and inform:

17.22 (1) all workers; and

18.1 (2) the property owner or an adult occupant of the affected property of the
18.2 work plan.

18.3 C. If the work plan information changes during the project, the new information
18.4 must be added to the work plan by the close of the next business day.

18.5 D. A certified renovation firm must provide a copy of the work plan, and any
18.6 changes under item C, to the person who contracted for the renovation within 30 days of
18.7 completing the project. For purposes of this item, a copy must be legible and may be provided
18.8 in an electronic format.

18.9 **4620.6250 PROHIBITED PRACTICES FOR RENOVATION.**

18.10 The following work practices are prohibited during any renovation:

18.11 A. open-flame burning or torching;

18.12 B. heat guns operating at 700 degrees Fahrenheit or higher;

18.13 C. chemical strippers containing methylene chloride;

18.14 D. powered-machine methods designed to remove paint through high-speed
18.15 operation, unless the machines are equipped with manufacturer-designed shrouds or a HEPA
18.16 vacuum attachment to collect dust and debris at the point of generation; and

18.17 E. dry vacuuming, unless the vacuum cleaner used for dry vacuuming is a HEPA
18.18 vacuum specifically designed for hazardous materials.

18.19 **4620.6275 POSTING THE WORK AREA.**

18.20 A certified renovation firm must post warning signs at all approaches to the work area
18.21 during renovation. The warning signs must:

18.22 A. comply with Code of Federal Regulations, title 29, sections 1926.200 and
18.23 1926.62, paragraph (m)(1)(i);

19.1 B. be posted at the approaches to the work area before area preparation begins;
19.2 and

19.3 C. remain posted until cleaning verification is completed or dust clearance sampling
19.4 analysis indicates the work area is less than the standards under part 4761.2510, subpart 2.

19.5 **4620.6300 WORK AREA PREPARATION.**

19.6 Before renovation disrupts any painted surface, a lead renovation firm performing
19.7 interior renovation must:

19.8 A. remove all objects from the work area;

19.9 B. isolate all objects from the work area by a work area barrier that is:

19.10 (1) constructed of plastic sheeting;

19.11 (2) sealed to the floor using tape or other adhesive material; and

19.12 (3) sealed to the ceiling; or

19.13 C. cover all objects or structures that cannot be removed or isolated from the work
19.14 area with at least one layer of plastic sheeting or other disposable, impermeable material
19.15 that is securely fastened to achieve an airtight seal around the object or structure.

19.16 **4620.6325 INTERIOR WORK AREA BARRIERS.**

19.17 Subpart 1. **General.** A person performing renovation must construct work area barriers
19.18 that separate and isolate the work area from the rest of the building to prevent dust and
19.19 debris from leaving the work area.

19.20 Subp. 2. **Heating, ventilating, and air conditioning systems.** A person performing
19.21 renovation must isolate the heating, ventilating, and air conditioning systems supplying the
19.22 work area by:

20.1 A. covering any openings in the heating, ventilating, and air conditioning systems
20.2 with plastic sheeting or other disposable, impermeable material; and

20.3 B. sealing the edges of the plastic sheeting or other disposable, impermeable
20.4 material to prevent dust and debris from entering the heating, ventilating, and air conditioning
20.5 systems.

20.6 Subp. 3. **Floors.** A person performing renovation must:

20.7 A. cover the floor with at least one layer of plastic sheeting or other disposable,
20.8 impermeable material so that:

20.9 (1) the plastic sheeting or other disposable, impermeable material extends a
20.10 minimum of six feet beyond the surfaces undergoing renovation; and

20.11 (2) the plastic sheeting or other disposable, impermeable material is sealed
20.12 to the floor;

20.13 B. immediately repair any holes or tears in the plastic sheeting or other disposable,
20.14 impermeable material; and

20.15 C. confine dust and debris to the plastic sheeting or other disposable, impermeable
20.16 material.

20.17 Subp. 4. **Doors, windows, and other openings.**

20.18 A. A person performing renovation must:

20.19 (1) close or secure all doors, windows, and other openings in the work area;

20.20 (2) seal all doors, windows, and other openings in the work area with plastic
20.21 sheeting or other disposable, impermeable material to prevent dust and debris from leaving
20.22 the work area; and

21.1 (3) seal doors that are used as an entrance to the work area with plastic
21.2 sheeting or other disposable, impermeable material in a manner that allows workers to pass
21.3 through while confining dust and debris to the work area.

21.4 B. Except for item A, a person performing renovation is not required to seal
21.5 windows or other openings that are being renovated with plastic sheeting or other disposable,
21.6 impermeable material.

21.7 Subp. 5. **Containment walls.** A person performing renovation may use containment
21.8 walls to reduce the size of the work area and isolate the work area. If containment walls are
21.9 used, they must:

21.10 A. be constructed of at least one layer of plastic sheeting or other disposable,
21.11 impermeable material;

21.12 B. be sealed to the plastic sheeting or other disposable, impermeable material on
21.13 the floor;

21.14 C. be sealed to the ceiling;

21.15 D. seal all openings between the work area and nonwork areas; and

21.16 E. have an entrance that is covered with plastic sheeting or other disposable,
21.17 impermeable material in a manner that allows workers to pass through while confining dust
21.18 and debris to the work area.

21.19 Subp. 6. **Renovation equipment.** A person performing renovation must clean all
21.20 equipment that is used for renovation inside a work area by using a HEPA vacuum or wet
21.21 methods, or both, so that the equipment is free of dust and debris before removing the
21.22 equipment from the work area. For purposes of this subpart, equipment includes tools and
21.23 material used for renovation.

22.1 **4620.6350 EXTERIOR WORK AREA BARRIERS.**

22.2 Subpart 1. **General.** A person performing renovation must install exterior work area
22.3 barriers to isolate the work area from the rest of the building and to prevent dust and debris
22.4 from leaving the work area.

22.5 Subp. 2. **Ground.** A person performing renovation must:

22.6 A. cover the ground with at least one layer of plastic sheeting or other disposable,
22.7 impermeable material so that it extends beyond the surfaces undergoing renovation by ten
22.8 feet or to the property line, if the property line is less than ten feet away from the surfaces
22.9 undergoing renovation;

22.10 B. seal the plastic sheeting or other disposable, impermeable material to the
22.11 foundation to prevent dust and debris from leaving the work area;

22.12 C. immediately repair any holes or tears in the plastic sheeting or other disposable,
22.13 impermeable material; and

22.14 D. confine dust and debris to the plastic sheeting or other disposable, impermeable
22.15 material.

22.16 Subp. 3. **Doors, windows, and other openings.**

22.17 A. A person performing renovation must:

22.18 (1) close or secure all doors, windows, and other openings that are 20 feet or
22.19 less from the work area; and

22.20 (2) seal doors that are used as an entrance to the work area with plastic
22.21 sheeting or other disposable impermeable material in a manner that allows workers to pass
22.22 through while confining dust and debris to the work area.

23.1 B. Except for item A, a person performing renovation is not required to seal
23.2 windows or other openings that are being renovated with plastic sheeting or other disposable,
23.3 impermeable material.

23.4 Subp. 4. **Vertical containment.** A person performing the renovation must use a
23.5 vertical containment to prevent dust and debris generated by the renovation from leaving
23.6 the work area if the work area is ten feet or less from the property line.

23.7 Subp. 5. **Renovation equipment.** A person performing renovation must clean all
23.8 equipment that is used for renovation inside a work area by using a HEPA vacuum or wet
23.9 methods, or both, so that the equipment is free of dust and debris before removing the
23.10 equipment from the work area. For purposes of this subpart, equipment includes tools and
23.11 materials used for renovation.

23.12 **4620.6375 HYGIENE STATION.**

23.13 A. A person performing renovation must provide a hygiene station for workers
23.14 to prevent dust and debris from leaving the work site.

23.15 B. Before leaving the work site, all workers must use the hygiene station to clean
23.16 any exposed skin surface.

23.17 C. A hygiene station must be:

23.18 (1) located outside the work area but on the work site property;

23.19 (2) supplied with water;

23.20 (3) supplied with soap and disposable towels; and

23.21 (4) designed to collect wastewater.

23.22 D. A person performing renovation must dispose of wastewater from a hygiene
23.23 station by:

24.1 (1) filtering the wastewater with a 5-micron filter and discharging the
24.2 wastewater to a sanitary sewer; or

24.3 (2) fully absorbing the wastewater into project debris so that there are no free
24.4 liquids.

24.5 For purposes of this part, "free liquids" means liquids that readily separate from the solid
24.6 portion of waste under ambient temperature and pressure.

24.7 **4620.6400 USE OF WATER.**

24.8 A person performing renovation must use water to prevent dust and debris from leaving
24.9 the work area by misting with water all surfaces undergoing renovation in the work area
24.10 before renovation begins.

24.11 **4620.6425 COMPLETION OF RENOVATION.**

24.12 Subpart 1. **Postrenovation cleaning.** After renovation work is complete, a person
24.13 performing renovation must clean the work area by:

24.14 A. using a HEPA vacuum or wet methods until no dust and debris are visible on
24.15 any part of the work area;

24.16 B. disposing of wastewater according to chapter 7045; and

24.17 C. disposing of cleaning equipment used for wet method cleaning after a single
24.18 use. Examples of cleaning equipment include sponges, disposable cleaning cloths, and mop
24.19 heads.

24.20 Subp. 2. **Removal of work area barriers.** After postrenovation cleaning, a person
24.21 performing renovation must remove work area barriers following the order in items A to
24.22 C.

24.23 A. Vertical work area barriers and vertical containments must be removed by:

24.24 (1) misting the work area barriers and vertical containments with water; and

25.1 (2) folding the barriers inward and onto the floor.

25.2 B. Floor coverings must be removed by:

25.3 (1) misting the floor coverings with water; and

25.4 (2) folding the floor coverings dirty side inward.

25.5 C. All work area barriers and vertical containments must be:

25.6 (1) sealed in bags that are three mil thickness or greater; and

25.7 (2) handled as renovation waste under subpart 4.

25.8 Subp. 3. Visual inspection after removal of work area barriers.

25.9 A. A person performing renovation must inspect the surface previously in contact
25.10 with work area barriers after removing the work area barriers.

25.11 B. When dust or debris is observed, a person performing renovation must clean
25.12 the entire area using a HEPA vacuum or wet methods, or both, until no dust and debris are
25.13 visible.

25.14 Subp. 4. On-site handling of renovation waste. A person performing renovation
25.15 must:

25.16 A. contain waste from the renovation to prevent the release of dust and debris
25.17 before the renovation waste is removed from the work area for storage or disposal;

25.18 B. cover a chute that is used to remove renovation waste from the work area;

25.19 C. contain and enclose all renovation waste that has been collected from renovation
25.20 at the end of each work day in a secured location to prevent access to the renovation waste;
25.21 and

25.22 D. remove all renovation waste from the renovation site within 24 hours of the
25.23 conclusion of the renovation.

26.1 Subp. 5. **Renovation equipment.** A person performing renovation work must clean
26.2 all equipment that is used for renovation inside a work area by using a HEPA vacuum or
26.3 wet methods, or both, so that the equipment is free of dust and debris before removing the
26.4 equipment from the work area. For purposes of this subpart, equipment includes tools and
26.5 material used for renovation.

26.6 Subp. 6. **Transportation of waste.** If a person performing renovation transports
26.7 renovation waste, then the renovation waste must be contained and secured.

26.8 **4620.6450 DUST CLEARANCE AND CLEANING VERIFICATION.**

26.9 Subpart 1. **General.** A person performing renovation must ensure that either a cleaning
26.10 verification or a dust clearance sampling of the work area is completed before the work area
26.11 is reoccupied.

26.12 Subp. 2. **Cleaning verification for interior renovation.** A person performing
26.13 renovation must:

26.14 A. use an unexpired cleaning verification card;

26.15 B. verify that there is no dust and debris remaining in the interior work area;

26.16 C. complete the activities in items D to F after completing the requirements under
26.17 part 4620.6425, subpart 3;

26.18 D. verify that all windowsills in the work area are free of dust and debris by:

26.19 (1) wiping the entire surface of the windowsill with a wet disposable cleaning
26.20 cloth;

26.21 (2) comparing the darkest part of the cleaning cloth to the cleaning verification
26.22 card; and

26.23 (3) following the cleaning verification card procedure under subpart 3;

27.1 E. verify that uncarpeted floors in the interior work area are free of dust and debris;

27.2 F. follow the cleaning requirements and for every 40 square feet of uncarpeted
27.3 floors in the work area a lead renovator must:

27.4 (1) wipe each 40 square foot section of uncarpeted floor with a wet disposable
27.5 cleaning cloth or use a wet mopping system;

27.6 (2) compare the cleaning cloth to the cleaning verification card; and

27.7 (3) follow the cleaning verification card procedure under subpart 3; and

27.8 G. verify that all other horizontal surfaces in the interior work area are free of
27.9 dust and debris by:

27.10 (1) wiping the entire section of all other horizontal surfaces with a wet
27.11 disposable cleaning cloth;

27.12 (2) comparing the cleaning cloth to the cleaning verification card; and

27.13 (3) following the cleaning verification card procedure under subpart 3.

27.14 **Subp. 3. Cleaning verification card procedure.**

27.15 A. If the darkest part of the wet disposable cleaning cloth matches or is lighter
27.16 than the cleaning verification card, then the windowsills, uncarpeted floors, or other
27.17 horizontal surfaces are clean.

27.18 B. If the darkest part of the wet disposable cleaning cloth is darker than the cleaning
27.19 verification card, then the person performing renovation must reclean the windowsills,
27.20 uncarpeted floors, or other horizontal surfaces according to part 4620.6425, subpart 1.

27.21 C. If the darkest part of the wet disposable cleaning cloth is darker than the cleaning
27.22 verification card, then the person performing renovation must wipe all windowsills,

28.1 uncarpeted floors, or other horizontal surfaces with an additional dry disposable cleaning
28.2 cloth to be considered clean.

28.3 Subp. 4. **Cleaning verification for exterior renovation.**

28.4 A. A lead renovator must complete the requirements in this subpart within one
28.5 hour of completing the activities in part 4620.6425, subpart 3, by verifying that:

28.6 (1) the ground surface within the work area is free of visible paint chips and
28.7 debris;

28.8 (2) all other exterior horizontal building surfaces within the work area are
28.9 free of paint chips and debris; and

28.10 (3) the area within the affected property that was used for the hygiene station
28.11 is free of paint chips and debris.

28.12 B. If a lead renovator identifies visible paint chips or debris under item A, then a
28.13 person performing renovation must reclean the surfaces where visible paint chips or debris
28.14 are identified by the lead renovator.

28.15 Subp. 5. **Dust clearance sampling.**

28.16 A. A cleaning verification card procedure under subpart 3 is not required if a
28.17 person performs dust clearance sampling at the completion of the renovation.

28.18 B. Only a licensed lead inspector, a licensed lead risk assessor, or a lead sampling
28.19 technician may collect dust clearance samples.

28.20 C. Dust sampling for clearance purposes must use documented methodologies
28.21 under part 4761.2000, subpart 15.

28.22 D. Dust clearance samples must be collected at least one hour after completing
28.23 the cleaning procedures under part 4620.6425, subpart 3.

29.1 E. Dust clearance sampling must be performed according to part 4761.2670,
29.2 subpart 3.

29.3 F. Single-surface dust sample results must be less than the standards under part
29.4 4761.2510, subpart 2.

29.5 G. Composite dust sample results must be less than the standard under part
29.6 4761.2510, subpart 2. A composite dust sample result shall be divided by one-half of the
29.7 number of subsamples that comprise the composite sample.

29.8 H. If dust sample results do not meet the standards under items F and G, then only
29.9 those building components that did not meet the standards must be recleaned and retested
29.10 until clearance levels are met.

29.11 Subp. 6. **Warning signs.** Warning signs required under part 4620.6275 may be
29.12 removed from the work area once the cleaning verification or dust clearance sampling results
29.13 meet or are below the standards under part 4761.2510.

29.14 Subp. 7. **Postrenovation activity.** A renovation that meets the requirements under
29.15 subpart 3, 4, or 5 is considered complete by the commissioner if:

29.16 A. there is no additional renovation of building components governed under parts
29.17 4620.6000 to 4620.6750; or

29.18 B. any additional renovation is not regulated under part 4620.6000, subpart 2,
29.19 items A and B.

29.20 **4620.6475 REPORTS.**

29.21 Subpart 1. **Renovation project report.** A person performing renovation must complete
29.22 a written renovation project report that includes:

29.23 A. a copy of the work plan;

29.24 B. a copy of the daily sign-in sheets;

- 30.1 C. a copy of the training records;
- 30.2 D. a copy of the written acknowledgment or certificate of mailing;
- 30.3 E. the product name of the recognized test kits used to comply with part 4260.6000,
- 30.4 subpart 2, item B;
- 30.5 F. a copy of the current diploma of the lead renovator who performed the cleaning
- 30.6 verification;
- 30.7 G. a description of the cleaning verification activities performed;
- 30.8 H. a description of the results of the cleaning verification identified in item G;
- 30.9 and
- 30.10 I. a copy of the dust clearance sampling report, if one was performed.
- 30.11 Subp. 2. **Dust sampling report.** A person performing dust clearance sampling must
- 30.12 complete a dust sampling report that includes:
- 30.13 A. a copy of the diploma of the dust sampling technician or the name of the
- 30.14 licensed risk assessor or licensed lead inspector who performed the dust sampling;
- 30.15 B. the address of the affected property;
- 30.16 C. the date the dust sampling was performed;
- 30.17 D. the documented methodologies under part 4761.2000, subpart 15;
- 30.18 E. the room or locations in the work area where the dust sampling was performed;
- 30.19 F. the surfaces on which the dust sampling was performed;
- 30.20 G. the analytical results of the dust sampling;
- 30.21 H. a statement from the analytic laboratory that compares the analytical results
- 30.22 to the current standards; and

31.1 I. the name of the analytic laboratory that conducted the analysis.

31.2 Subp. 3. **Report submission.**

31.3 A. A person performing a dust sampling report under subpart 3 must provide the
31.4 dust sampling report to the person performing a renovation project report.

31.5 B. A certified renovation firm must:

31.6 (1) prepare a renovation project report and include the dust clearance sampling
31.7 report, if a dust clearance sampling was performed; and

31.8 (2) submit a renovation project report to the owner of the affected property
31.9 being renovated no later than 30 calendar days after the renovation is completed.

31.10 Subp. 4. **Providing copies.** If the commissioner requests information on a training
31.11 course, then a training course provider must provide copies of the requested information at
31.12 no charge to the commissioner. For purposes of this part, the copy must be legible, the
31.13 photograph must be recognizable, and the copy may be provided in an electronic format.

31.14 **4620.6500 APPLICATION FOR TRAINING COURSE PERMIT.**

31.15 Subpart 1. **Initial application for training course permit.** To obtain an initial training
31.16 course permit from the commissioner for a training course, a training course provider
31.17 applicant must:

31.18 A. complete an application on a form provided by the commissioner;

31.19 B. submit a nonrefundable application fee required under Minnesota Statutes,
31.20 section 144.9505, subdivision 1i, payable to the Minnesota Department of Health;

31.21 C. submit the following training course materials:

31.22 (1) the course agenda;

31.23 (2) a sample attendance log;

- 32.1 (3) the instructor manual;
- 32.2 (4) the course participant manual;
- 32.3 (5) copies of presentation slides used in training;
- 32.4 (6) other media used for training;
- 32.5 (7) all instructional materials provided to the course participant;
- 32.6 (8) a sample diploma;
- 32.7 (9) all questions that might be used in the course examination with the correct
32.8 answers identified;
- 32.9 (10) a description of the proportion of course examination questions devoted
32.10 to each major topic in the course;
- 32.11 (11) a description of the hands-on evaluation of a course participant's ability
32.12 to do work practices for courses that include hands-on training;
- 32.13 (12) a description of the training manager's qualifications under part
32.14 4620.6625, subpart 3;
- 32.15 (13) a description of the principal instructor's qualifications under part
32.16 4620.6625, subpart 5;
- 32.17 (14) a description of all instructors' qualifications under part 4620.6625,
32.18 subpart 7;
- 32.19 (15) the location and description of the facility where the training course is
32.20 being presented; and
- 32.21 (16) a copy of any enforcement action taken against the training course
32.22 provider by the EPA or a state or tribal lead program; and
- 32.23 D. submit items A to C at least 60 days before the training course start date.

33.1 For purposes of this subpart, a copy must be legible and may be provided in an electronic
33.2 format.

33.3 Subp. 2. **Application approval; permit required.** A training course provider must
33.4 not hold a training course until the commissioner approves the training course materials
33.5 submitted under subpart 1 and issues a permit for the training course.

33.6 Subp. 3. **Training course permit renewal.** The commissioner shall renew a permit
33.7 for a training course if a training course provider:

33.8 A. submits a completed application on a form provided by the commissioner;

33.9 B. submits a nonrefundable application fee required under Minnesota Statutes,
33.10 section 144.9505, subdivision 1i;

33.11 C. presented the training course provider in the state during the period in which
33.12 the permit was valid;

33.13 D. submits the renewal application within two years of the expiration date of the
33.14 training course permit; and

33.15 E. demonstrates the training course provider, the training course material, and the
33.16 sample diploma meet the requirements in parts 4620.6500 to 4620.6650.

33.17 Subp. 4. **Foreign language training course.** A permit application for a course taught
33.18 in a language other than English must include:

33.19 A. a copy of all training course materials in English;

33.20 B. a copy of all training course materials in the language other than English; and

33.21 C. a signed statement from a translation service accredited by the American
33.22 Translators Association that the training course materials in a language other than English
33.23 are accurate and consistent with the training course materials in English.

34.1 For purposes of this subpart, a copy must be legible and may be provided in an electronic
34.2 format.

34.3 Subp. 5. **Denial of training course permit application.**

34.4 A. The commissioner shall deny an initial application for a training course permit
34.5 if an applicant fails to comply with the requirements of subpart 1.

34.6 B. The commissioner shall follow the criteria for denial of an application under
34.7 Minnesota Statutes, section 144.99, subdivision 8, paragraphs (a) and (b).

34.8 C. The commissioner must notify an applicant, in writing, of the denial of the
34.9 permit application and provide the reason for the denial.

34.10 D. An applicant is not required to reapply and submit an additional application
34.11 fee if the applicant submits the corrected deficiencies enumerated in the commissioner's
34.12 denial notification within 30 days of the receipt of a denial notice.

34.13 E. An applicant must submit a fee for all subsequent applications.

34.14 **4620.6525 TRAINING COURSE DIPLOMA.**

34.15 When a training course is permitted under part 4620.6500, a training course provider
34.16 must provide an original diploma to each course participant who completes and passes the
34.17 training course. The diploma must contain:

34.18 A. the name of the course participant;

34.19 B. a unique numeric identifier;

34.20 C. the course name that the course participant completed;

34.21 D. the dates of the course;

34.22 E. the name, address, and telephone number of the training course provider;

34.23 F. a photograph of the course participant that is:

- 35.1 (1) a recognizable image of the individual;
- 35.2 (2) at least two square inches reproduced on the diploma; and
- 35.3 (3) placed in the lower right-hand corner of the diploma;
- 35.4 G. the location of the course; and
- 35.5 H. the statement "Approved by the State of Minnesota under Minnesota Rules,
- 35.6 parts 4620.6500 to 4620.6650."

35.7 **4620.6550 PERMITTED TRAINING COURSE ADVANCE NOTICE AND**

35.8 **AMENDMENTS.**

35.9 Subpart 1. Advance notice of permitted training course. A training course provider

35.10 must submit to the commissioner an advance notice of the date of a permitted training

35.11 course. The advance notice must be:

- 35.12 A. on a form provided by the commissioner;
- 35.13 B. sent by United States mail, courier, facsimile, or electronic means; and
- 35.14 C. received by the commissioner at least five calendar days before the start date
- 35.15 of the training course.

35.16 Subp. 2. Amending permitted training course advance notice; start date. A training

35.17 course provider must notify the commissioner of a change to the start date of a permitted

35.18 training course by submitting an amended notice that is:

- 35.19 A. on a form provided by the commissioner;
- 35.20 B. sent by United States mail, courier, facsimile, or electronic means; and
- 35.21 C. received by the commissioner at least five calendar days before the revised
- 35.22 start date of the permitted training course.

36.1 **Subp. 3. Amended advance notice of permitted training course, except start date.** A
36.2 training course provider must notify the commissioner of any change, except the start date,
36.3 to the advance notice under subpart 1. A training course provider must submit an amended
36.4 notice that is:

- 36.5 A. on a form provided by the commissioner;
- 36.6 B. sent by United States mail, courier, facsimile, or electronic means; and
- 36.7 C. received by the commissioner at least 24 hours before the start date of the
36.8 permitted training course.

36.9 **Subp. 4. New or revised training course material; approval required.**

36.10 A. A training course provider must notify the commissioner of any change in
36.11 training course material for a permitted training course by submitting the new or revised
36.12 course material to the commissioner for approval.

36.13 B. The commissioner shall provide written notice of approval or denial to a training
36.14 course provider of new or revised training course material submitted under item A within
36.15 30 calendar days of receipt.

36.16 C. A training course provider may update new or revised training course material
36.17 that is denied under item B and resubmit the training course material within 15 calendar
36.18 days of the date of the commissioner's written denial notice.

36.19 D. The commissioner shall provide written notice of approval or denial to training
36.20 course materials that are resubmitted under item C within ten calendar days.

36.21 E. A training course provider must receive written approval from the commissioner
36.22 before using new or revised training course material in a permitted training course.

37.1 **4620.6575 ATTENDANCE REQUIREMENTS.**

37.2 A. All training course participants must attend the entire training course as a
37.3 condition for completion of the training course.

37.4 B. A training course provider must:

37.5 (1) maintain a daily attendance log for each training course; and

37.6 (2) submit a copy of the daily attendance log to the commissioner within five
37.7 calendar days of completion of the training course by United States mail, facsimile, courier,
37.8 or electronic means.

37.9 C. The daily attendance log must include:

37.10 (1) each course participant's printed name and signature for each day of the
37.11 training course;

37.12 (2) the name of the course;

37.13 (3) the name of the training course provider;

37.14 (4) the dates of the course;

37.15 (5) the location where the course was presented; and

37.16 (6) each course participant's diploma number.

37.17 For purposes of this part, a copy must be legible and may be provided in an electronic
37.18 format.

37.19 **4620.6600 ENROLLMENT LIMITS.**

37.20 For all training courses permitted under parts 4620.6500 to 4620.6650, the following
37.21 requirements apply:

37.22 A. the number of course participants in a class must not exceed 24; and

B. for initial training courses, the course participant-to-instructor ratio for hands-on training groups must not exceed eight to one.

4620.6625 TRAINING COURSE CONDITIONS.

Subpart 1. **General.** All permitted training courses must comply with the requirements in subparts 2 to 12.

Subp. 2. **Training courses; separate instruction.** Renovator and lead or dust sampling technician courses must be taught separately.

Subp. 3. **Training manager; qualifications.** A training course provider must designate a training manager who has:

A. experience, education, or training in the construction industry, including regulated lead work, asbestos-related work, asbestos management activities, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene; and

B. at least two years of experience, education, or training in teaching adults; or

C. a bachelor's degree or a graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration, program management, or a related field; or

D. at least two years of experience in managing a training program in environmental hazards.

Subp. 4. **Training manager duties.** A training manager must:

A. present each training course in the manner described in the application for which a training permit was granted;

B. develop and implement a quality control plan, to improve the quality of all training course materials, for each training course;

39.1 C. review annually the competency, performance, and effectiveness of principal
39.2 instructors;

39.3 D. permit the commissioner to audit the course, including the examination and
39.4 evaluation of course participants; and

39.5 E. notify the commissioner of any change in the training course materials submitted
39.6 under part 4620.6550.

39.7 Subp. 5. **Principal instructor; qualifications.** A training course provider must
39.8 designate a principal instructor for each training course. The principal instructor must:

39.9 A. have experience, education, or training in teaching adults, including using
39.10 evaluation methods to continually monitor a course participant's progress;

39.11 B. complete a training course permitted under parts 4620.6500 to 4620.6650 or
39.12 other lead-based paint activities training course approved by the EPA, or by a state or tribal
39.13 program approved by the EPA; and

39.14 C. have experience, education, or training in lead or asbestos abatement, painting,
39.15 carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

39.16 Subp. 6. **Principal instructor; duties.** A principal instructor is responsible for the
39.17 organization of the course and the instruction oversight of all training course materials. A
39.18 principal instructor must:

39.19 A. supervise other course instructors;

39.20 B. document each training course participant in attendance; and

39.21 C. incorporate a course examination and a hands-on skills evaluation that measure
39.22 a course participant's understanding of the training course material.

40.1 Subp. 7. **Training course instructors; qualifications.** The commissioner shall approve
40.2 all training course instructors as part of any permit issued for the training course. A training
40.3 course instructor must have:

40.4 A. experience, education, or training in teaching adults, including using evaluation
40.5 methods to continually monitor a training course participants' progress; and

40.6 B. experience, education, or training in lead or asbestos abatement, painting,
40.7 carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

40.8 Subp. 8. **Guest presenter.** A training course provider may use a guest presenter if
40.9 the training course provider meets the requirements of this subpart.

40.10 A. A principal instructor must be present during the guest presenter's instruction.

40.11 B. Attendance of the guest presenter must be documented on the training course
40.12 daily attendance log.

40.13 C. A summary of the materials presented by the guest training course presenter
40.14 must be submitted to the commissioner with the daily attendance log.

40.15 D. The guest presenter's material must pertain to the training course topics.

40.16 Subp. 9. **Training course examination.** All permitted training courses must include
40.17 a written examination that meets the requirements of this subpart.

40.18 A. Each training course must include a written examination that is administered
40.19 at the end of the training course.

40.20 B. If the commissioner provides a training course provider with a written
40.21 examination, the training course provider must administer that examination.

40.22 C. A training course provider must:

40.23 (1) administer the examination;

41.1 (2) not reveal any portion of the examination contents to any course participant
41.2 before administering the examination;

41.3 (3) secure the examination until the examination is administered;

41.4 (4) ensure that all course participants who pass the examination do so on the
41.5 course participants' own merits; and

41.6 (5) prohibit all written or electronic material, other than the examination
41.7 materials, within a course participant's viewing distance.

41.8 D. The written examination for an initial training course and a refresher training
41.9 course must incorporate questions about applicable state and federal law governing
41.10 renovation.

41.11 E. A course participant must achieve a score of 70 percent or greater to pass all
41.12 training course written examinations.

41.13 F. The initial and refresher examination for a lead renovator and for a lead or dust
41.14 sampling technician must consist of at least 25 multiple choice questions.

41.15 G. A training course provider must update the written examination by:

41.16 (1) replacing existing questions;

41.17 (2) altering the order of questions; or

41.18 (3) altering the answers to questions.

41.19 H. A training course provider must submit an updated written examination to the
41.20 commissioner for review upon renewal of the training course permit.

41.21 Subp. 10. **Completion of initial or refresher training course.** To complete an initial
41.22 training course or a refresher training course, a course participant must:

41.23 A. attend the entire training course;

B. demonstrate proficiency, as determined by the principal instructor, during the hands-on component of the course; and

C. pass a closed-book, written examination that meets the requirements of subpart 9.

Subp. 11. **Training site location.** All training courses must be presented in Minnesota or in a contiguous border community, except Canada.

4620.6650 TRAINING COURSE CONTENT AND LENGTH.

Subpart 1. **General.** Training course content and length for training courses permitted by the commissioner must meet the requirements of this part. An initial renovator course and an initial lead or dust sampling technician training course must include:

A. lectures;

B. demonstrations;

C. a hands-on training component; and

D. an examination required under part 4620.6625, subpart 9.

Subp. 2. **Incorporation of Minnesota law and rules.** A training course provider must incorporate Minnesota law and rules relating to lead and lead abatement into all course material and instruction.

Subp. 3. **Incorporation of new material into training course.** A training course provider must incorporate any new information into training course material as required by the commissioner on or before the date of a training course provider's permit renewal for the course requiring new information.

Subp. 4. **Length and content requirements of initial renovator training course.**

A. An initial renovator training course must be a minimum of eight training hours.

B. Initial renovator training course instruction must cover:

- (1) the roles and responsibilities of a renovator;
- (2) information on lead and its adverse health effects;
- (3) information on lead-based paint and renovation activities including federal, state, and local regulations and guidance;
- (4) procedure for using recognized test kits;
- (5) renovation methods to minimize the creation of dust;
- (6) interior and exterior containment;
- (7) interior and exterior cleaning methods;
- (8) methods to verify that the renovation is complete, including cleaning verification and dust clearance sampling;
- (9) renovation waste handling and wastewater disposal;
- (10) training for workers; and
- (11) report preparation.

Subp. 5. **Length and content requirements of initial lead or dust sampling technician course.**

A. An initial lead sampling training course must be a minimum of eight training hours.

B. Initial lead or dust sampling technician course instruction must cover:

- (1) the roles and responsibilities of a lead or dust sampling technician;
- (2) information on lead and its adverse health effects;

44.1 (3) information on lead-based paint and renovation activities including federal,
44.2 state, and local regulations and guidance;

44.3 (4) dust sampling methodologies;

44.4 (5) clearance standards and clearance testing; and

44.5 (6) report preparation.

44.6 Subp. 6. **Renovator hands-on training required.** Initial renovator training must
44.7 include a hands-on training component that must:

44.8 A. be a minimum of two training hours;

44.9 B. include demonstration by the instructor of:

44.10 (1) disassembling, cleaning, and reassembling of a half-face air purifying
44.11 respirator; and

44.12 (2) respirator fit checking; and

44.13 C. include practice by each course participant of:

44.14 (1) donning protective clothing;

44.15 (2) using a recognized test kit;

44.16 (3) installing work area barriers, work area signs, and work area entrances;

44.17 (4) constructing an interior work area;

44.18 (5) constructing an exterior work area;

44.19 (6) performing interior final cleaning;

44.20 (7) performing exterior final cleaning;

44.21 (8) bagging and handling renovation waste;

45.1 (9) performing a visual inspection;

45.2 (10) performing the cleaning verification process; and

45.3 (11) preparing a renovation project report.

45.4 Subp. 7. **Lead or dust sampling technician hands-on training required.** Initial lead
45.5 or dust sampling technician training must include a hands-on training component that is at
45.6 least two training hours. A hands-on training component must include:

45.7 A. practice by each participant in donning protective clothing;

45.8 B. dust sampling methodologies;

45.9 C. clearance standards and clearance inspections; and

45.10 D. report preparation.

45.11 Subp. 8. **Refresher courses; renovator and lead or dust sampling**
45.12 **technician.** Refresher courses for a renovator and a lead or dust sampling technician must:

45.13 A. be at least four training hours in length;

45.14 B. review the topics of the corresponding initial training course;

45.15 C. cover current and new safety practices;

45.16 D. review federal and state regulations regarding regulated lead work;

45.17 E. review new technologies for regulated lead work; and

45.18 F. include a hands-on training component.

45.19 Subp. 9. **Additional time limit for a training course.** If additional time is required
45.20 to complete the prescribed instruction of a permitted training course, or to add subjects not
45.21 prescribed for the training course, then the course length may be extended if a training
45.22 course provider notifies the commissioner as required under part 4620.6550.

46.1 **4620.6675 RECORD-KEEPING FOR A TRAINING COURSE PROVIDER.**

46.2 Subpart 1. Record retention period. A training course provider must maintain the
46.3 records under subpart 2 for three years for each training course at the address specified on
46.4 the permit application.

46.5 Subp. 2. Required records. A training course provider must maintain:

46.6 A. documents that demonstrate the qualifications of all training instructors,
46.7 including the training manager, principal instructor, and other training course instructors
46.8 according to part 4620.6625;

46.9 B. annual performance evaluations of all principal instructors specified under part
46.10 4620.6625, subpart 4;

46.11 C. current curriculum and course materials under part 4620.6500, subpart 1;

46.12 D. all potential course examination questions, the correct answers to the questions,
46.13 and a description of the proportion of test questions devoted to each major topic in the
46.14 course;

46.15 E. a description of how the hands-on assessment is performed, including:

46.16 (1) who performs the assessment;

46.17 (2) how the skills are graded;

46.18 (3) what facilities are used; and

46.19 (4) the passing and failure rates;

46.20 F. the quality control plan required under part 4620.6625, subpart 4;

46.21 G. the results of each course participant's hands-on skills assessments and course
46.22 examinations;

H. a record of each course participant's diploma as required under part 4620.6525;
and

I. a record of each course participant's attendance as recorded on a daily attendance
log under part 4620.6575.

Subp. 3. Providing copies of records. If the commissioner requests information on
a training course, then a training course provider must provide copies of the requested
information at no charge to the commissioner. For purposes of this part, the copy must be
legible, the photograph must be recognizable, and the copy may be provided in an electronic
format.

Subp. 4. Change of address. A training course provider must notify the commissioner,
in writing, within 30 days after changing the address specified on the training course
provider's permit application under part 4620.6500, subpart 1, or after transferring records
from the address specified on the training course provider's permit application.

Subp. 5. Ceasing operations; records transfer. Within 20 calendar days of a training
course provider ceasing operation, the training manager must notify the commissioner that
includes the name, address, and telephone number of the person with whom the records
required under subpart 2 are transferred.

4620.6700 ENFORCEMENT.

The commissioner shall determine penalties for any violation of parts 4620.6000 to
4620.6725 under Minnesota Statutes, sections 144.989 to 144.993.

4620.6725 VARIANCES.

The commissioner shall not grant a variance to parts 4620.6000, 4620.6025, 4620.6050,
4620.6075, 4620.6200, and 4620.6700. The commissioner shall consider variances for the
remaining rule parts according to the procedures and criteria in parts 4717.7000 to 4717.7050.

48.1 **4717.7000 VARIANCE REQUEST.**

48.2 Subpart 1. **Request.** A party may ask the commissioner of health to grant a variance
48.3 from the following ~~rules~~ parts:

48.4 A. clean indoor air, parts 4620.0100 to ~~4620.1500~~ 4620.1450;

48.5 *[For text of items B to F, see M.R.]*

48.6 G. roller towels, part ~~4635.0200~~;

48.7 *[For text of items H and I, see M.R.]*

48.8 J. public swimming pools, parts ~~4717.0100~~ 4717.0150 to ~~4717.3900~~ 4717.3875;

48.9 *[For text of items K to N, see M.R.]*

48.10 O. explorers and exploratory borings, parts 4727.0100 to ~~4727.1300~~ 4727.1250;

48.11 P. explorers and exploratory borings, parts 4727.0100 to ~~4727.1300~~ 4727.1250;

48.12 *[For text of item Q, see M.R.]*

48.13 R. lead abatement, lead renovation, and lead poisoning prevention, parts 4620.6000
48.14 to 4620.6725 and 4761.2000 to 4761.2700, except parts 4620.6000, 4620.6025, 4620.6050,
48.15 4620.6075, 4620.6200, 4620.6700, and 4761.2000 to 4761.2700, except parts 4761.2000,
48.16 4761.2100, 4761.2200, 4761.2220, and 4761.2510.

48.17 *[For text of subps 2 and 3, see M.R.]*