



## Ohio Administrative Code

### Rule 3701-32-07 Lead risk assessor scope of practice and standards of conduct.

Effective: December 1, 2021

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(A) A lead risk assessor is licensed to conduct:

- (1) Lead inspections;
- (2) Lead-based paint sampling;
- (3) Clearance examinations;
- (4) Lead risk assessments;
- (5) Lead hazard screen risk assessments;
- (6) Other lead assessment activities; and
- (7) Identify lead hazard control strategies to reduce or eliminate lead exposures.

(B) A lead risk assessor shall not:

- (1) Design lead abatement projects;
- (2) Prepare pre-abatement plans;
- (3) Write lead abatement specifications; and
- (4) Perform lead abatement.

(C) To apply for a license as a lead risk assessor, an individual shall comply with the applicable provisions of rule 3701-32-04 of the Administrative Code.



(D) For all lead activities performed by a lead risk assessor, the lead risk assessor, when applicable, shall:

(1) Submit any paint-chip, soil or air samples collected for lead concentration analysis to an environmental lead analytical laboratory approved pursuant to rule 3701-82-02 of the Administrative Code;

(2) Submit any dust samples collected for lead loading analysis to an environmental lead analytical laboratory approved pursuant to rule 3701-82-02 of the Administrative Code;

(3) Submit any water samples collected for lead concentration analysis to a laboratory approved pursuant to Chapter 3745-89 of the Administrative Code;

(4) Use documented methodologies incorporating adequate quality control procedures when collecting environmental samples;

(5) Use single-surface dust sampling techniques;

(6) Use an acceptable wipe material as defined by ASTM E 1792, "Standard specification for wipe sampling materials for lead in surface dust"; and

(7) For environmental samples, use the lead hazard levels set forth in rule 3701-32-19 of the Administrative Code to determine whether lead-based paint or lead hazards have been identified.

(E) A lead risk assessor shall perform a lead inspection according to the procedures in Chapter 7 of the HUD guidelines. In addition, the lead risk assessor shall:

(1) Prepare a written lead inspection report for each lead inspection performed. Each report shall be written in a format prescribed by the director and shall comply with the requirements in rule 3701-32-15 of the Administrative Code. The report shall contain the following:

(a) Date of the lead activity;



- (b) Address, unit number, and date of construction of the residential unit, child care facility or school;
- (c) Name, address, and telephone number of the owner or manager of the residential unit, child care facility or school;
- (d) Name, license number, and signature of each lead risk assessor conducting the testing and the name, address, and telephone number of the firm employing each lead risk assessor;
- (e) Name, address, telephone number, and approval number of each environmental lead analytical laboratory used, to perform the analysis of any collected samples;
- (f) All data collected from on-site testing, including quality control data, and, if an XRF is used, its serial number;
- (g) Specific locations of all surfaces or components tested or sampled;
- (h) A copy of the laboratory report with the results of the environmental samples expressed in terms appropriate to the sampling method used;
- (i) The statement specified in paragraph (E) of rule 3701-32-15 of the Administrative Code displayed at the top of the report in bold letters; and
- (j) When no lead-based paint is identified in a residential unit, the following statement in bold letters, "The results of this inspection indicate no lead in amounts greater than or equal to  $1.0 \text{ mg/cm}^2$ , 0.5 percent by weight, or 5,000 parts per million by weight in paint was found on any building components of the residential unit using the inspection protocol in Chapter 7 of the HUD guidelines. Therefore, this residential unit qualifies for the exemption in 24 C.F.R. part 35 and 40 C.F.R. part 745 for target housing being leased is free of lead-based paint, as defined in rule 3701-32-01 of the Administrative Code. However, some painted surfaces may contain levels of lead below  $1.0 \text{ mg/cm}^2$ , 0.5 percent by weight, or 5,000 parts per million by weight, which could create lead dust or lead-contaminated soil hazards if the paint is turned into dust by abrasion, scraping, or sanding. This report should be kept by the lead risk assessor and should also be kept by the owner and all future owners



for the life of the structure or dwelling."

(F) A lead risk assessor shall perform a lead hazard screen risk assessment according to the procedures in Chapter 5 of the HUD guidelines. In addition, the lead risk assessor shall:

(1) Collect background information regarding the physical characteristics and occupant use patterns in the residential unit, child care facility or school that may cause lead-based paint exposure to one or more children under six years of age;

(2) When conducting a lead hazard screen risk assessment:

(a) Conduct a visual assessment of the residential unit, child care facility or school to determine whether any deteriorated paint is present and locate at least two dust sampling locations;

(b) Test each interior and exterior surface with deteriorated paint;

(c) Collect dust samples as follows:

(i) In a single-family residential unit the lead risk assessor shall collect one dust sample from the floor and one dust sample from the window sill, in rooms, hallways, and stairwells, where one or more children, under six years of age, are most likely to come in contact with dust; and

(ii) In a multi-family residential unit or child care facility, or school, the lead risk assessor shall collect, in addition to floor and window samples specified in paragraph (F)(2)(c)(i) of this rule, a dust sample from common areas where one or more children, under six years of age, are most likely to come into contact with dust.

(d) Prepare a written lead hazard screen risk assessment report for each lead hazard screen risk assessment performed. Each report shall be written in a format prescribed by the director and shall comply with the requirements set forth in rule 3701-32-15 of the Administrative Code. The report shall contain all of the following:

(i) Date of the lead activity;



- (ii) Address, unit number, and date of construction of the residential unit, child care facility or school;
  - (iii) Name, address, and telephone number of the owner or manager of the residential unit, child care facility or school;
  - (iv) Name, license number, and signature of each lead risk assessor conducting the lead hazard screen risk assessment and the name, address, and telephone number of the firm employing each lead risk assessor;
  - (v) Name, address, telephone number, and approval number of each environmental lead analytical laboratory used to perform the analysis of any collected samples;
  - (vi) Results of the visual assessment, and a copy of the laboratory report with the results of any sampling analysis performed during the course of the lead hazard screen risk assessment;
  - (vii) The testing method and sampling procedure for paint analysis employed and the specific locations of each component tested for the presence of lead;
  - (viii) All data collected from on-site testing, including quality control data and, if an XRF is used, its serial number;
  - (ix) Any recommendations for follow-up lead risk assessments or for further actions to remediate the lead hazards, if warranted; and
  - (x) The statement prescribed in paragraph (E) of rule 3701-32-15 of the Administrative Code prominently displayed at the top of the report in bold letters.
- (G) A lead risk assessor shall perform a lead risk assessment according to the procedures in Chapter 5 of the HUD guidelines. The lead risk assessor, as part of the risk assessment, shall:
- (1) Complete a questionnaire prescribed by the director;



(2) Review any previous testing reports, if available. The lead risk assessor may use the previous testing results in lieu of further testing if the previous testing results are found to be reliable according to Chapter 5 of the HUD guidelines;

(3) Perform a visual assessment of the interior and exterior of the residential unit, child care facility or school. During the visual assessment, identify, on forms prescribed by the director, all of the following:

(a) Overall building condition;

(b) Areas of bare soil;

(c) Interior and exterior surfaces with deteriorated paint;

(d) Painted surfaces that are impact points or subject to friction; and

(e) Chewable surfaces.

(4) Test the following deteriorated paint, by means of paint-chip sample analysis or XRF analysis, on or in the following:

(a) The interior and exterior surfaces and all common areas of the residential unit, child care facility or school; and

(b) Every attached or unattached structure located within the same lot line as the residential unit, child care facility or school, including garages, play equipment, and fences; and

(c) The lot or land occupied by the residential unit, child care facility or school.

(5) In residential units, dust samples shall be collected from living areas, in a minimum of four rooms, hallways or stairs. Sampling priority shall be given to those rooms where one or more children under six years of age are most likely to come into contact with dust. A minimum of nine



dust samples shall be taken to represent each residential unit, including samplings from:

- (a) An interior window sill in no fewer than four room equivalents, hallways, or stairs. If the window system does not include a window sill, the sample shall be conducted from the nearest horizontal surface;
  - (b) A floor in a minimum of four room equivalents, hallways, or stairs. If there are fewer than four room equivalents, hallways, or stairs in the residential unit, all floors in the unit shall be sampled; and
  - (c) The floor inside of the principal entryway of the residential unit.
- (6) In multi-family residential units, in addition to the sampling requirements of paragraphs (G)(4) and (G)(5) of this rule, perform, at a minimum, sampling in the following locations:
- (a) Common areas in the building where the lead risk assessor determines one or more children, under six years of age, are likely to come into contact with dust; and
  - (b) The floor inside of the principal entryway of the residential unit;
- (7) In child care facilities or schools, dust samples shall be collected from each room, hallway, or stairwell and other common areas in the child care facility or school. A lead risk assessor shall:
- (a) For room equivalents up to three hundred square feet, collect a single-surface sample from a window sill and floor;
  - (b) For room equivalents greater than three hundred square feet up to two thousand square feet:
    - (i) Collect at least two dust samples from floors located in widely separated locations in "high traffic" areas regularly used or accessible to children under six years of age;
    - (ii) Collect at least two dust samples from interior window sills;
  - (c) For room equivalents over two thousand square feet:



- (i) In addition to the samples required by paragraph (G)(7)(b)(i) of this rule, collect one additional dust sample from floors for each additional two thousand square foot area;
- (ii) In addition to the samples required by paragraph (G)(7)(b)(ii) of this rule, collect one additional dust sample from alternating windows sills for each additional floor area of two thousand square feet, unless all the windows in the space were sampled as part of the requirements of paragraph (G)(7)(b)(ii) of this rule.
- (8) Collect soil samples for lead concentration analysis from a residential unit, child care facility or school from the following locations:
- (a) Exterior play areas where bare soil is present; and
- (b) Exterior non-play areas where bare soil is present, including the building foundation and drip line areas;
- (9) Collect water samples for lead concentration analysis from the tap(s) most commonly used for drinking water, infant formula preparation, or food preparation, if warranted; and
- (10) Prepare a written lead risk assessment report for each lead risk assessment performed. Each report shall be written in a format prescribed by the director and shall comply with the requirements set forth in rule 3701-32-15 of the Administrative Code. The report shall contain all of the following:
- (a) Date of the lead activity;
- (b) Address, unit number, and date of construction of the residential unit, child care facility, or school;
- (c) Name, address, and telephone number of the owner or manager of the residential unit, child care facility, or school;
- (d) Name, license number, and signature of each lead risk assessor conducting the lead risk





assessment and the name, address, and telephone number of the firm employing each lead risk assessor;

(e) Name, address, telephone number, and approval number issued pursuant to rule 3701-82-02 of the Administrative Code of each environmental lead analytical laboratory used to perform the analysis of any collected samples;

(f) Results of the visual assessment;

(g) The testing method and sampling procedure for paint analysis employed and the specific locations of each component tested for the presence of lead;

(h) All data collected from on-site testing, including any quality control data, and, if an XRF is used, its serial number;

(i) Background information regarding the physical characteristics and occupant use patterns that may cause lead hazard exposure to one or more children under six years of age;

(j) A diagram of the floorplan of the residential unit, child care facility or school showing the environmental sample locations;

(k) A copy of the laboratory results of the lead loading analysis of dust samples, in micrograms per square foot, by location of sample;

(l) A copy of the laboratory results of the lead concentration analysis of soil samples, in parts per million or lead by weight, by location of sample;

(m) A copy of the laboratory results of the lead concentration analysis of water samples, in parts per billion;

(n) A description of the location and type of identified lead hazards;

(o) A description of recommended non-abatement, or abatement options, or both, as applicable, for



each identified lead hazard and any suggested prioritization for addressing each hazard. If the use of an encapsulant, enclosure, or non-abatement option is recommended, the lead risk assessment report shall recommend a maintenance and monitoring schedule for the encapsulation, enclosure or non-abatement to maintain control of each lead hazard identified;

(p) Risk assessments that have included water sampling shall include recommendations for any follow-up water sampling, information on the health risks of lead, and options for treatment and/or removal of lead from water; and

(q) The statements prescribed in paragraph (E) of 3701-32-15 of the Administrative Code prominently displayed at the top of the report in bold letters.