



WISCONSIN DEPARTMENT  
*of* HEALTH SERVICES

# 2022

## **Lead and Asbestos Certification and Field Compliance Data Report**

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For Training Providers

P-03475 (07/2023)

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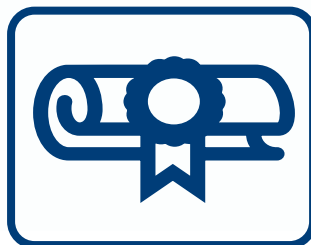
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## 2022 training in brief

**15** **unique training providers** held regulated lead and asbestos training classes in Wisconsin during 2022. Training is regulated under Wis. Admin. Code chs. 163 and 159, administered by the Lead and Asbestos Certification and Field Compliance Units of the Wisconsin Department of Health Services (DHS).



**908**  
classes  
held



**6,367**  
training  
diplomas  
issued



**4,828**  
unique  
students



**7**  
students  
average  
per class

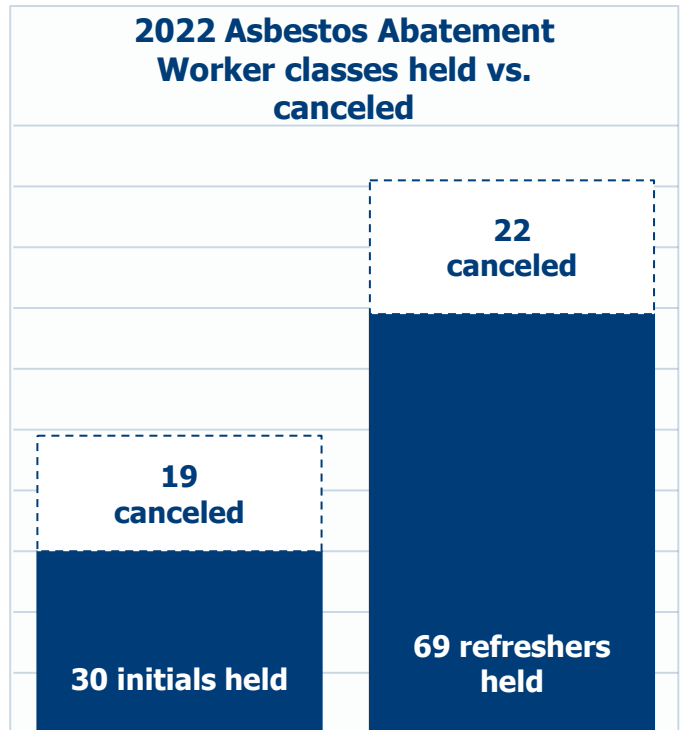
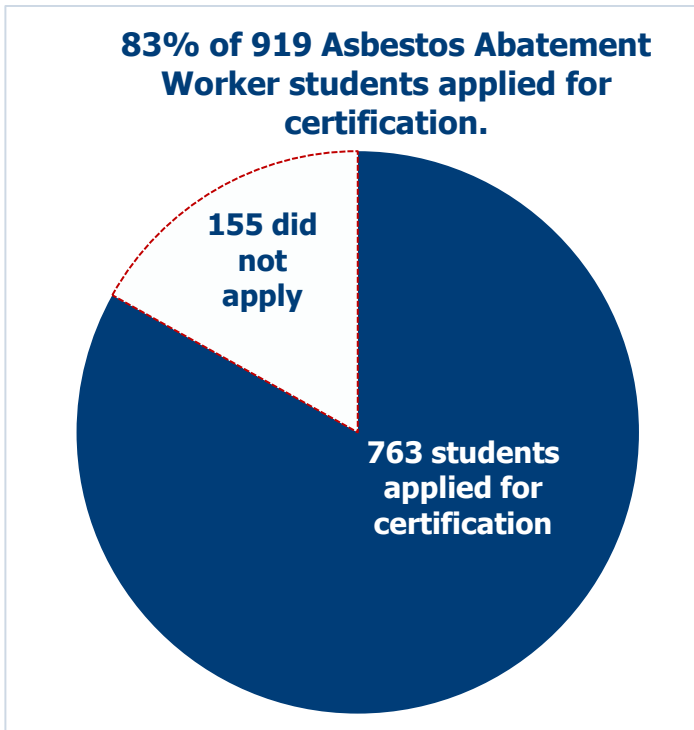
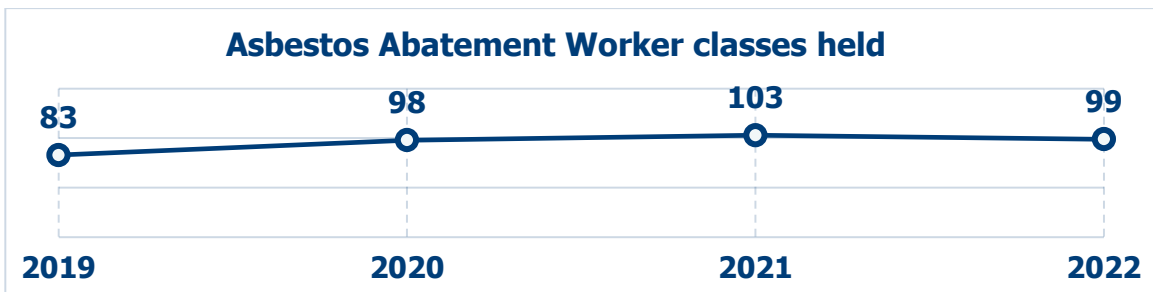
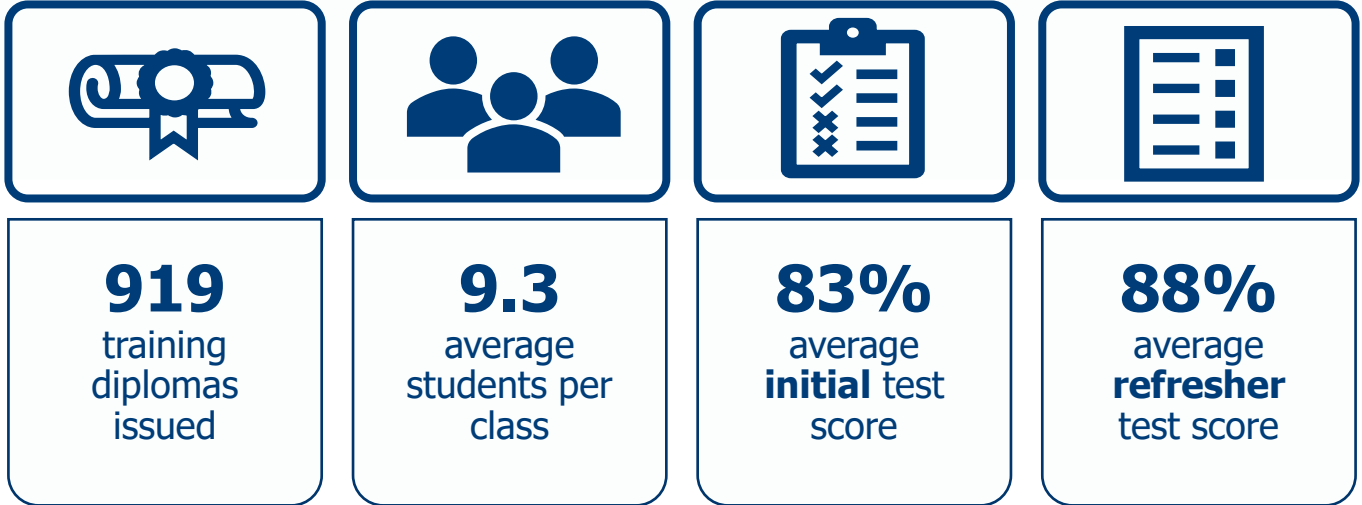
## Asbestos courses

This section provides standard data for each asbestos course discipline, including:

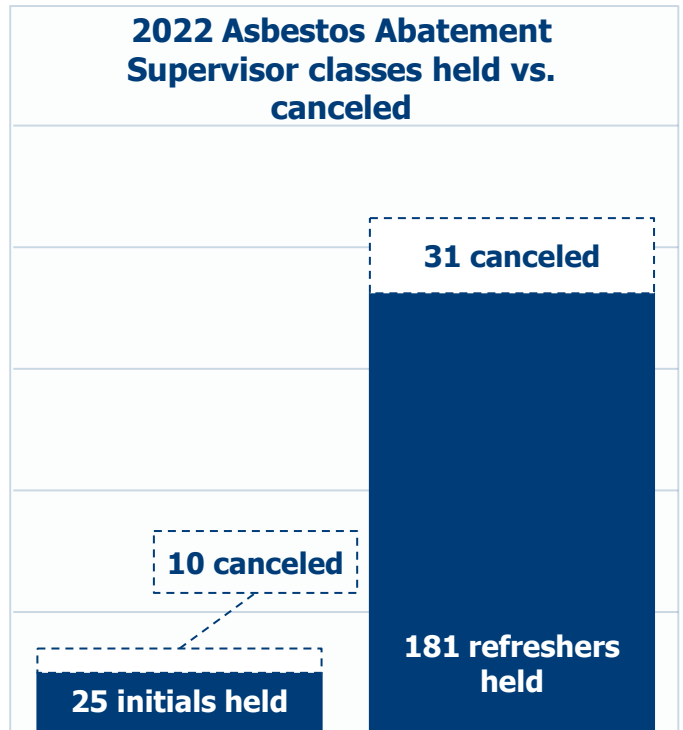
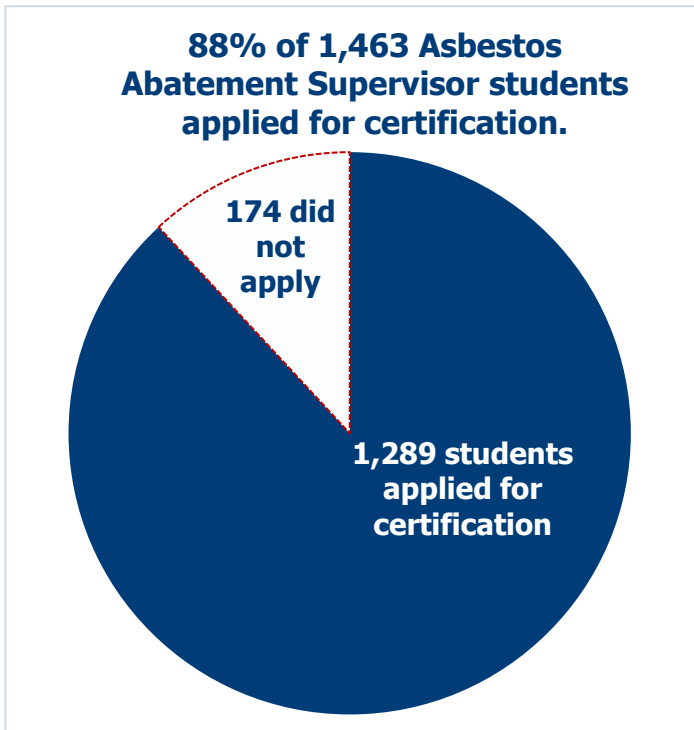
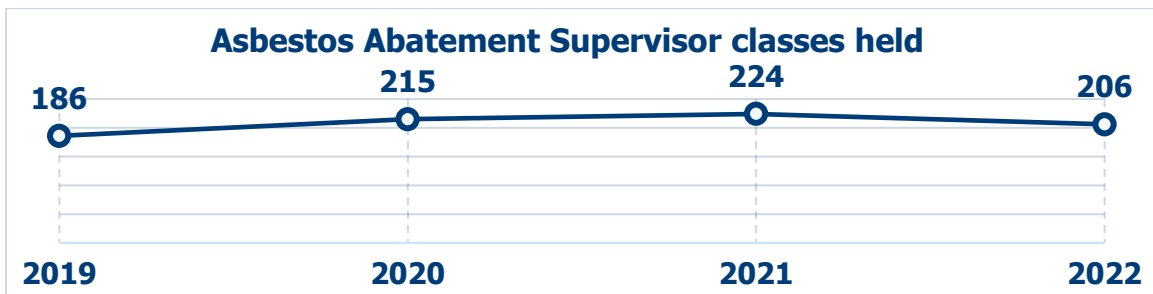
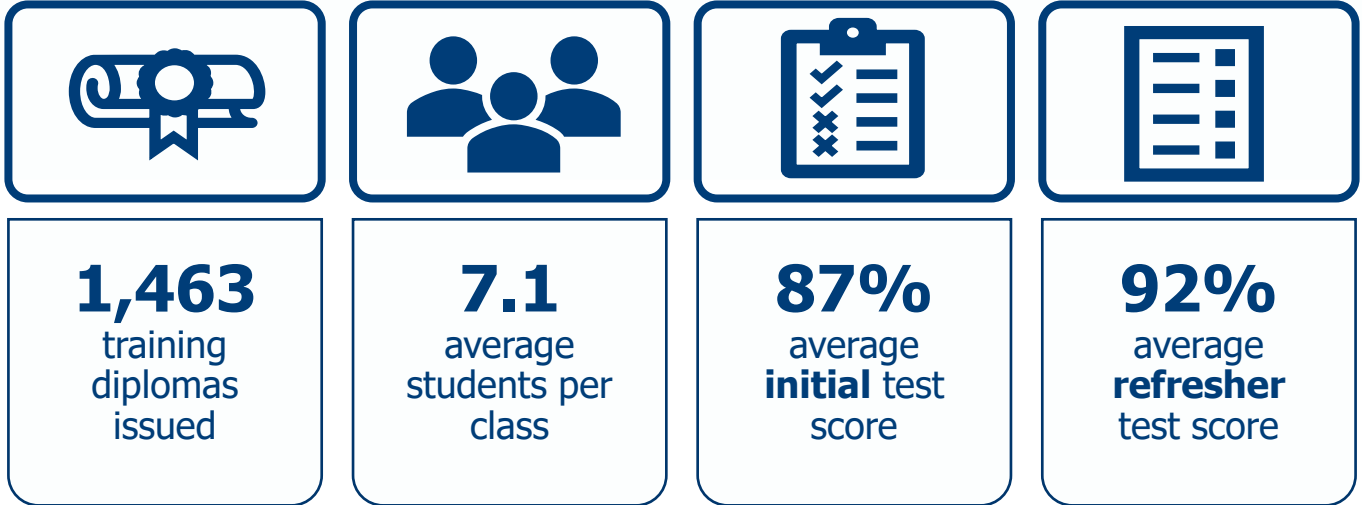
- The number of classes held (and the number canceled), as compared with the previous three years,
- The number of students who successfully completed the class,
- The number of students who applied to DHS for certification in the discipline,
- The average number of students in each class, and
- The average course test score.

For additional information on training requirements for certification, see [Certification Requirements for Asbestos Disciplines](#) (P-00848a).

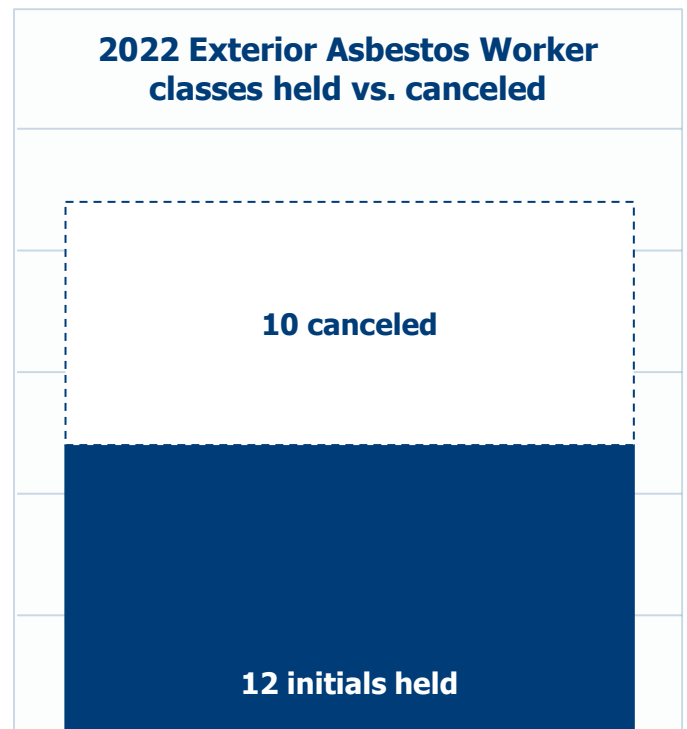
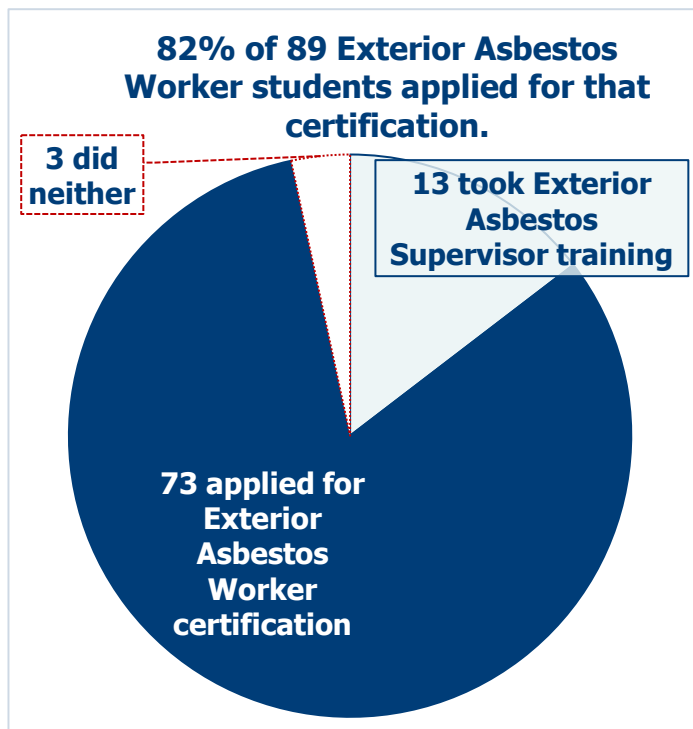
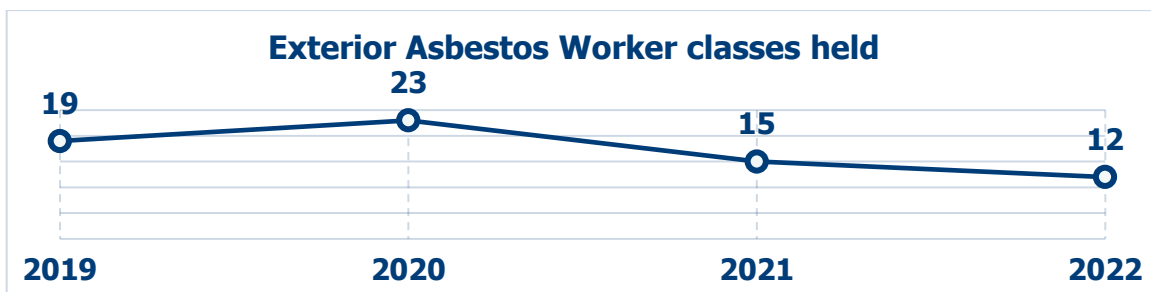
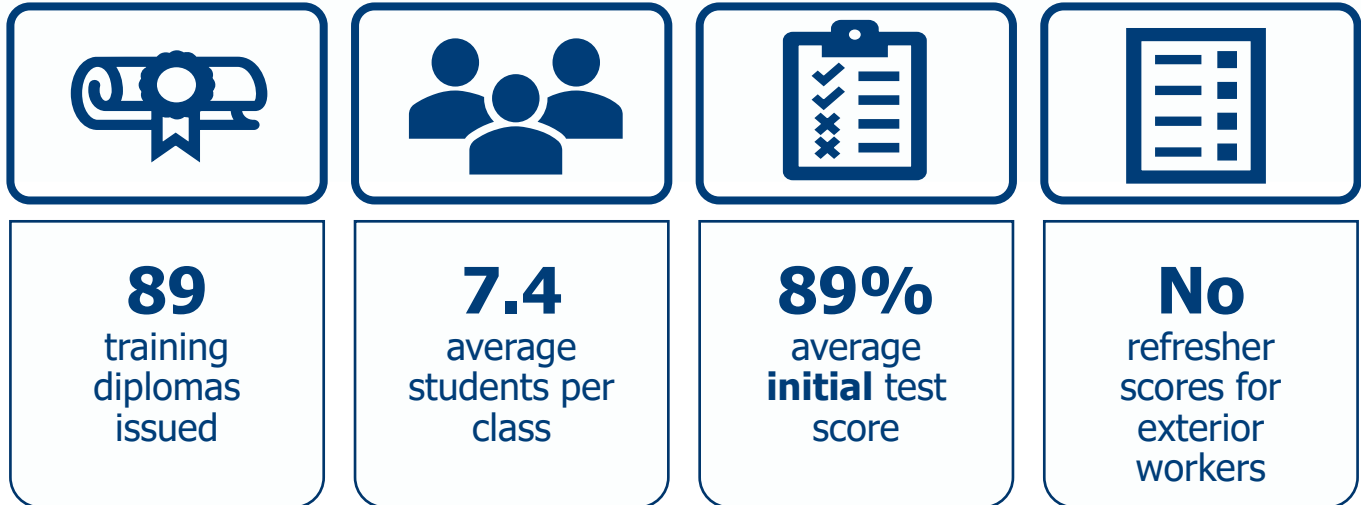
# Asbestos Abatement Worker



# Asbestos Abatement Supervisor

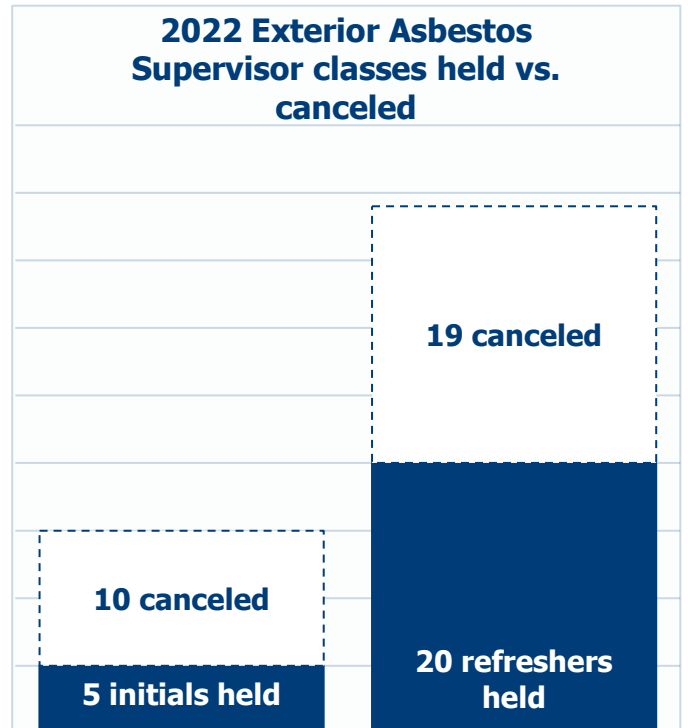
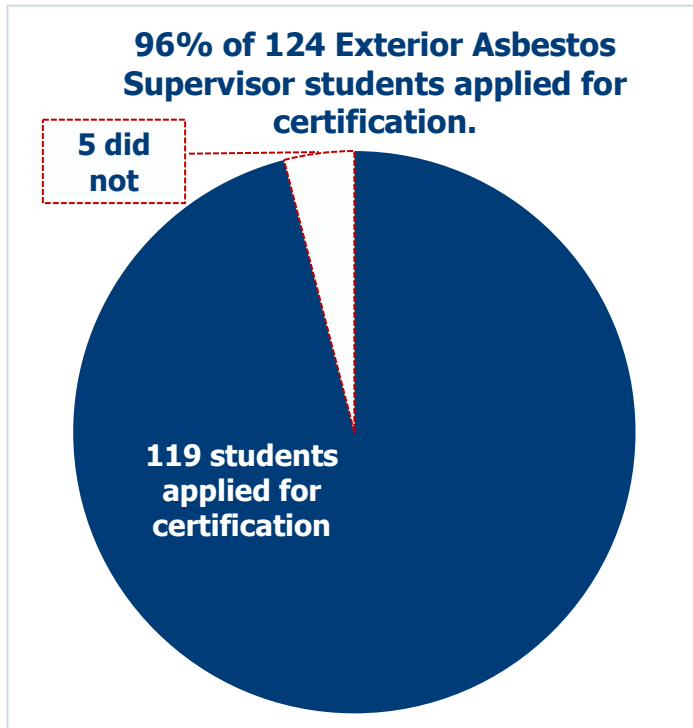
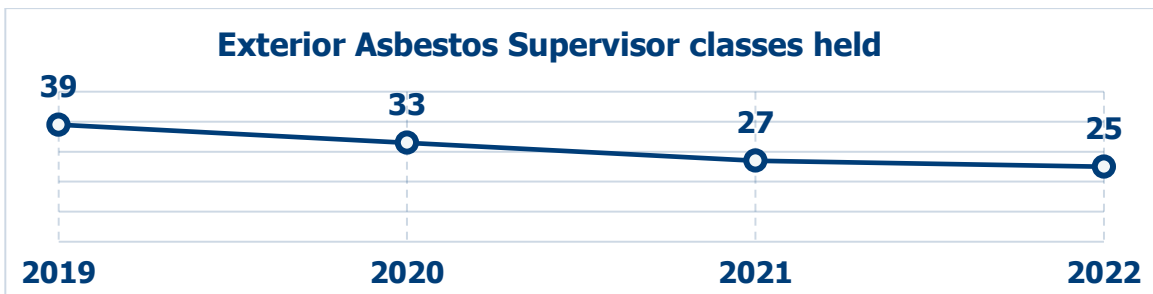
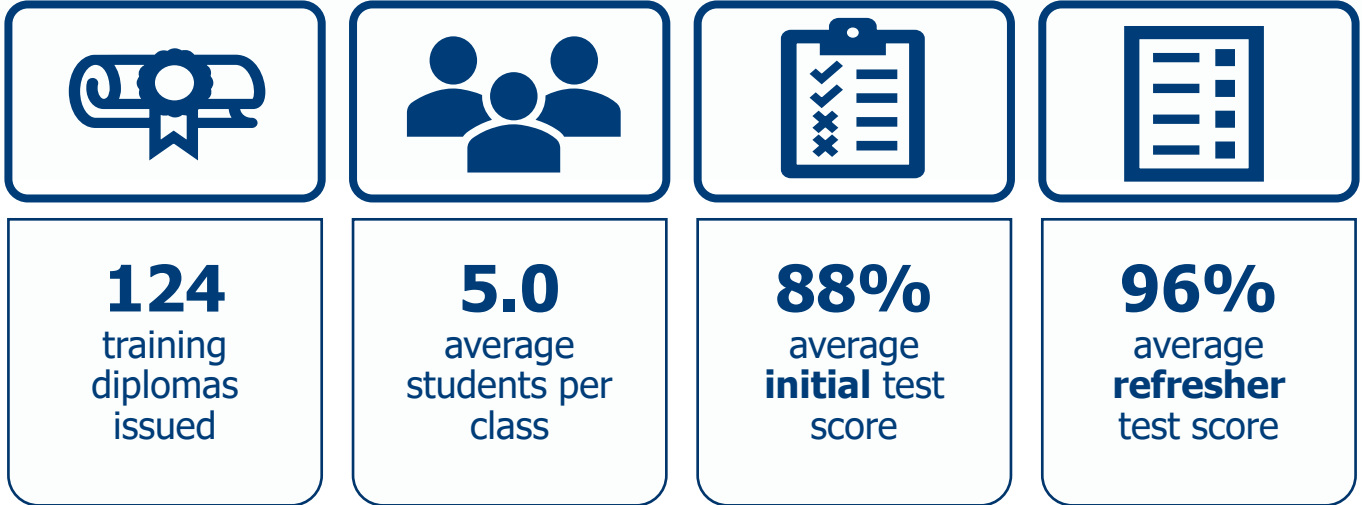


## Exterior Asbestos Worker<sup>1</sup>



<sup>1</sup> There is no accreditation for Exterior Asbestos Worker refresher courses. Employer-provided refresher training is valid for maintaining non-expiring certification in this discipline.

## Exterior Asbestos Supervisor





# Asbestos Inspector



**803**  
training  
diplomas  
issued



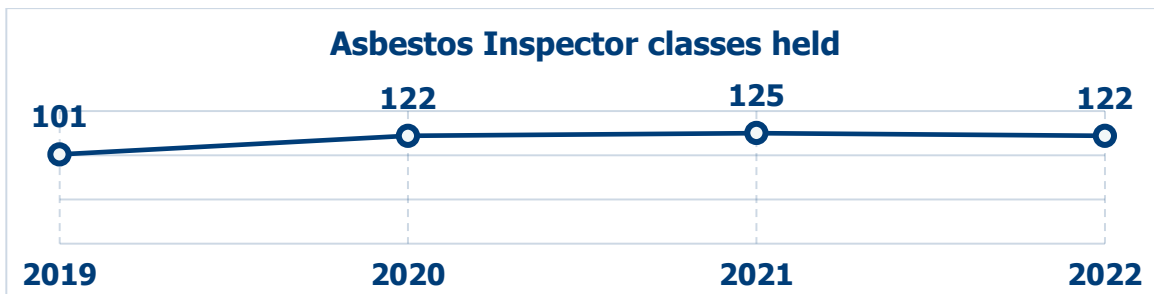
**6.6**  
average  
students per  
class



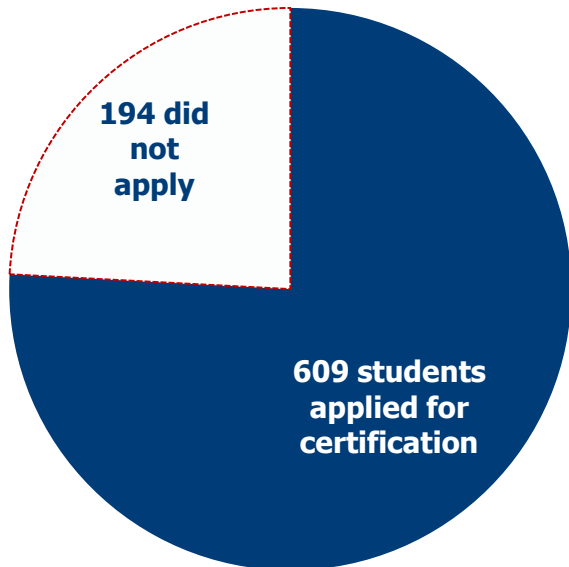
**88%**  
average  
**initial** test  
score



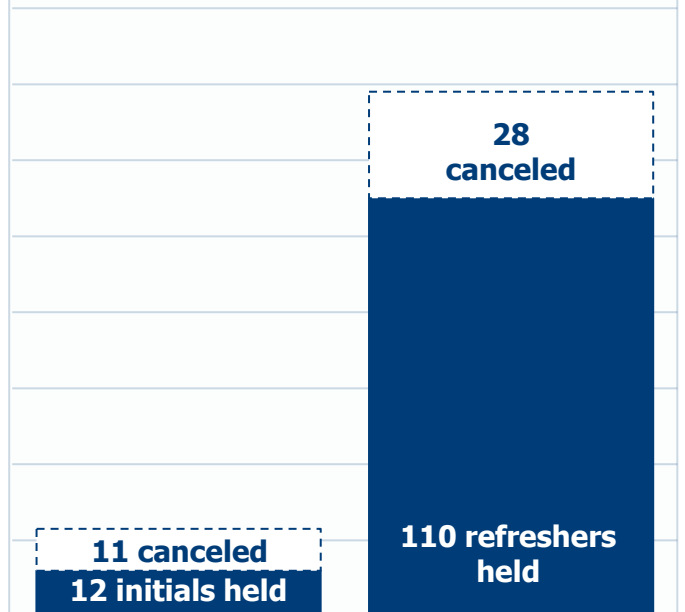
**91%**  
average  
**refresher**  
test score



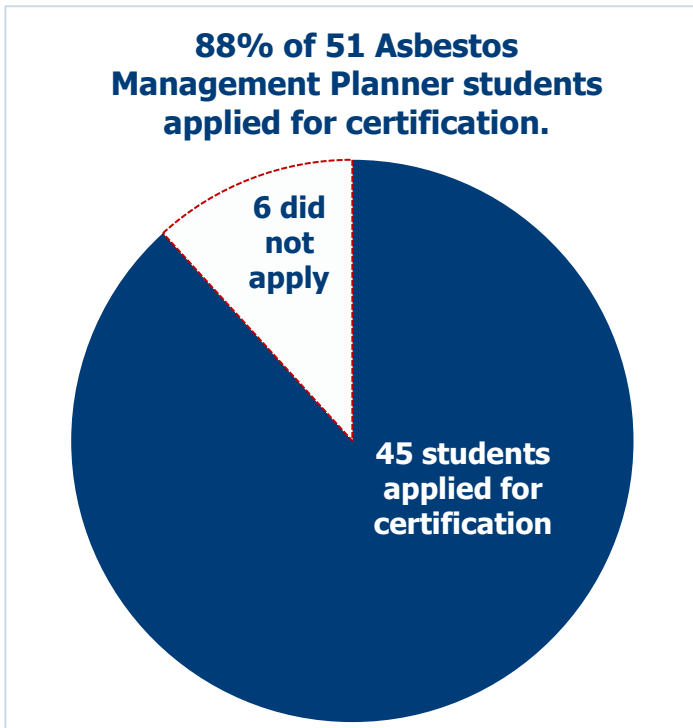
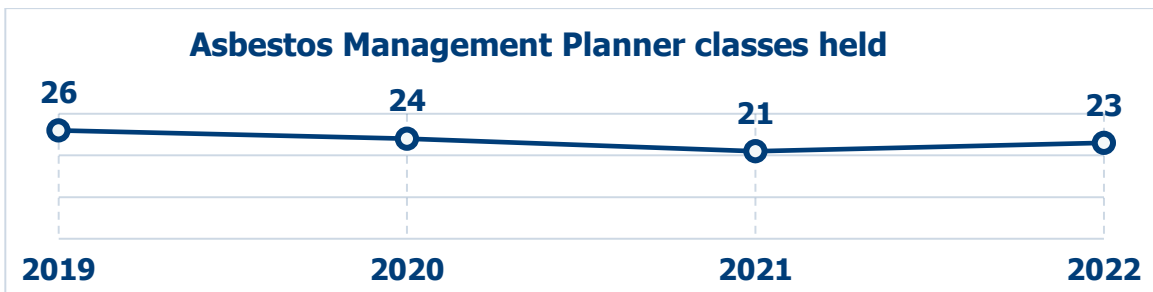
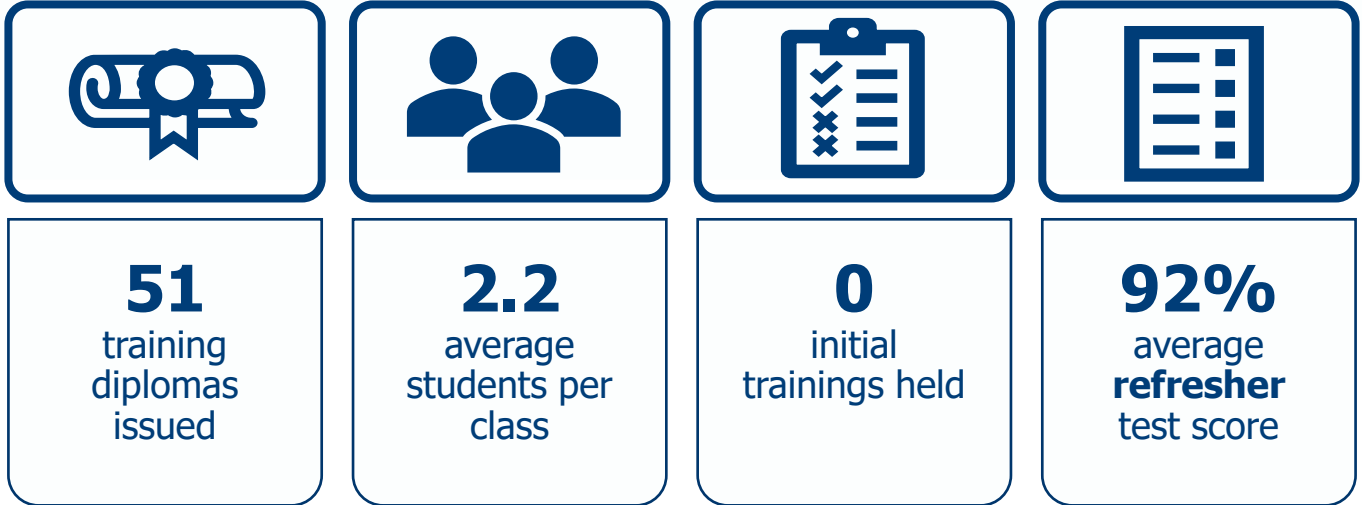
**76% of 803 Asbestos Inspector students applied for certification.**



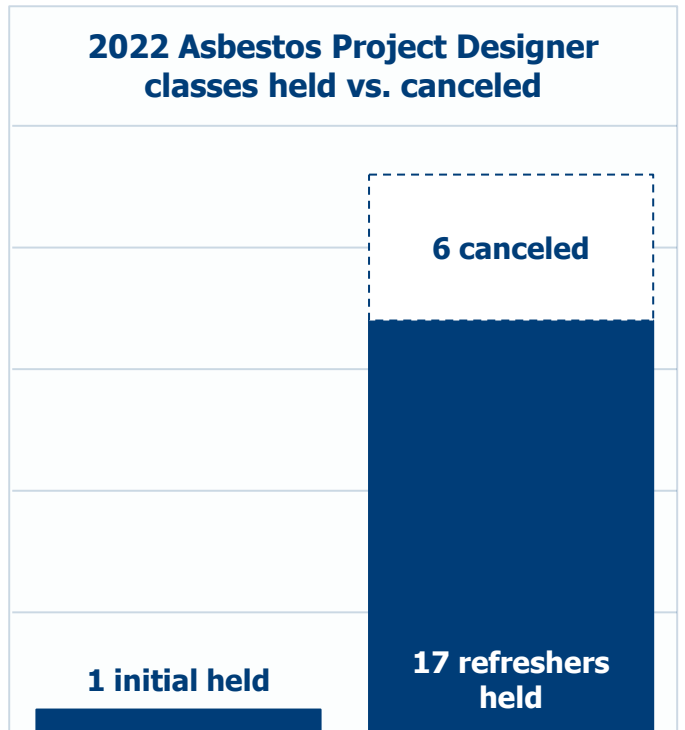
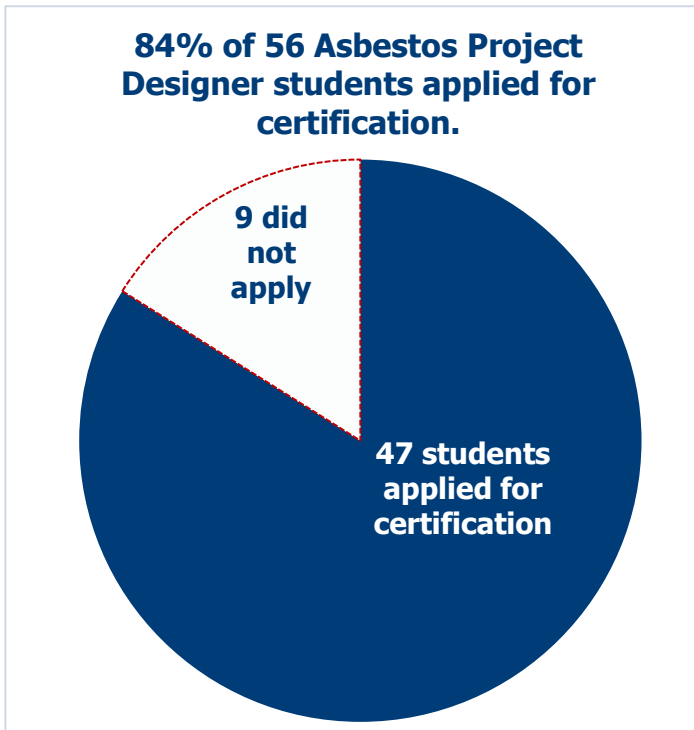
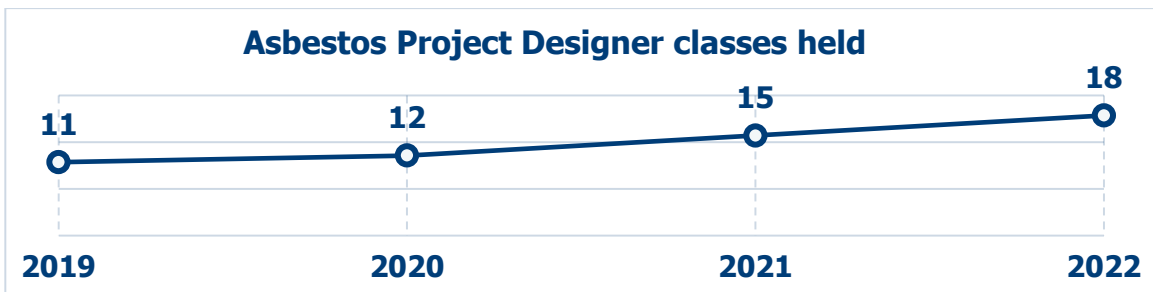
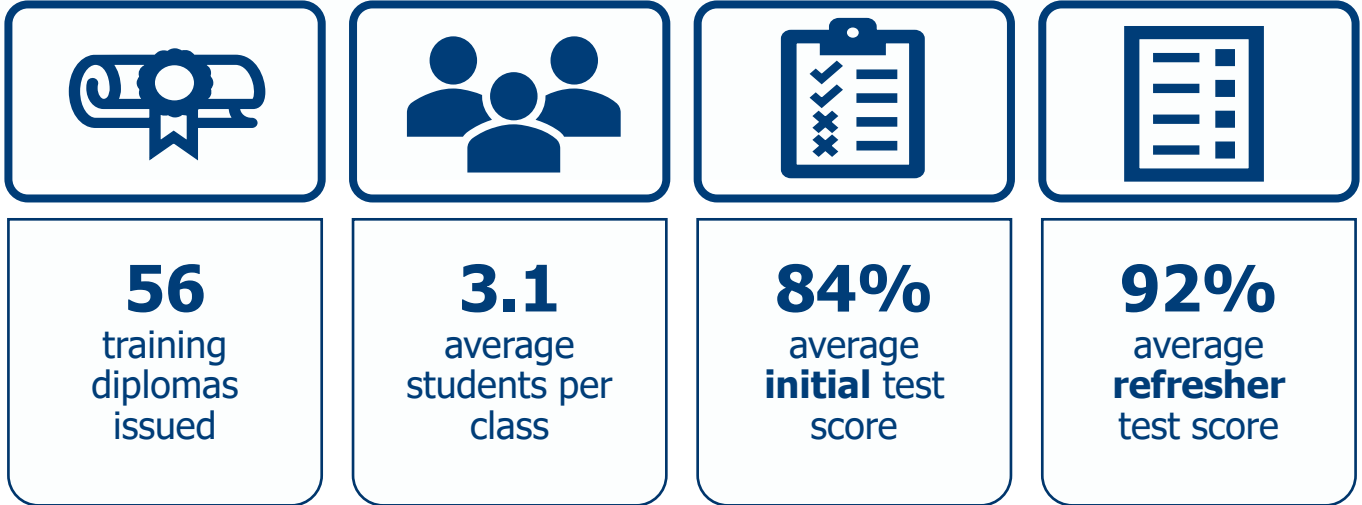
**2022 Asbestos Inspector classes held vs. canceled**



# Asbestos Management Planner



# Asbestos Project Designer







## Lead courses

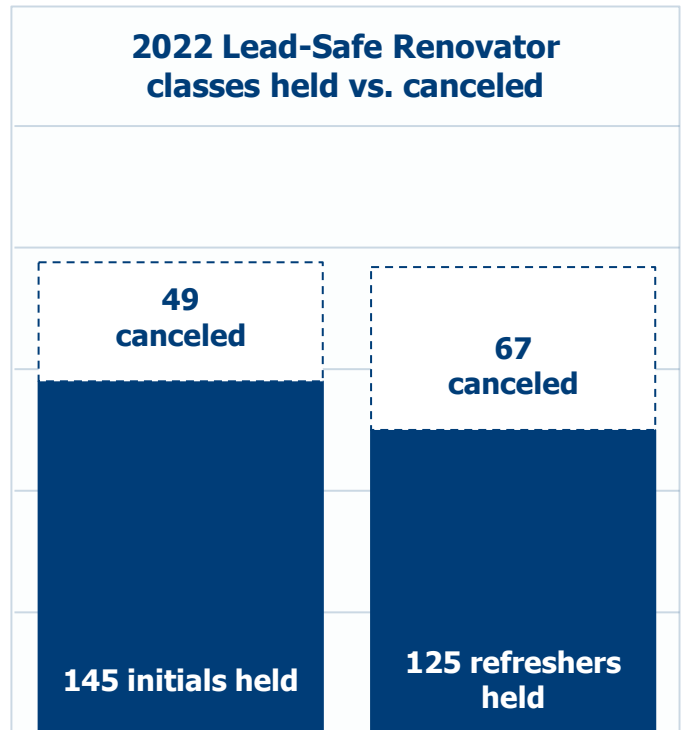
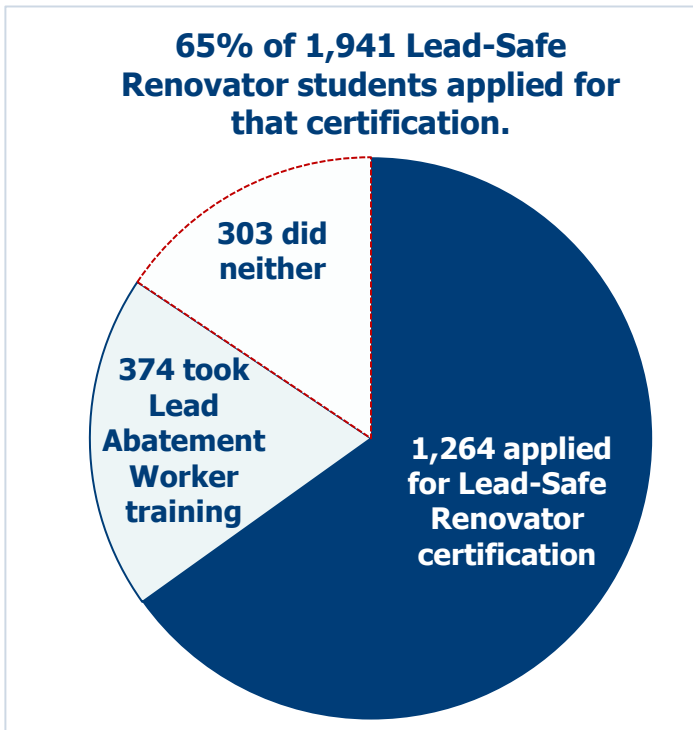
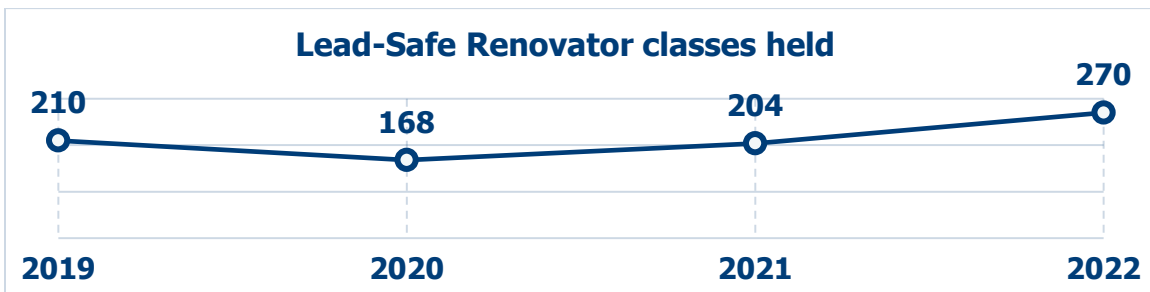
This section provides standard data for each lead course discipline, including:

- The number of classes held (and the number canceled), as compared with the previous three years,
- The number of students who successfully completed the class,
- The number of students who applied to DHS for certification in the discipline,
- The average number of students in each class, and
- The average course test score.

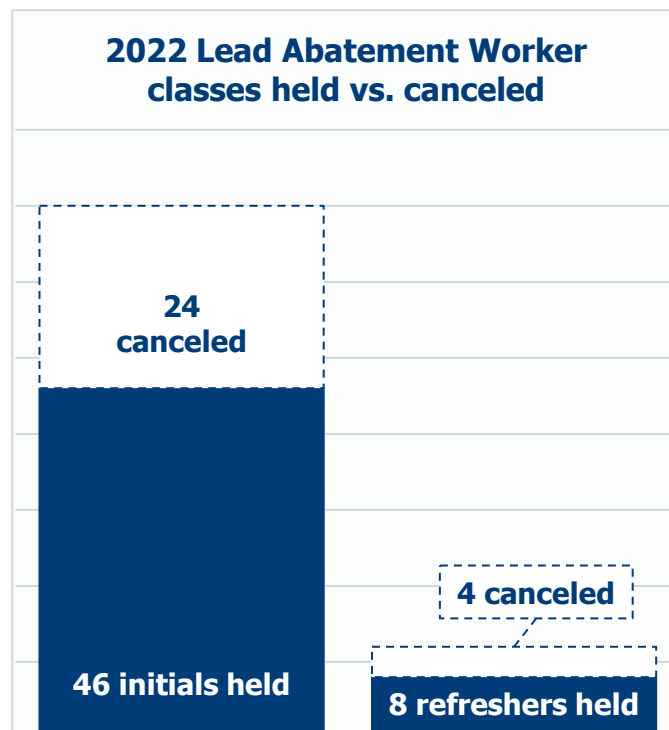
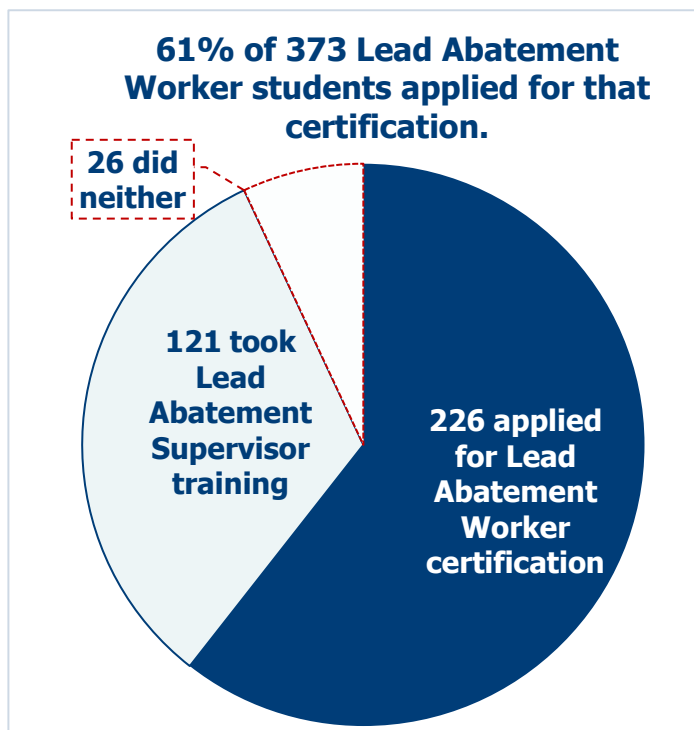
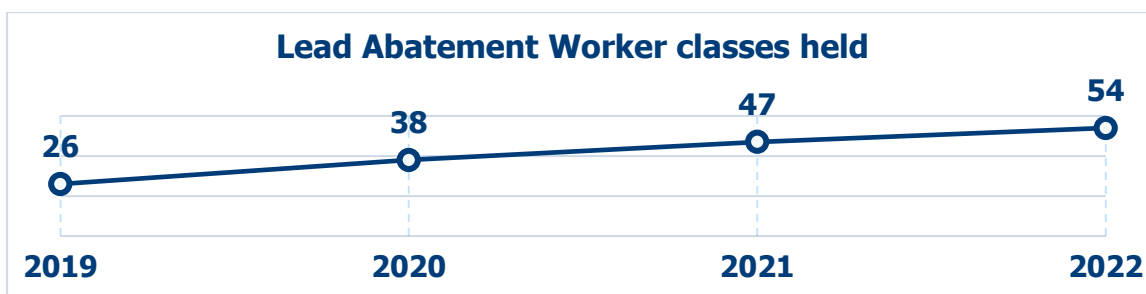
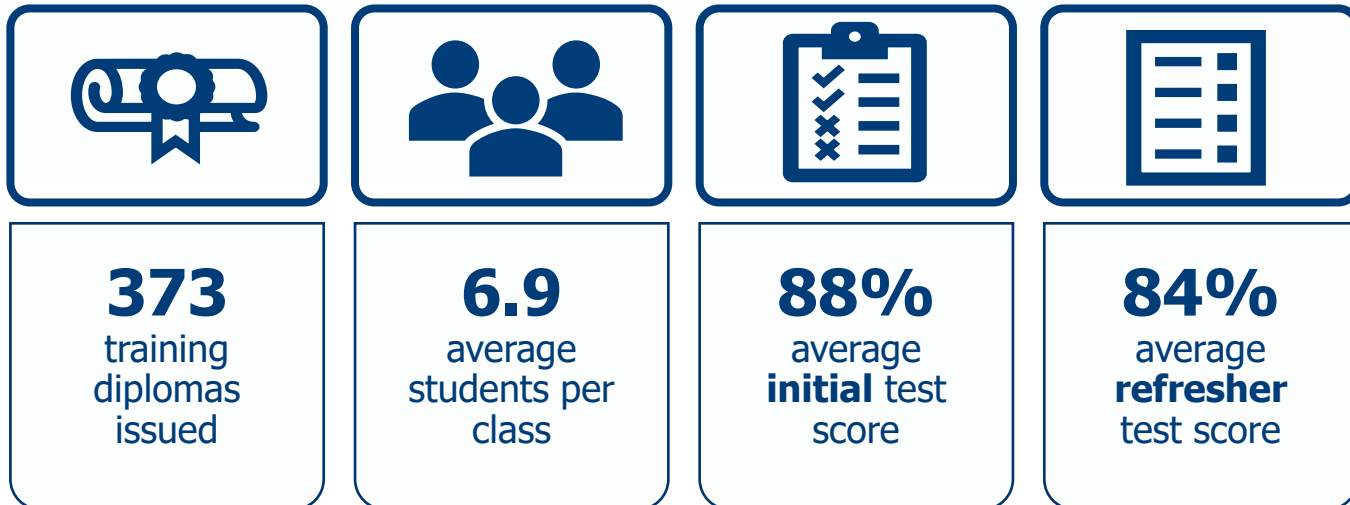
For additional information on training requirements for certification, see [Certification Requirements for Lead Disciplines](#) (P-00848).

# Lead-Safe Renovator





			
<b>1,941</b> training diplomas issued	<b>7.2</b> average students per class	<b>91%</b> average <b>initial</b> test score	<b>94%</b> average <b>refresher</b> test score

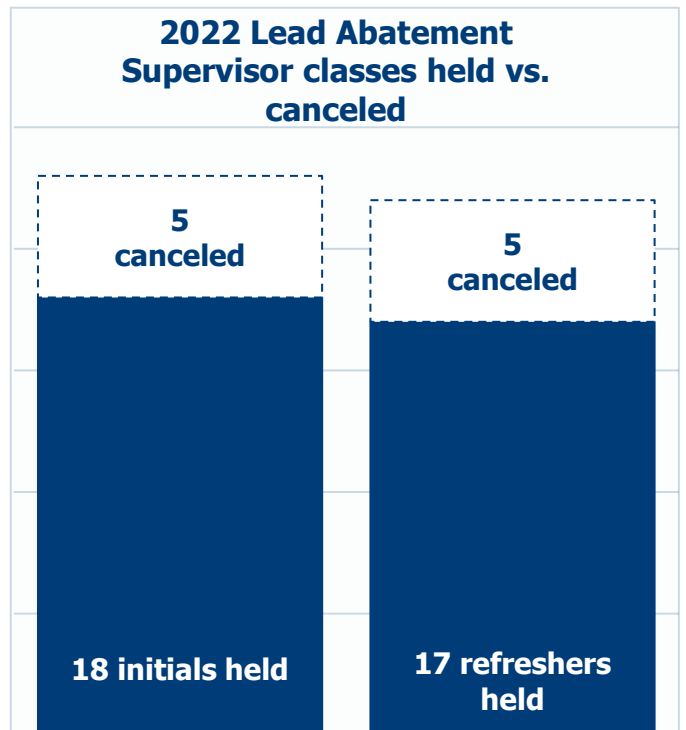
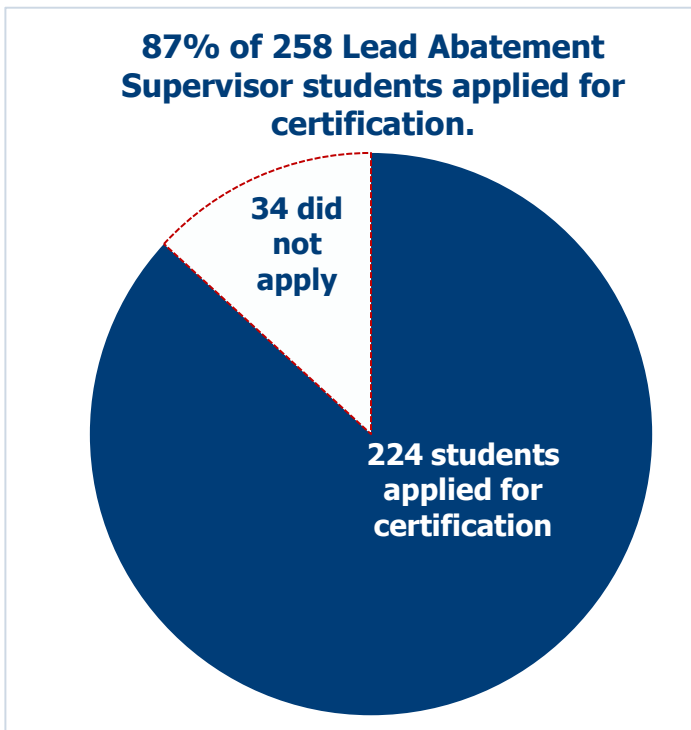
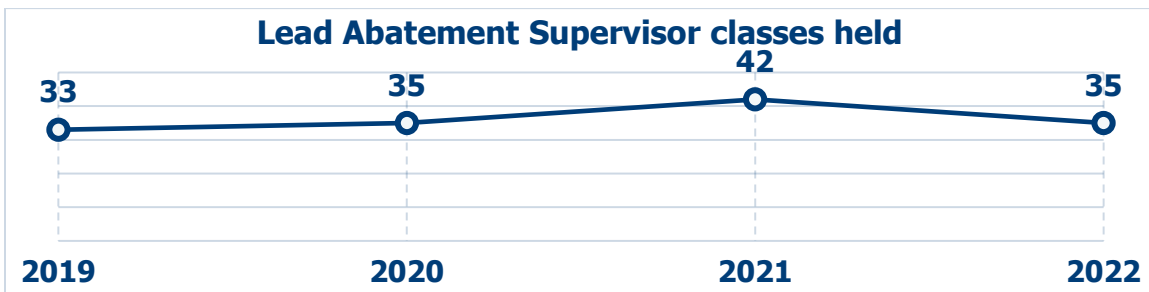


## Lead Abatement Worker

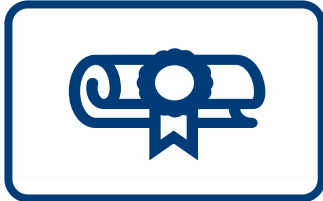


# Lead Abatement Supervisor

			
<b>258</b> training diplomas issued	<b>7.4</b> average students per class	<b>87%</b> average <b>initial</b> test score	<b>89%</b> average <b>refresher</b> test score



# Lead Sampling Technician



**49**  
training  
diplomas  
issued



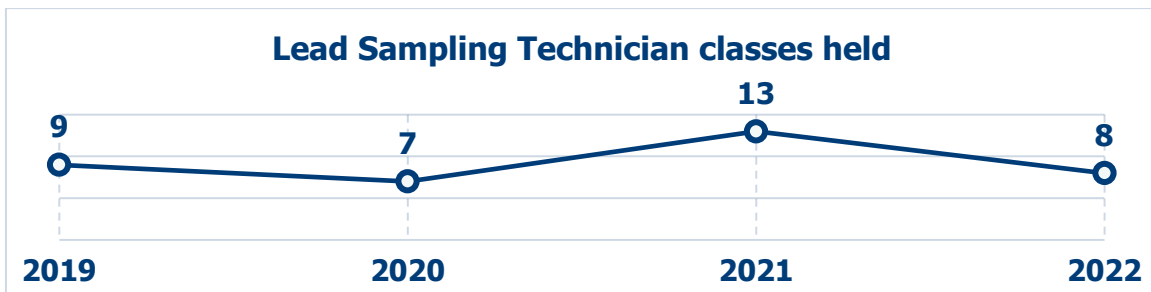
**6.1**  
average  
students per  
class



**93%**  
average  
**initial** test  
score



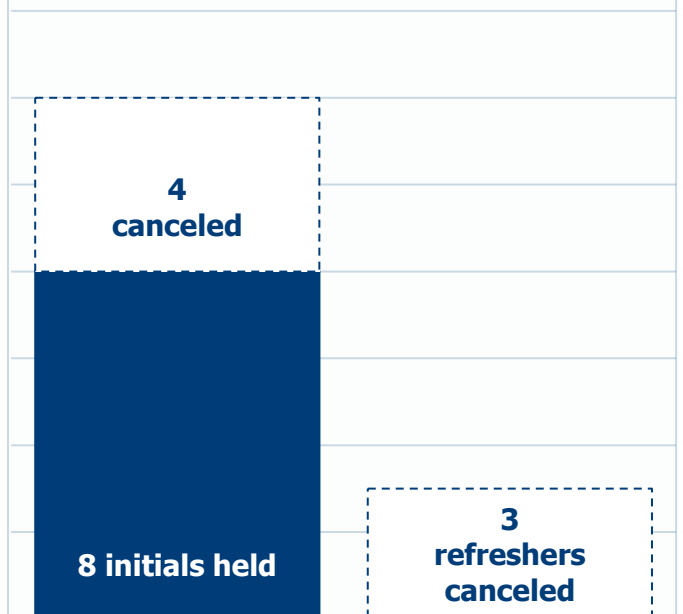
**No**  
refreshers  
held



**8% of 49 Lead Sampling Technician students applied for that certification.**

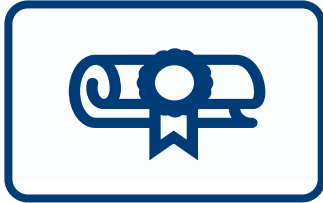


**2022 Lead Sampling Technician classes held vs. canceled**





# Lead Inspector



**44**  
training  
diplomas  
issued



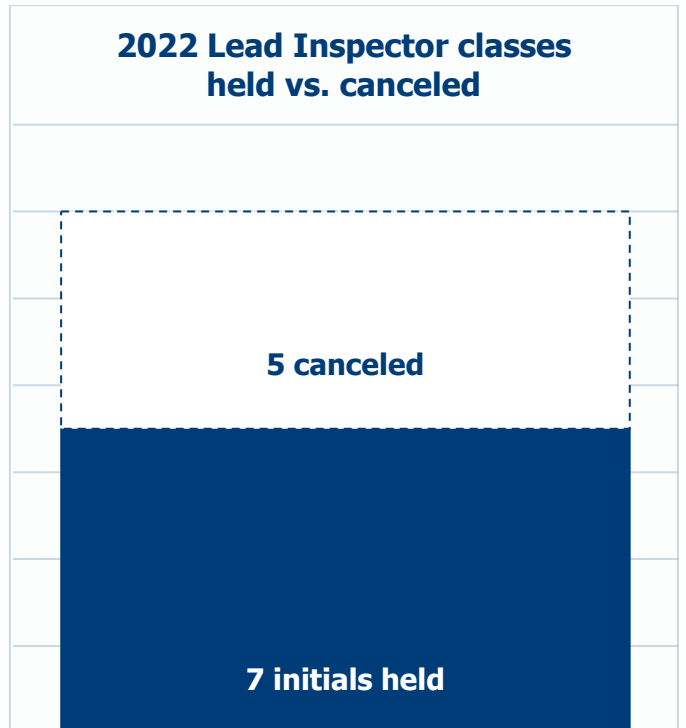
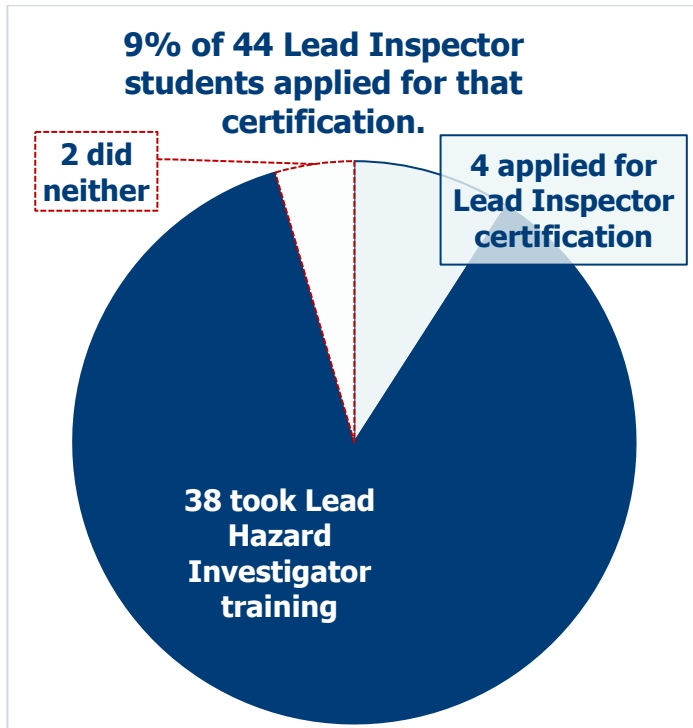
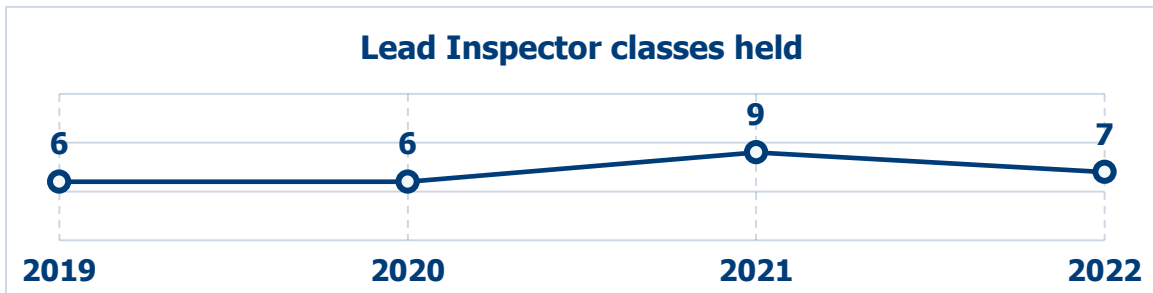
**6.3**  
average  
students per  
class



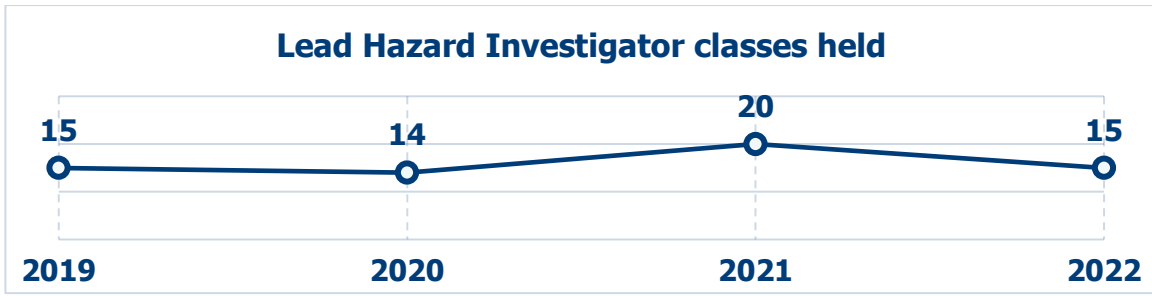
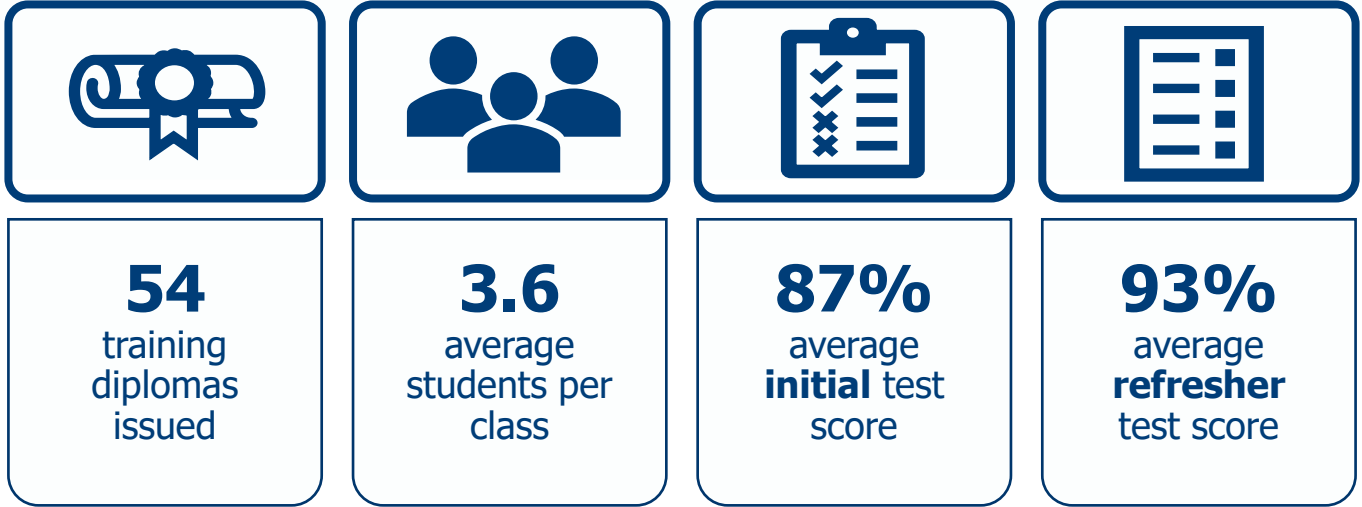
**91%**  
average  
**initial** test  
score



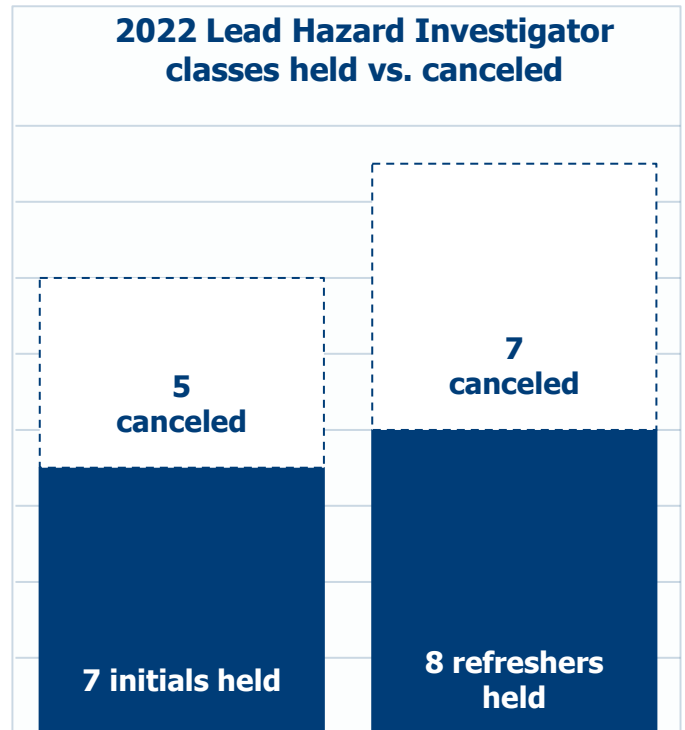
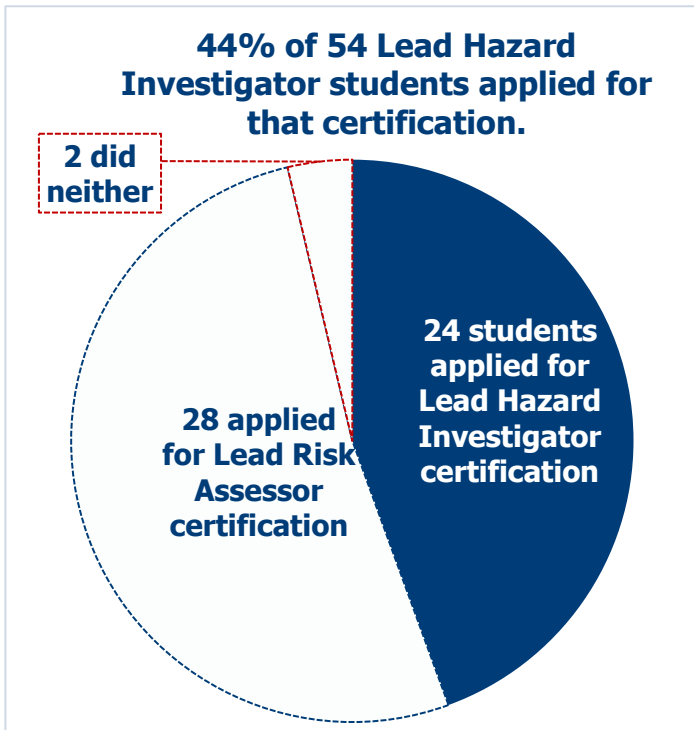
**0**  
refreshers  
held



# Lead Hazard Investigator



The Lead Hazard Investigator and Lead Risk Assessor refreshers can be taught simultaneously.



## Lead Risk Assessor



**143**  
training  
diplomas  
issued



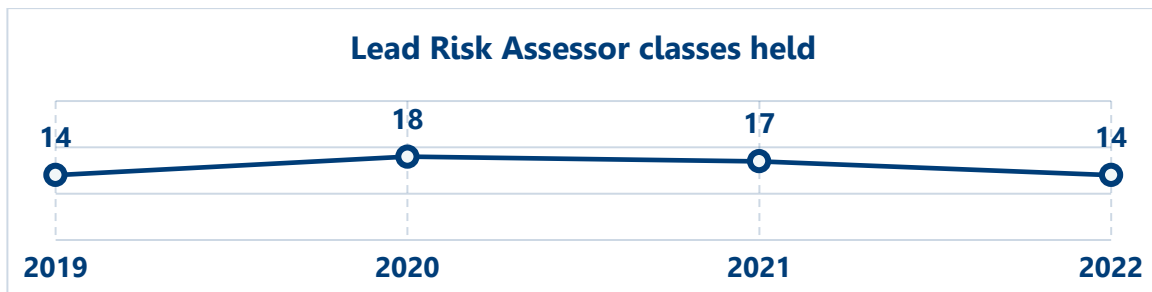
**10.2**  
average  
students per  
class



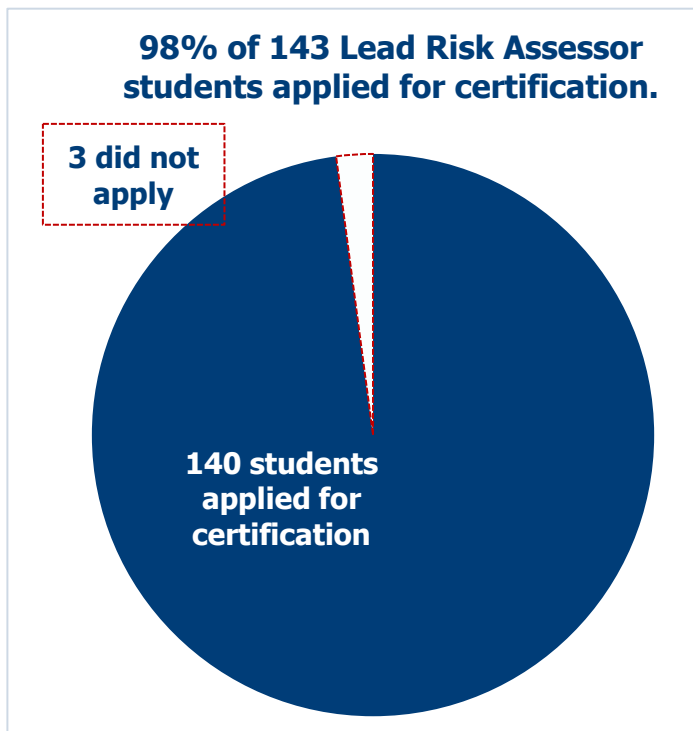
**No**  
initial course  
(refresher  
only)



**94%**  
average  
**refresher**  
test score



The Lead Hazard Investigator and Lead Risk Assessor refreshers can be taught simultaneously.



## Accreditation audits

DHS prioritizes auditing of training courses that meet any of the following criteria:

- Hold contingent accreditation
- Are being taught by a new instructor
- Have had previous violations
- Haven't been audited in a long time
- Are rarely held

In addition, DHS prioritizes compliance reviews of training companies' quality control plans. This is to better position training providers to identify and resolve quality problems in their courses proactively, before DHS audits their live class.

### Full class audits

DHS audited 36 live classes for at least one hour in 2022. These included 20 lead class audits and 16 asbestos class audits, broken down between initial and refresher classes as shown below.

#### Asbestos

##### 9 initials



##### 7 refreshers



#### Lead

##### 11 initials



##### 9 refreshers



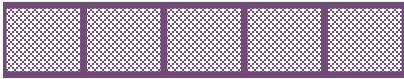
## “Spot check” audits

Nine training classes were “spot checked” in 2022. This means they were audited for less than one hour. We count these separately from the 36, more comprehensive, audits already reported.

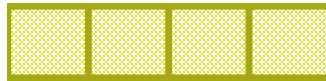
**A spot check** is a class audit that lasts less than an hour.

We most often use spot checks to verify that violations found in a previous audit aren’t reoccurring. We also use them to allow broader oversight of specific rule requirements that we’re focusing on.

### 5 asbestos



### 4 lead



During a spot check, DHS may review compliance with requirements for:

- Attendance documentation (sign-in sheets).
- Use of DHS-approved course materials.
- Availability of training equipment.
- Course testing procedures.
- Student-to-instructor ratios.

## Company quality control plan reviews

Six different companies—40 percent of active training providers—had their quality control plans (QCPs) reviewed for compliance in 2022.

**6 (40%) of 15 trainers had their QCPs reviewed in 2022.**



While the requirements for QCPs differ for lead trainers versus asbestos trainers (see following table for requirements), all training companies are required to keep records of what they did to

follow their plan. We inspected this documentation for each of the six trainers who had their QCPs reviewed.

## Required QCP measures

### Asbestos

- Review and update training materials and course tests.
- Review student-completed course evaluation forms and address student concerns.

### Lead

- Ensure compliance with DHS 163.
- Review instructor competency and improve as needed.
- Review and revise materials to reflect changes in the field.
- Attend DHS training and meetings.
- Maintain validity, integrity, and security of course test and hands-on skills assessment.

We are continuing to review QCPs in 2023. Here are some suggestions to help get your company ready:

- Self-audit your instructors.
- Include the DHS approval date on course materials.
- Give instructors time to prepare for class.
- Keep class equipment and materials stocked and in good repair.
- Have a procedure for instructors to request class materials or equipment repairs.
- Have a system for tracking course and instructor renewal schedules.

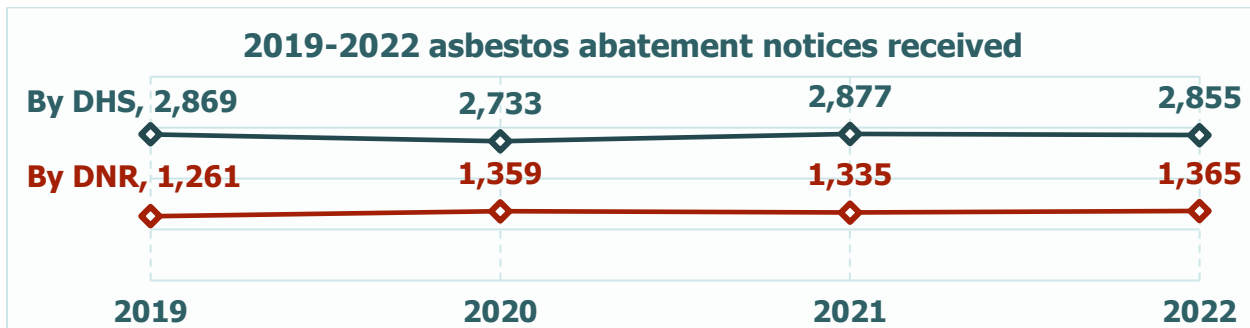
## Inspections of other regulated work

This section provides an overview of the work DHS did in 2022 to oversee the different types of activities we regulate. To provide context, we've also provided data on the number of project notifications of and complaints about regulated work we've received, as these are the primary drivers of DHS inspections. Companies who will conduct regulated lead and asbestos abatement projects must inform DHS ("notify") before starting work so DHS can inspect those projects. Lead-safe renovation does not require notification to DHS.

### Asbestos abatement

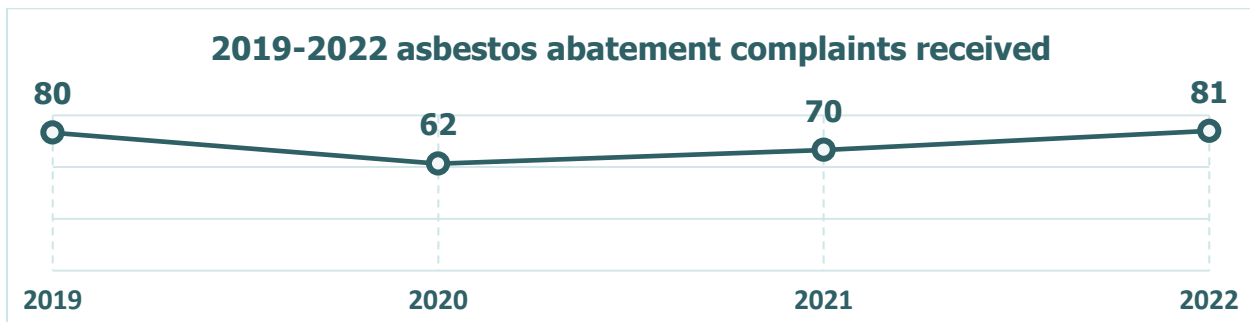
#### Notices

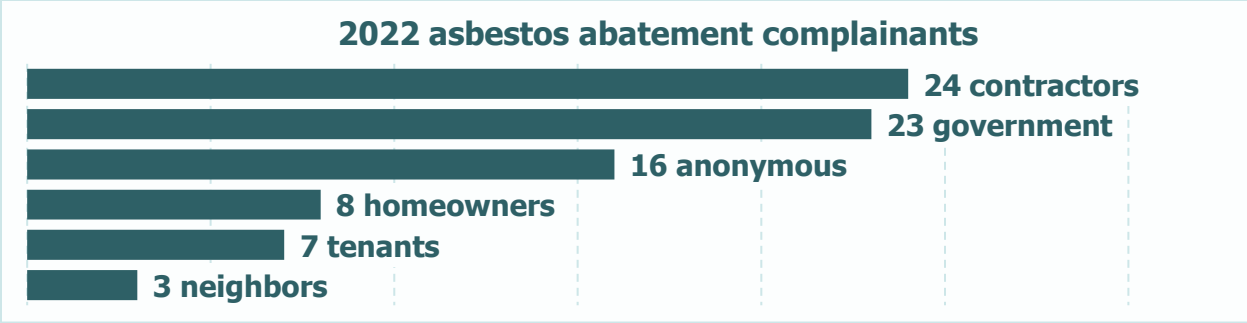
The Department of Natural Resources (DNR) and DHS together received notification of 4,220 asbestos projects in 2022. Asbestos project notices have been stable over the last four years. Between 2019 and 2022, DHS received, on average, 68 percent of the total asbestos notices submitted to DHS and the DNR. DHS inspects projects notified to DHS and DNR.



#### Complaints

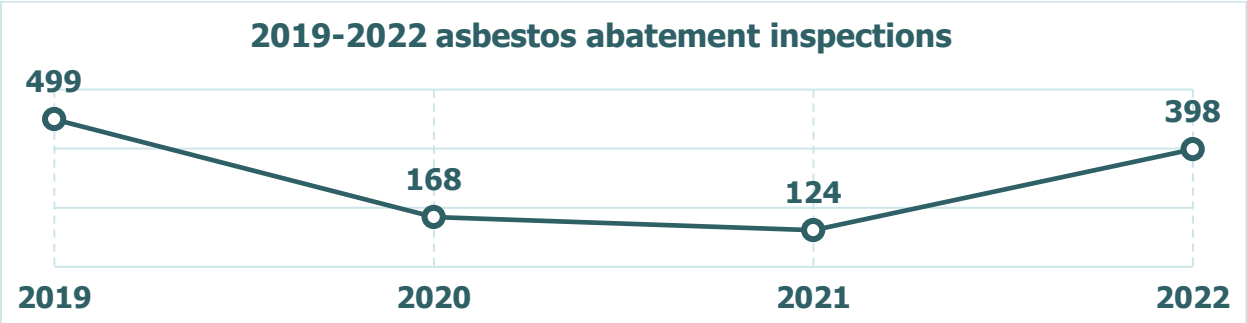
DHS received 81 asbestos complaints in 2022. We investigate **every** complaint we receive.



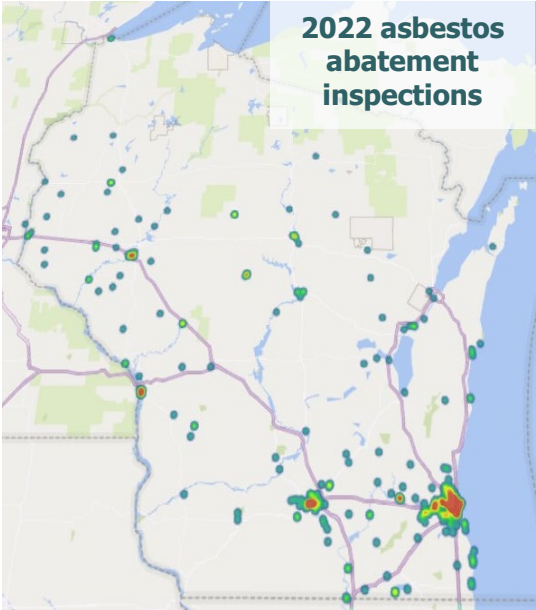
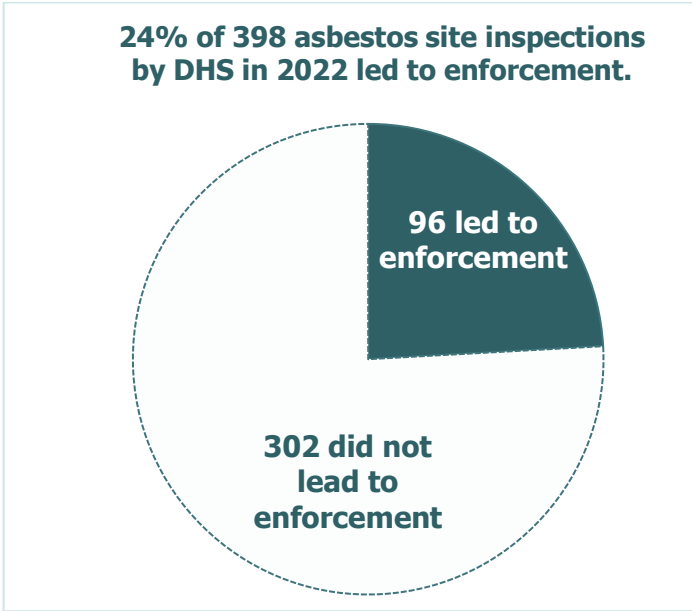


### Inspections

Inspections began rebounding as COVID-19 restrictions eased and an inspector vacancy was filled. We visited approximately 9 percent of the abatement projects notified in 2022.



The map that follows shows the location of each asbestos abatement project inspection DHS conducted in 2022. The red areas indicate a high concentration of inspections.



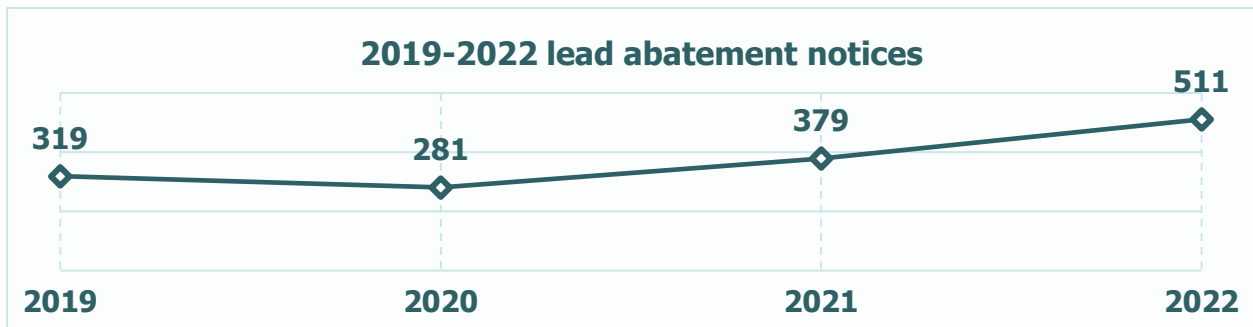
See Enforcement section starting on page 30 for information on the reasons for and types of enforcement actions DHS took in 2022.



## Lead abatement

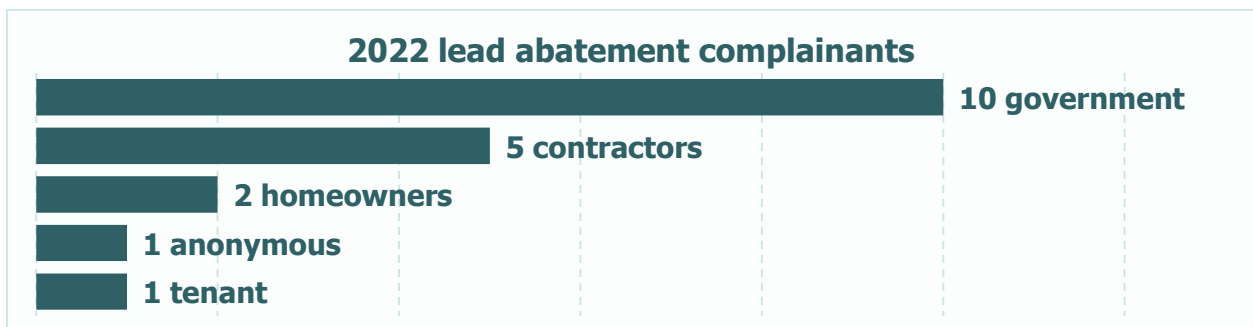
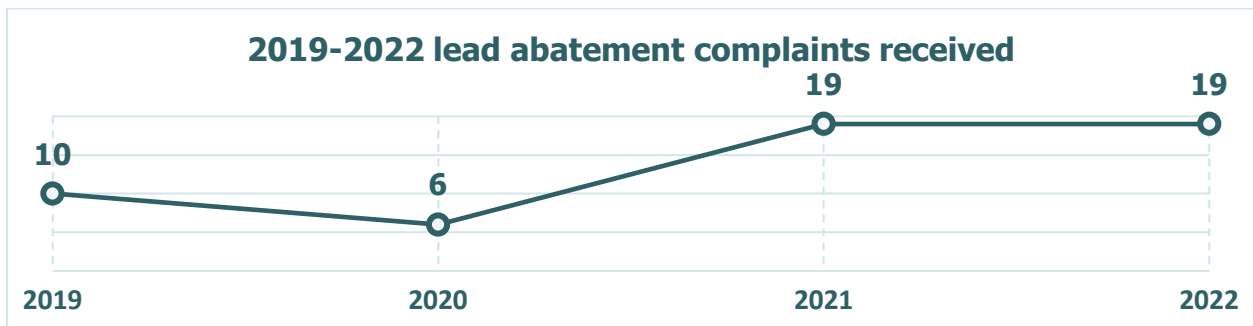
### Notices

After a 2020 decline due to reduced blood lead testing during the pandemic, lead abatement project notifications rebounded in 2021 and jumped again by 25 percent in 2022. Increased lead abatement funding availability—such as through the Lead-Safe Homes Program, a health services initiative to fix homes using the Medicaid Children’s Health Insurance Program, and American Rescue Plan Act (ARPA) economic stimulus funds within the City of Milwaukee—are at the root of this increase.



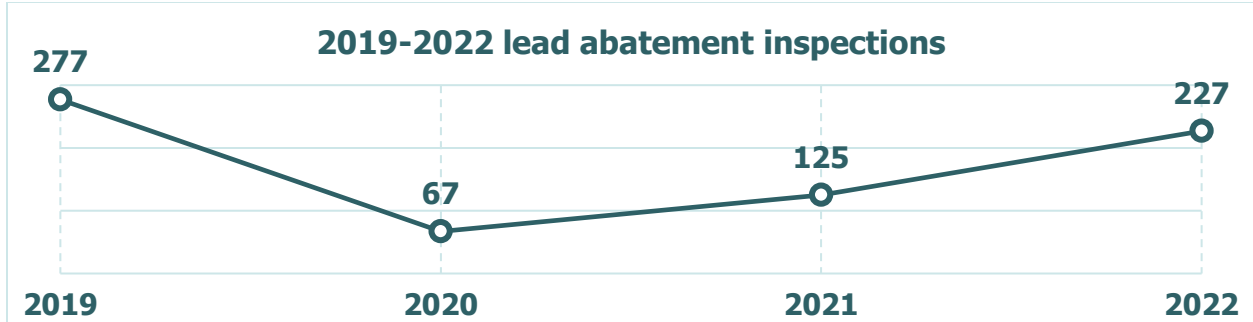
### Complaints

We received 19 complaints about lead abatement work in 2022. We investigate **every** complaint we receive.

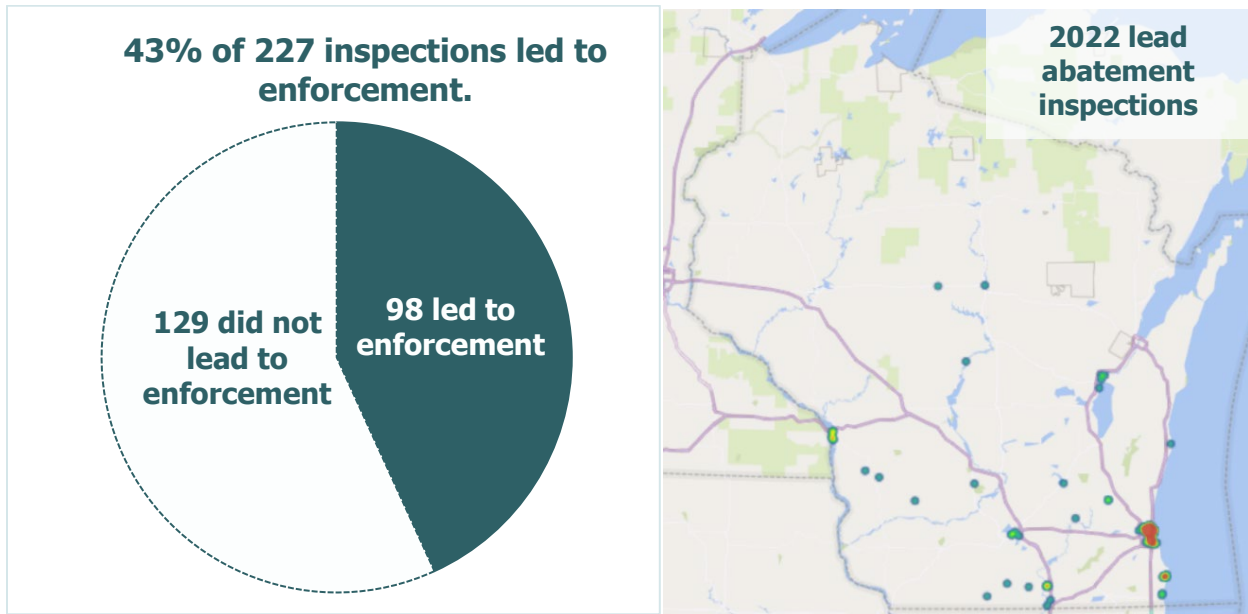


## Inspections

As seen with asbestos abatement project inspections, lead abatement project inspections began rebounding after COVID-19 restrictions eased and an inspector vacancy was filled. We visited about 54 percent of the lead abatement projects notified during 2022.



The dotted map that follows shows the location of each lead abatement project inspection DHS conducted in 2022, with the highest concentration area in red over the City of Milwaukee.



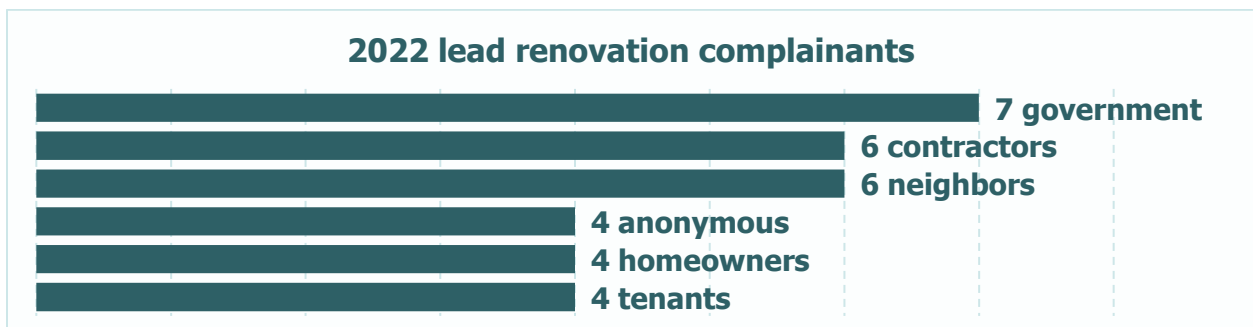
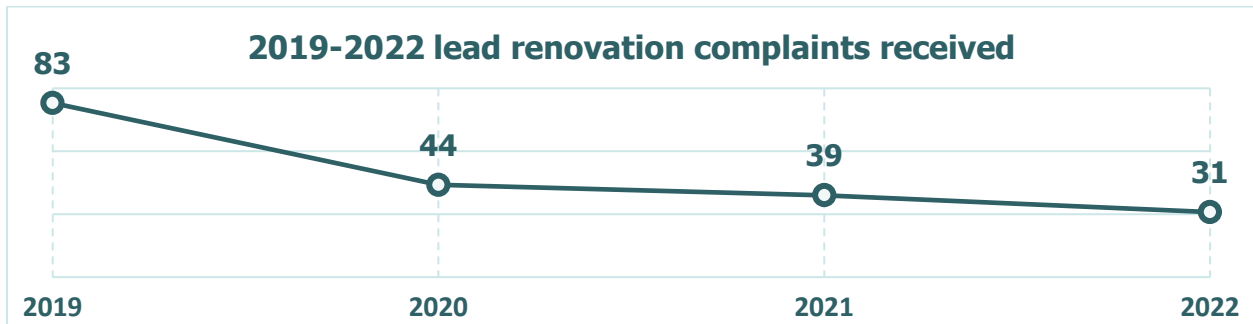
See Enforcement section starting on page 30 for information on the reasons for and types of enforcement actions DHS took in 2022.

## Lead renovation

Because lead renovation projects do not require notification to DHS, we are not able to provide information about the number of these projects that took place during 2022.

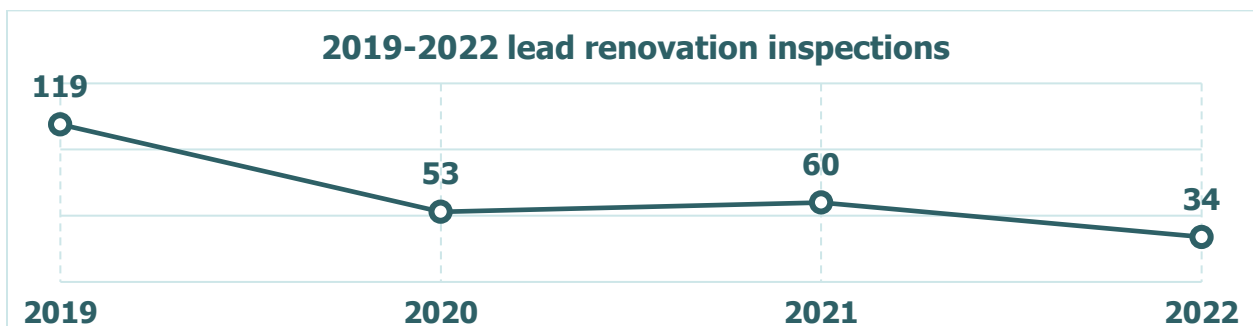
## Complaints

We received 31 complaints about lead renovation work in 2022. We investigate **every** complaint.

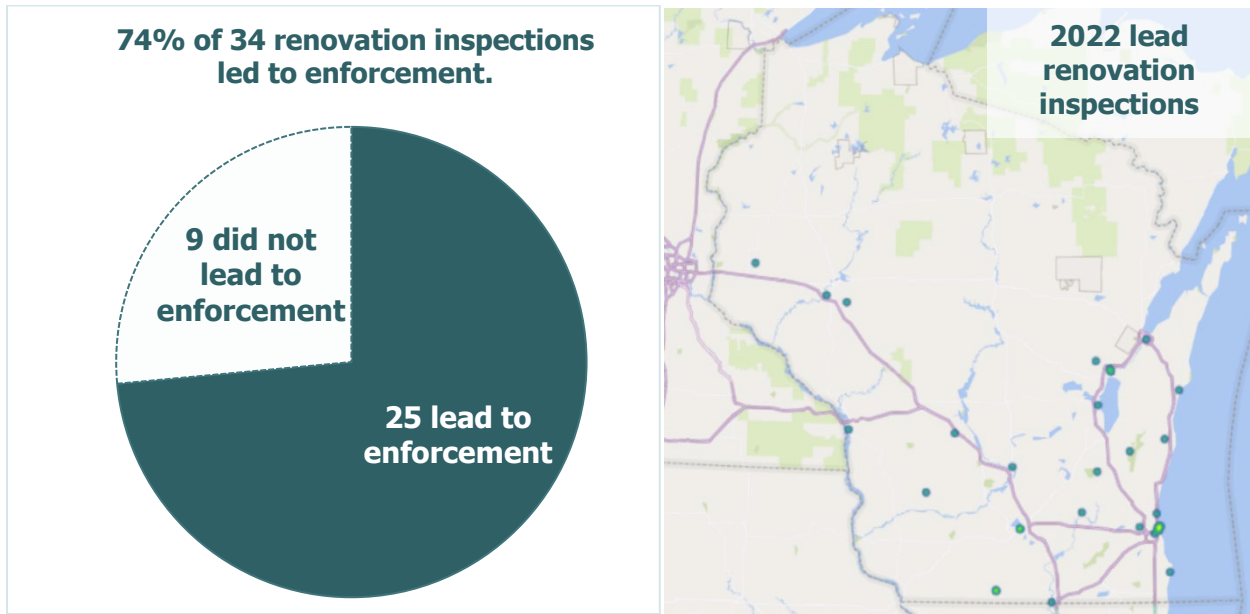


## Inspections

Because renovation projects are not required to be notified in advance to DHS, our inspections of this type of work are generally driven by complaints.



The dotted map that follows shows the location of each lead renovation inspection DHS conducted in 2022, with the highest concentration in Milwaukee County.



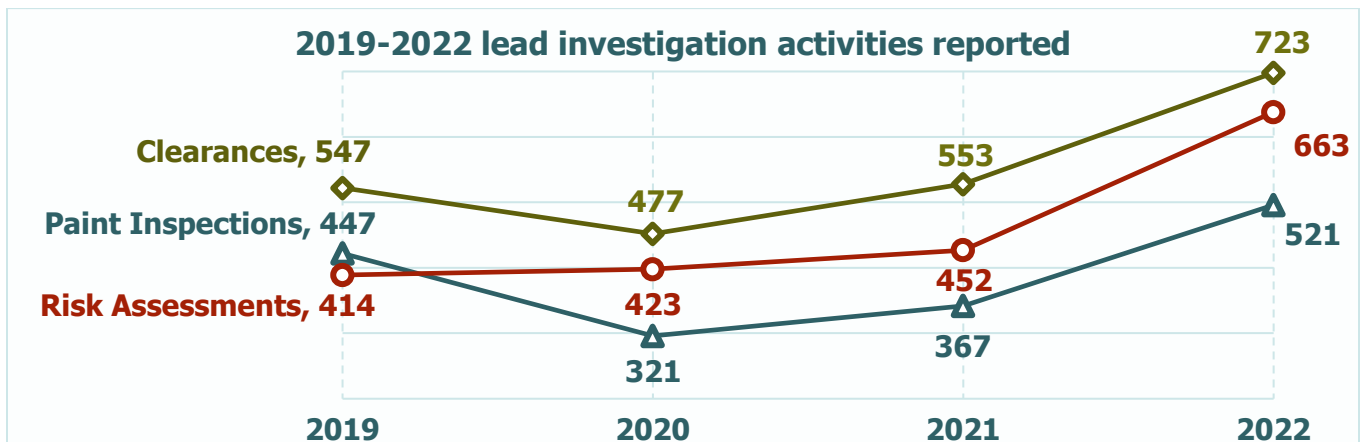
See Enforcement section starting on page 30 for information on the reasons for and types of enforcement actions DHS took in 2022.

## Lead investigation

### Activities reported

1,907 lead investigation activities were reported in 2022. People with certification in a lead investigation discipline (risk assessors, hazard investigators, lead inspectors and sampling technicians) are required to submit a summary report of their lead investigation activities every quarter. We use these to select reports to review for compliance with regulatory requirements.

Lead investigation activities were up significantly in 2022, mirroring the climb in the number of lead abatement project notices.

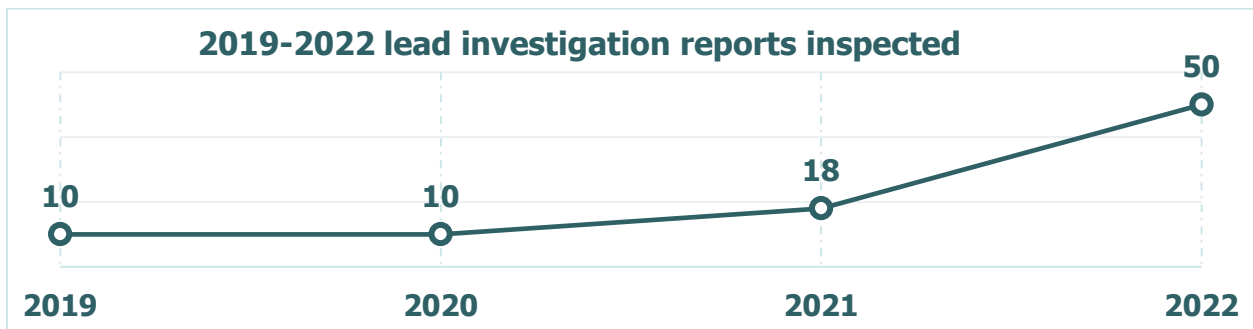


Note: Reported lead hazard screen and lead-safe investigation numbers are so low that they cannot be depicted on this chart. Just one lead-safe investigation was conducted in 2022, with three lead hazard screens in 2022 and two in 2021. Neither type of investigation was conducted in 2020 or 2019.

## Inspections

We've significantly increased our oversight of lead investigation reports over the last four years. We inspected at a rate of three percent of the number of investigations conducted in 2022 and expect to increase this rate in 2023, with our lead investigation compliance assistance specialist, Sara Krueger, who joined the program on a full-time basis in December 2022.

Because we are reviewing so many more investigation activities than in years past, many lead investigators are receiving feedback for the first time. Recognizing this, we are prioritizing compliance assistance over enforcement except where violations are egregious or reoccurring.



Note: A lead investigation review is typically much more labor and time intensive than an asbestos or lead project site inspection, so we're not able to do as many of them.

# Enforcement

DHS usually takes the following types of enforcement actions to address violations of lead and asbestos regulations.

## **Notices of Noncompliance (NON)**

A NON is a letter that lets a violator know they were found in violation of one or more provisions of regulation. Unlike the other enforcement actions described here, a NON cannot be appealed.

## **Civil forfeiture (forfeiture)**

DHS can require violators to pay a monetary forfeiture. We usually do this for repeat violations, egregious violations, and for uncertified companies and individuals found in violation.

## **Civil forfeiture for failing to respond to DHS (forfeiture)**

DHS may issue a forfeiture to anyone who doesn't respond to a DHS enforcement action requiring it—for example, if a violator doesn't pay a forfeiture or appeal the forfeiture. While they are included with the number of forfeitures for all other violations in this report, the subtotal of this category of forfeiture is provided as well. DHS applies a standard \$100 forfeiture for failing to respond to a DHS enforcement action.

## **Denial of certification (denial)**

DHS denies certification to ineligible applicants. DHS can also deny accreditation or instructor approval, though this is uncommon.

## **Suspension of certification (suspension)**

DHS may suspend certification by giving 30 days' advance notice and specifying the conditions under which suspension can be avoided. This is typically done when a violator doesn't respond adequately to a DHS enforcement action. DHS can also suspend accreditation or instructor approval.

## **Revocation of certification (revocation)**

DHS may revoke certification from anyone who submits false information when applying for certification (such as a fraudulent training diploma). DHS can also revoke accreditations and instructor approvals. DHS uses revocation actions for egregious violations.

## Should the number of 2022 inspections leading to enforcement match the number of enforcement actions issued in 2022?

For a few reasons, the answer is **no**.

- Some 2022 enforcement actions resulted from 2021 inspections.
- Some 2022 inspections led to 2023 enforcement actions.
- DHS sometimes addresses similar violations identified during a short span of time through a single, consolidated enforcement action. For example, if Company ABC is found in violation of the same requirement during two inspections one week apart, we would take a single enforcement action citing both violations.
- Violations identified during a single inspection can lead to more than one enforcement action. For example, if we issue a civil forfeiture to Company XYZ for violations identified during an inspection, and Company XYZ doesn't pay it (or file an appeal), we may suspend Company XYZ's certification.

## Asbestos accreditation enforcement actions

In 2022, DHS issued three enforcement actions for asbestos training violations: one NON, one forfeiture, and one suspension of accreditation.



Violation	DHS action	Avoid by:
1.  Not having all supplies needed for hands-on activities	NON	Keeping supplies stocked and organized and giving instructors prep time and a way to request needed supplies.
2.  Not submitting student data after class	Suspension of accreditations	Submitting student data as soon as possible after class.
3.  Failing to notify DHS of a class time change	\$100 forfeiture	Notifying course schedule changes. Check upcoming class notices. If revising less than 10 days before class starts, notify DHS directly.

## Lead accreditation enforcement actions

In 2022, DHS issued six enforcement actions for lead training violations: three NONs and three forfeitures.



Violation	DHS action	Avoid by:
1.  Admitting an ineligible student to class	\$300 forfeiture	Following your approved course registration plan.
2.  Skipping cleaning verification activity	NON	Explaining that final cleaning and cleaning verification are distinct activities.
3.  Doing the cleaning verification activity incorrectly	NON	Using a detailed checklist to be sure you cover each step.
4.  Failing to notify DHS that a class was canceled	NON	Notifying DHS, even if it's the last minute.
5.  Not having appropriate training resources, skipping curriculum requirements, and issuing diplomas to students anyway	\$1,000 forfeiture	Deliver courses as approved by DHS, using training resources approved by DHS. Keep resources stocked and organized, and give instructors prep time and a way to request needed supplies.
6.  Signing hands-on skills assessment records without assessing the students	\$300 forfeiture	Instructors should only sign-off on activities actually conducted and assessed. Deliver courses as approved by DHS and if changes are needed, have them approved ahead of time.

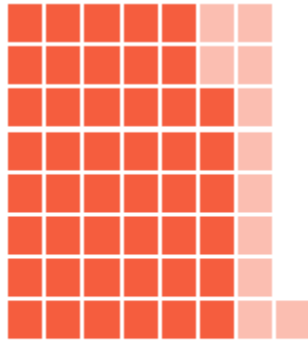


## Asbestos abatement enforcement actions

DHS took a total of 138 enforcement actions for asbestos work in 2022. Additionally, DHS issued 10 written warnings for possible violations.



58 NONs



57 forfeitures, including  
11 for not responding to  
DHS



5 suspensions



7 denials



11 revocations



**\$461**  
Average  
Forfeiture



**\$3,400**  
Maximum  
Forfeiture



**\$26,300**  
Total  
Assessed

Note: The \$461 average forfeiture includes 11 forfeitures, of \$100 each, issued for failing to respond to DHS. Excluding those gives an average of \$548.

### Top 5 asbestos abatement violations of 2022

1. No project log (36 violations)
2. No project notice to DHS (34 violations)
3. Not protecting public health (31 violations)
4. Uncertified company (21 violations)
5. Uncertified worker (20 violations)

## Lead abatement enforcement actions

We issued four written warnings and took 65 enforcement actions for lead abatement work in 2022.



**\$696**  
Average  
Forfeiture








**\$2,100**  
Maximum  
Forfeiture



**\$11,135**  
Total  
Assessed

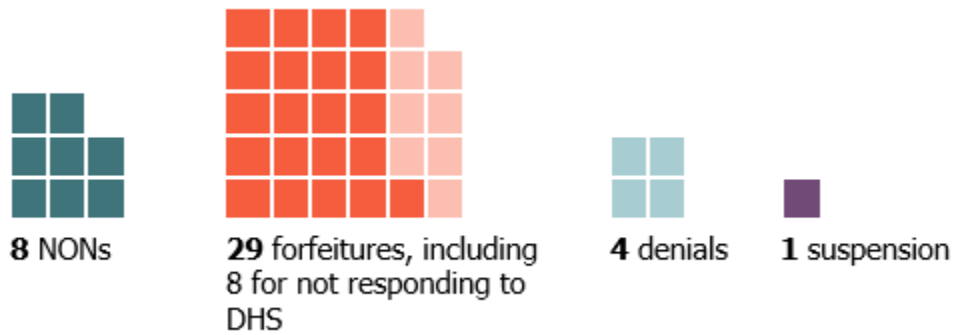
Note: The average of \$696 includes the one forfeiture of \$100 issued for failing to respond to DHS. Excluding this gives an average of \$736.

### Top 5 lead abatement violations of 2022

1.  No (or unposted) occupant protection plan (21 violations)
2.  Uncontained dust and debris (16 violations)
3.  Unprotected personal property (15 violations)
4.  No project notice to DHS (15 violations)
5.  No daily cleaning (12 violations)

## Lead renovation enforcement actions

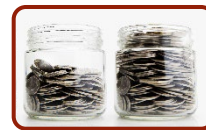
We took 42 enforcement actions for lead renovation work in 2022. We also issued five written warnings.



**\$729**  
Average  
Forfeiture



**\$3,230**  
Maximum  
Forfeiture



**\$21,155**  
Total  
Assessed

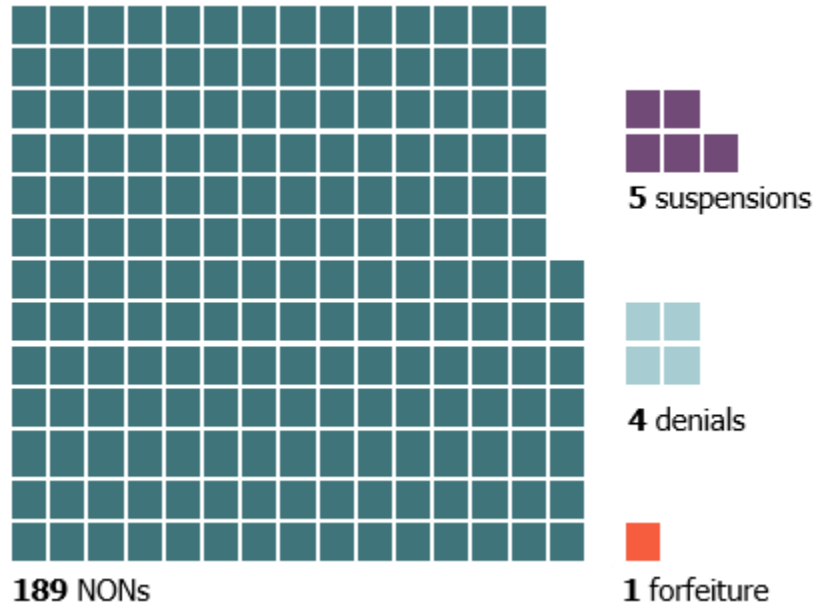
Note: The average of \$729 includes the eight forfeitures of \$100 each issued for failing to respond to DHS. Excluding those gives an average of \$969.

### Top 5 lead renovation violations of 2022

1. 🗨️ Uncontained work area (16 violations)
2. 🗨️ Uncertified company (15 violations)
3. 🗨️ No warning signs posted (14 violations)
4. 🗨️ No daily cleaning (12 violations)
5. 🗨️ No Renovate Right pamphlet (10 violations)

## Lead investigation enforcement actions

We took 199 enforcement actions for lead investigation violations in 2022. Most actions (95 percent) were NONs issued for failing to submit summary lead investigation reports by the quarterly deadline.



A single forfeiture of \$300 was issued for falsely reporting that no lead investigations were conducted during a quarterly reporting period.

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For additional information or questions, please email Miriam Hasan at [miriam.hasan@dhs.wisconsin.gov](mailto:miriam.hasan@dhs.wisconsin.gov).