

**ORDER OF THE
DEPARTMENT OF HEALTH SERVICES
TO ADOPT EMERGENCY RULES**

The Wisconsin Department of Health Services (“the department”) hereby adopts emergency rules to **repeal** DHS 163.03 (12), (15), (18) (Note), (19), (26) (Note), (35), (47), (51), (58), (70), (85), (96) (Note), and (112); 163.10 (2) (b) 3., (3) (a) 3., (3) (a) (Note), (3) (b) 3.e., (3) (d) & (4), (5) 1. c., (5) (g) 4. (Note 2), (6) (b) & (Note), (8) (a) (Note), (8) (c) 4. c., and (8) (c) 6. (Note 2); 163.12 (1) (am), (3) (Note 2), and (6) (a) 2. (Note 2); 163.13 (6) (a) 1.b. and (6) (a) 2.b.; 163.14 (1) (e) 4. d., (1) (i) (Note), (1) (k) (Note), (2) (b) 4. (Note 2), (2) (c), (4) (c) (Note), (5) (c) 5. b. (Note), (5) (c) 8. a., b. & c., (5) (c) 10. (title), (intro.), & a., (5) (c) 11., (7) (d) 3. (Note), (8) (c) (Note), (8) (e), (9) (c) 2., (9) (c) 3. (Note), and (11) (j) 4. e. (Note); 163.20 (4) (d) 2. & 4., (4) (d) 10., and (8) (c) 3.; 163.21 (2) (a), (b), (c), & (d), (3) (c), and (7); 163.22 (4); 163.23 (3) (d) (Note 2); 163.24 (2) (b) 2. (Note 2) and (3) (b) 7. d. (Note 2); 163.25 (3) (a) (Note) and (7) (e) (Note); 163.40 (2) (c) 2. and (2) (c) 5.; 163.41 (2) (a) 2. c. (Note), (2) (a) 2. d. (Note), (2) (a) 3., (2) (a) 4. a. & b., (b), (c), (d), (e), and (f), and (3) (c) (Note); 163.41 (2) (intro.); 163.42 (1) (f) 1., 2., & 3., (2) (a) 2., 3., 4., 5., 6., 7., 8., 10., & 11., (2) (c), (d), & (e), (4), and and (5) (g) (Note); to **renumber** 163.14 (5) (c) 9. a., b., cm., cr. & d.; to **renumber and amend** 163.03 (98) and (99); 163.13 (6) (a) 1. a., (6) (a) 2. a., & (6) (a) 2. c.; 163.14 (1) (e) 2. (title) & a., (1) (e) 3., (1) (e) 4. (title), (intro.), a., b., & c., (1) (e) 5., (5) (c) 9. (title), (intro.), & c., (5) (c) 10. b., c., d. & e; 163.21 (9) (b); 163.40 (2) (c) 3., a., b., c. d. and e.; 163.41 (2) (a) (title) & 1., (2) (a) 2., a., b., & c., (2) (a) 2. d., (2) (a) 2. e., (2) (a) 4. (intro.); and 163.42 (2) (a) (title) & 1.; to **amend** 163.01 (3); 163.02 (1) (c) and (2) (Note); 163.03 (2), (8), (9), & (10), (14), (17), (29) (Note), (39), (59), (64), (65), (68), (73), (74), (75), (76), (77), (79), (80), (81), (83), (88r), (94), (102), (116), and (117); 163.10 (1) (d) 1., (2) (a) 1. & 2., (2) (b) 1. & 2., (2) (b) 4., (3) (a) 1., (3) (a) 2., (3) (a) 4., (3) (b) 1., 2. a., 3. (title), & 3. (intro.), (3) (c) (title) & 1., (3) (c) 2., (3) (c) 4., (5) (e) (intro.), (5) (f), (5) (g) 1. (intro.), a., & b., (5) 1. d. to h., (5) (g) 2., (5) (g) 4., & (Note 1), (6) (c) 2., (8) (a), (8) (c) 2., (8) (c) 4. (intro.), a., & b., (8) (c) 4. d. to h., (8) (c) 6., and (8) (c) 6. (Note 1); 163.11 (intro.), (1) (b), and (4); 163.12 (1) (b), (3) (a) (title), 1., a., b., d., f., & g., (3) (a) 2. a., (3) (a) 2. b., (3) (b) (title), (intro.), 1., 2., & 3., (3) (Note 1), (5), (6) (title) & (a) (intro.), (6) (a) 2. (intro.), (6) (a) (Note 1), (6) (b) 1., 2., & 3., and (6) (c); 163.13 (3) (c) 3., 4., & 5., (5) (e), (6) (b) 1., (6) (b) 2. b., (7) (b) & (c), (8) (a) & (Note), (8) (c) (Note); 163.14 (1) (b), (1) (e) (title), (intro.), & 1., (1) (e) 6., (1) (g) 1. & 2., (1) (L), (2) (a) 2. & 3., (2) (b) 1. a., b., 2., & (Note 1), (5) (a) 1., (5) (c) (intro.), 1., 2., 3. a., b., 4. a., b., & 5. b., (5) (c) 7. & 8. (intro.), (6) (a) & (b), (7) (a) & (b), (7) (e) 1., 2., 3., & 4., (7) (g) (intro.) & 14., (8) (a), (8) (d) (intro.), 1. & 2., (8) (f) (intro.), (9) (a) and (b), (9) (f) 1. (intro.), d., 2. (intro.), & c., (9) (i), (j), (k) (intro.), 12., 13., 14. & 18., (10) (a) 1. (intro.), 2. (intro.), & b., (11) (a) 3., (c), & (g) 1., (11) (j) 3., (11) (k) 3., (L) 1., a., b., d., (m) 2., & (p); 163.15 (2) (a), (b), & (3) (a); 163.20 (3), (4) (d) 9., (8) (b) (intro.), (8) (c) (intro.), 1., & 2., and (8) (c) 4., 5., 6., 7. & 8., (9) (b), and (9) (c) 7., 8., & 8m.; 163.21 (1) (a) & (am), (1) (b) & (Note), (2) (title) & (intro.), (3) (a) & (b), (5), (6) (c) 1., 6., & 7., (9) (a) & (c), and (10); 163.22 (1), (2), (3), and (5); 163.23 (1), (3) (d) (intro.) & (Note 1), and (5) (a); 163.24 (2) (b) 2. (Note 1), (3) (a) 1. b., 2. a. & (b) 7., a., c., d., & (Note 1), and (3) (e) 1. b.; 163.25 (3) (b) 2., (7) (c) & (d), and (11) (a) & (b) 7.; 163.33 (2) (Note) and DHS 163 Subchapter V (title); 163.40 (1) & (2) (b), and (3) (a), (b) 1., 2., & (5); 163.41 (title) and (1), (3) (intro.) & (c); 163.42 (1), (c), & (e), (1) (f) (intro.), (1) (g), (1) (h) 2., (1) (i), (2) (title), (2) (b), and (5) (b), (f) & (g); to **repeal and recreate** 163.03 (1) and (100m); 163.10 (7) and (8) (e); 163.11 (2) and (3); 163.13 (12); 163.15 (1); 163.20 (8) (a) 1., (8) (a) 2., (8) (a) 3., (8) (a) 4., (8) (b) 1., (8) (b) 2., (8) (b) 3., and (9) (c) 11.; 163.41 (2) (title); and 163.42 (2) (f) & (3); to **create** 163.03

(3g) and (Note), (5m), (6m), (7m), (14m), (37g), (88g), (88v), (94m), (101g), and (111m); 163.10 (3) (a) 2m., (3) (c) 5., (5) (am), (6) (e), (8) (c) 1m.; 163.11 (3m); 163.12 (3) (a) 1. h., (3) (a) 2. am., (3) (b) 4., and (6) (a) 2. a. & b.; and 163.14 (1) (de) 2. & 3., (1) (ds) 1., 2., 3. and 4., (1) (e) 6m., (5) (e) 7. & 8. (intro.), (8) (dm), and (11) (g) 5.; 163.15 (1m); 163.20 (4) (d) 8m., (4m), (8) (b) 4., and (8m); 163.21 (2m), (5) (a), (b), & (c), (6) (L), (9) (b). 1. to 15., and (11); 163.22 (1m), and (2m); 163.23 (3) (d) 1. to 15.; 163.24 (6); 163.25 (3) (b) 5., and (3g) & (3r); 163.40 (2m) (b), (c), & (d), (2s), (6), and (7) & (Note); 163.41 (2) (am), (Note), (g), & (h), and (2m); 163.42 (1) (gg) & (gr), (1) (h) 4., 5., & (hm), (1) (j) & (k), (2) (b) (Note) and (bm), (2m), (3m), and (5) (h), relating to certification for the identification, removal and reduction of lead-based paint hazards and affecting small business.

FINDING OF EMERGENCY

The Department finds that an emergency exists and that the adoption of an emergency rule is necessary for the immediate preservation of the public health, safety, and welfare. The facts constituting the emergency are as follows:

Chapter DHS 163 provides required protocols for identifying and controlling lead-based paint hazards, as well as training and certification requirements for individuals and companies who will conduct this work. The rule also provides minimum standards for training courses leading to certification, and for approval to instruct such a course.

The federal Toxic Substances Control Act, 15 USC 2682 (a), among other things, requires that the U.S. Environmental Protection Agency (“EPA”) regulate certain lead-based paint detection and abatement activities. The EPA delegated its authority to enforce some of those regulations in the state to the Wisconsin Department of Health Services (“the Department”). See 40 CFR 745.324. To retain that authorization, the Department’s regulations must be at least as protective as any federal regulations, and failure to do so in this case may result in withdrawal of the EPA’s authorization for the Department to administer Wisconsin’s lead-based paint program.

Revisions to the EPA’s standards for abatement activities took effect on January 12, 2026. Notably, these revisions lowered the “action levels,” or amount of lead in dust that can be present to complete an abatement activity, and revised requirements for mandatory dust-lead hazard notifications when dust-lead levels are greater than 0 but lower than the “action levels.” See 40 CFR 745.223 and 745.227 (e) (10) (vii). Chapter DHS 163 is not consistent with these new requirements; in accordance with 40 CFR 745.325 (e), the Department’s rules must be updated to comport with the EPA’s changes by January 11, 2027, in order to retain EPA authorization.

If the Department fails to meet the January 11, 2027, deadline, the state’s program could be deauthorized—meaning the thousands of Department-certified lead professionals would need to apply to EPA for certification to continue to conduct regulated work in Wisconsin. Additionally, all training programs currently accredited under ch. DHS 163 would need to obtain EPA approval before admitting new applicants. This would ultimately delay critical efforts to abate lead paint hazards and lead poisoned children would continue to be exposed

to hazards that have either not been identified or remediated, resulting in higher blood lead levels that cause more acute and significant chronic symptoms and require more invasive interventions. Deauthorization would also delay statutorily required responses to cases of childhood lead poisoning due to the disruption to the workforce available to investigate and control lead hazards.

It will be impossible to promulgate permanent rules by January 11, 2027. In addition to complying with the requirements for rule promulgation under ch. 227, Stats., the Department must, in accordance with s. 254.174, Stats., appoint and consult with a technical advisory committee on proposed rule changes. The Department estimates that complying with all of the statutory requirements for engaging a technical advisory committee and permanent rule promulgation will take at least 18 months, which is beyond the January 11, 2027, deadline.

RULE SUMMARY

Statute interpreted

Sections 254.172 to 254.181 and 254.30, Stats.

Statutory authority

Sections 227.11 (2) (a), 227.24 (1), 250.04 (7), 250.041, 254.115, 254.15, 254.167, 254.172, 254.176 (1), 254.178 (2), 254.179, and 254.181, Stats.

227.11 (2) Rule-making authority is expressly conferred on an agency as follows:

(a) Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation. All of the following apply to the promulgation of a rule interpreting the provisions of a statute enforced or administered by an agency:

1. A statutory or nonstatutory provision containing a statement or declaration of legislative intent, purpose, findings, or policy does not confer rule-making authority on the agency or augment the agency's rule-making authority beyond the rule-making authority that is explicitly conferred on the agency by the legislature.

2. A statutory provision describing the agency's general powers or duties does not confer rule-making authority on the agency or augment the agency's rule-making authority beyond the rule-making authority that is explicitly conferred on the agency by the legislature.

3. A statutory provision containing a specific standard, requirement, or threshold does not confer on the agency the authority to promulgate, enforce, or administer a rule that contains a standard, requirement, or threshold that is more restrictive than the standard, requirement, or threshold contained in the statutory provision.

227.24 (1) PROMULGATION.

(a) An agency may, except as provided in s. 227.136 (1), promulgate a rule as an emergency rule without complying with the notice, hearing, and publication requirements under this chapter if preservation of the public peace, health, safety, or welfare

necessitates putting the rule into effect prior to the time it would take effect if the agency complied with the procedures.

(b) An agency acting under s. 186.235 (21), 215.02 (18) or 220.04 (8) may promulgate a rule without complying with the notice, hearing and publication procedures under this chapter.

250.04 (7) The department may promulgate and enforce rules and issue and enforce orders governing the duties of all local health officers and local boards of health and relating to any subject matter under the department's supervision that are necessary to provide efficient administration and to protect health. Whoever violates a rule or order specified under this subsection shall be fined not less than \$10 nor more than \$100 for each offense, unless a different penalty is provided.

254.15 Departmental duties. The department shall:

(1) Develop and implement a comprehensive statewide lead poisoning or lead exposure prevention and treatment program that includes lead poisoning or lead exposure prevention grants under s. 254.151; any childhood lead poisoning screening requirement under rules promulgated under ss. 254.158 and 254.162; any requirements regarding care coordination and follow-up for children with lead poisoning or lead exposure required under rules promulgated under s. 254.164; responses to reports of lead poisoning or lead exposure under s. 254.166; any lead investigation requirements under rules promulgated under ss. 254.167 and 254.168; any lead hazard reduction requirements under rules promulgated under s. 254.172; certification, accreditation and approval requirements under ss. 254.176 and 254.178; any certification requirements and procedures under rules promulgated under s. 254.179; and any fees imposed under s. 254.181.

(2) Provide laboratory testing of biological and environmental lead specimens for lead content to any physician, hospital, clinic, municipality or private organization that cannot secure or provide testing through other sources. The department may not assume responsibility for blood lead analysis required in programs in operation on April 30, 1980.

(3) Develop or encourage the development of appropriate programs and studies to identify sources of lead poisoning or lead exposure, and assist other entities in the identification of lead in children's blood and of the sources of the lead poisoning or lead exposure.

(4) Provide technical assistance and consultation to local, county or regional governmental or private agencies to promote and develop lead poisoning or lead exposure prevention programs that afford opportunities for employing residents of communities and neighborhoods affected by lead poisoning or lead exposure from lead-bearing paint, and that provide appropriate training, education and information to inform these residents of the opportunities for employment.

(5) Provide recommendations for the identification and treatment of lead poisoning or lead exposure.

(6) Develop educational programs to communicate to parents, educators and officials of local boards of health the health danger of lead poisoning or lead exposure from lead-bearing paint among children.

254.167 Conduct of lead investigation. Subject to the limitation under s. 254.174, the department may promulgate rules establishing procedures for conducting lead investigations of dwellings and premises. The rules promulgated under this section may include the following:

- (1) Specific procedures for investigating, testing or sampling painted, varnished or other finished surfaces, drinking water, household dust, soil and other materials that may contain lead.
- (2) Specific procedures for the notification of owners, operators, occupants or prospective occupants, mortgagees and lienholders of lead levels identified during a lead investigation and of any health risks that are associated with the lead level and condition of the lead found during the lead investigation.
- (3) The form of lead investigation reports, the requirements for filing the reports with the department and the procedures by which members of the public may obtain copies of lead investigation reports.
- (4) Requirements for the posting of warnings, where appropriate, of the presence of a lead hazard.

254.172 Prevention and control of lead-bearing paint hazards in dwellings and premises.

- (1) Subject to the limitation under s. 254.174, the department may promulgate rules governing lead hazard reduction that the department determines are consistent with federal law.
- (2) If a certified lead risk assessor or other person certified under s. 254.176 conducts a lead investigation of a dwelling or premises, he or she shall conduct the lead investigation and issue a report in accordance with any rules promulgated under s. 254.167. If the report indicates that the dwelling or premises meets criteria under s. 254.179 (1) (a) for issuance of a certificate of lead-free or of a certificate of lead-safe status, the lead risk assessor or other person shall issue the appropriate certificate, subject to s. 254.181.

254.176 (1) Except as provided in sub. (2) and s. 250.041, and subject to sub. (3m) and s. 254.115, the department may establish by rule certification requirements for any person who performs lead hazard reduction or a lead management activity or who supervises the performance of any lead hazard reduction or lead management activity.

(3) Except as provided in s. 250.041 and subject to sub. (3m) and s. 254.115, the department may promulgate rules establishing certification requirements for persons required to be certified under this section. Any rules promulgated under this section:

(a) Shall include requirements and procedures for issuing, renewing, revoking and suspending under this section certifications issued under this section.

(e) Shall require completion of an appropriate training course accredited under s. 254.178 or of a training course determined by the department to be comparable to the appropriate training course under s. 254.178.

(d) May provide for requirements other than training as a condition for full certification.

(e) Shall specify fees for certifying persons under this section, except that no fee may be imposed on any person employed by the state or by any political subdivision of the state for a certification required to perform duties within the scope of the employment or on an individual who is eligible for the veterans fee waiver program under s. 45.44.

(f) Shall require the issuance of a photo identification card to each person certified under this section.

254.178 (2) The department shall promulgate rules establishing requirements, except as provided in sub. (2m) and s. 250.041, for accreditation of lead training courses and approval of lead instructors. These rules:

(a) Except as provided in s. 250.041, shall include requirements and procedures for granting, renewing, revoking and suspending under this section lead training course accreditations and lead instructor approvals.

(e) May provide for full or contingent accreditation or approval.

(d) Shall specify fees for accrediting lead training courses and approving lead instructors, except that no fee may be imposed on an individual who is eligible for the veterans' fee waiver program under s. 45.44.

254.179 Rules for dwellings and premises.

(1) Subject to s. 254.174 and after review of ordinances of cities, towns and villages in this state, the department shall, by use of a research-based methodology, promulgate as rules all of the following:

(a) Except as provided in s. 254.18, the standards for a premises, dwelling or unit of a dwelling that must be met for issuance of a certificate of lead-free status or a certificate of lead-safe status to the owner of the premises, dwelling or unit of a dwelling, with the goal of long-term lead hazard reduction.

(b) The procedures by which a certificate of lead-free status or a certificate of lead-safe status may be issued or revoked.

(e) The period of validity of a certificate of lead-free status or a certificate of lead-safe status, including all of the following:

1. Authorization for the certificate of lead-free status to remain in effect unless revoked because of erroneous issuance or because the premises, dwelling or unit of the dwelling is not free of lead-bearing paint. The rules shall specify that the face of the certificate shall indicate that the certificate is valid unless revoked.

2. The standards limiting the length of validity of a certificate of lead-safe status, including the condition of a premises, dwelling, or unit of a dwelling, the type of lead hazard reduction activity that was performed, if any, and any other requirements that must be met to maintain certification, unless the certificate is earlier revoked because of erroneous issuance or because the premises, dwelling, or unit of the dwelling is not safe from lead-bearing paint hazards. The rules shall specify that the face of the certificate shall indicate the certificate's length of validity.

(d) A mechanism for creating a registry of all premises, dwellings or units of dwellings for which a certificate of lead-free status or a certificate of lead-safe status is issued.

(e) The requirements for a course of up to 16 hours that a property owner or his or her employee or agent may complete in order to receive certification of completion and the scope of the lead investigation and lead hazard reduction activities that the owner, employee or agent may perform following certification, to the extent consistent with federal law.

(2) By January 1, 2003, and every 2 years thereafter, the department shall review the rules under sub. (1) and shall promulgate changes to the rules if necessary in order to maintain consistency with federal law.

(3) Subject to s. 254.174, the department may promulgate rules that set forth safe work practices that shall be followed in the demolition of a building constructed before January 1, 1978, to avoid exposure by persons to lead hazards in the area of the demolition.

254.181 Certificate of lead-free status and certificate of lead-safe status; fees and notification.

(1) The department may impose a fee of \$50 for issuance of a certificate of lead-free status and a fee of \$25 for issuance of a certificate of lead-safe status. Fees under this section may not exceed actual costs of issuance and of s. 254.179. The department shall review the fees every 2 years and adjust the fees to reflect the actual costs.

(2) The department shall, at least quarterly, notify a local health department concerning issuance of certificates of lead-free status and certificates of lead-safe status in the area of jurisdiction of the local health department.

Explanation of agency authority

The Department's authority to promulgate the proposed rules is explicitly provided in statute. Section 227.11 (2) (a), Stats., authorizes the Department to promulgate rules interpreting the provisions of any statute enforced or administered by the agency if the agency considers it necessary to effectuate the purpose of the statute. Section 254.172, Stats., permits the Department to promulgate rules governing lead hazard reduction that the Department determines are consistent with federal law. Section 254.176, Stats., allows the Department to establish by rule certification requirements for any person who performs lead hazard reduction or lead management activity or who supervises the performance of any lead hazard reduction or lead management activity. Section 254.178, Stats., requires that the Department promulgate rules establishing requirements for the accreditation of lead training courses and approval of lead instructors. Section 254.179, Stats., requires the Department to promulgate rules for certifying dwellings as lead-safe or lead-free, including the standards that must be met for issuance of a lead-free or lead-safe certificate and the period of validity of the certificate.

Related statute or rule

The following rule chapters relate to similar subject matter or cite to ch. DHS 163:

- Chapter DHS 181, relating to reporting of blood lead test results.
- Chapter DHS 182, relating to lead poisoning or lead exposure prevention grants.
- Section 108.227 (1) (e) 3., Stats., relating to denial of certification based on delinquent unemployment insurance contributions, which cites to s. 254.176, Stats.
- Section 20.435 (1) (gm), Stats., relating to appropriations for certifying activities by the Department, which cites to ss. 254.181 and 254.176, Stats.
- Section 250.041, Stats., relating to denial of certification based on certain delinquency in payment, which cites to ss. 254.178 (2) and 254.176 (1), Stats.
- Section 254.115, Stats., relating to denial of certification based on delinquent taxes or unemployment insurance contributions, which cites to s. 254.176, Stats.
- Section 321.60 (1) (a) 4., Stats., relating to extension of licenses for service members, which cites to s. 254.176, Stats.
- Section 45.44 (1) (a) 14., Stats., relating to the veteran's fee waiver program, which cites to s. 254.176, Stats.
- Section 48.737, Stats., relating to lead screening, inspection, and reduction requirements in child care centers, cites to ss. 254.168 and 254.172, Stats.
- Section 73.0301 (1) (d) 3., Stats., relating to license denial based on tax delinquency, which cites to s. 254.176, Stats.
- Section DHS 157.05 (4) (b), which cites to s. DHS 163.24 (3) (a) 1. and 3.

Plain language analysis

The Department is required to administer a comprehensive statewide lead poisoning prevention program that includes certification, accreditation, and approval requirements. Requirements for lead certification, training course accreditation, and instructor approval are established in ch. DHS 163. The Department proposes to make the following changes to the rule chapter:

- 1) **Dust-lead hazard standards.** In 2024, EPA published its final rule lowering dust-lead hazard standards to any reportable level, and lowering post-abatement dust-lead clearance levels to 5 micrograms per square foot ($\mu\text{g}/\text{ft}^2$), 40 $\mu\text{g}/\text{ft}^2$, and 100 $\mu\text{g}/\text{ft}^2$ for floors, window sills and troughs respectively. Through this action, EPA also changed the nomenclature to adopt the terms dust-lead reportable levels (DLRL) and dust-lead action levels (DLAL) and to establish dust-lead post-abatement clearance levels under 40 CFR Part 745, and made several other revisions to the regulation including to the definitions of abatement and target housing. Chapter DHS 163 defines dust-lead hazard standards and dust lead clearance levels for conducting lead-based paint activities, including lead risk assessment and abatement. The Department proposes to revise ch. DHS 163 to align state regulations with the levels and nomenclature used for these values under the recent revisions to 40 CFR Part 745.
- 2) **Risk assessor and hazard investigator disciplines.** The qualifications under ch. DHS 163 to perform risk assessment and post-abatement clearance are currently less restrictive than under federal law. Wisconsin's lead hazard investigator discipline, which does not exist under federal law, is permitted to conduct both activities, but lead inspection training is not a pre-requisite for certification in the discipline. In addition, unlike the corresponding federal regulations, ch. DHS 163 allows both lead hazard investigators and risk assessors to qualify for certification based on being a registered sanitarian or nurse working for local public health. The Department proposes to comply with requirements under federal law to maintain a program as protective as federal law by eliminating the lead hazard investigator discipline and adjusting experience qualifications for a lead risk assessor certification to match those under federal law. This will affect approximately 13 individuals who the Department will work with directly to transition to a lead risk assessor or sampling technician certification, as appropriate.
- 3) **Lead abatement worker discipline.** Under s. DHS 163.20, the 8-hour initial lead-safe renovation training is a pre-requisite for the 8-hour lead abatement work course, and completion of both are required for an individual to qualify for lead abatement worker certification. This modular structure is different from what is provided in federal law under 40 CFR 745.225 (d) for the certification, which requires a 16-hour initial training course devoted solely to lead abatement work topics with no pre-requisite. The Department proposes to align the lead abatement worker discipline requirements with federal law by decoupling the lead-safe renovation discipline from the abatement worker discipline and adjusting the requirements for an accredited abatement work course to align with the minimum required training hours for the content.
- 4) **Required training topics for accredited courses.** Required training course curricula in s. DHS 163.20 (8) do not align with minimum required training curriculum requirements in 40 CFR 745.225 (c) (10) and (d). The required curricula under s. DHS 163.20 (8) do not specify the topics in each course that are considered hands-on skills that must be taught with hands-on practice followed by a skills assessment of each student. The Department proposes revising the requirements for training course curricula under s. DHS 163.20 (8) to

align with EPA standards, including identifying which topics are required to be covered and assessed as hands-on skills.

- 5) **Alternative course delivery formats.** Section DHS 163.20 does not provide standards for or otherwise address electronic learning or other alternative course delivery methods. This is inconsistent with federal law, which provides such standards in 40 CFR 745.225 (c) (6) (viii). The Department has historically approved alternative course delivery formats on a case-by-case basis, and now proposes to add standards tailored to alternative course delivery methods under s. DHS 163.20 and to insert corresponding requirements for seeking approval for such methods under s. DHS 163.21.
- 6) **Accreditation procedures.** The Department proposes to simplify procedures for applying for and receiving initial and renewal accreditation under ss. DHS 163.21, 163.22, and 163.23 by consolidating contingent and full accreditation types to a single type of accreditation, addressing some redundancies, such as the requirement to submit a written description of the course when a course agenda is already required for application, and clarifying responsibilities for following the student registration plan and submitting student data to the Department after class.
- 7) **Certification and training durations.** Section DHS 163.10 (7) (b) (8) (e) provides that certifications are issued for 2 years, and s. DHS 163.11 (3) (a) 2. provides eligibility standards for recertification after expiration. As a matter of policy, the Department allows applicants for lead-safe renovator certification to apply for two consecutive 2-year certifications at once to coincide with the 4-year refresher training intervals provided for this discipline under s. DHS 163.11 (3) (a) 1. b., though some applicants choose to apply for a single 2-year lead-safe renovator certification. This means they need to remember to reapply two years before they need to take refresher training. To further complicate matters for applicants, when they complete refresher training, they're issued a training diploma from their provider that is required under s. DHS 163.20 (9) (c) 8m. to list a "training expiration date." In most cases, this date will not coincide with their next "training due date" and provides little actionable information about how to maintain eligibility for certification.

The Department's experience issuing certifications for shorter durations than the EPA is that gains in worker competency from more frequent refresher training are likely outweighed by the resulting administrative burden for Department staff, training providers, and applicants. Because the durations are so much shorter, it is very common for individuals to apply for recertification after expiring. This makes the labor force available to provide critical lead services less stable than it would otherwise be, impacting public health by making it harder to find a contractor. It also makes it harder for contractors from neighboring states like Minnesota and Illinois that use longer training intervals to qualify for Wisconsin certification and be able to provide regulated lead services here.

These certification durations are shorter than provided under federal law, which provides for a 3-year certification period for non-renovation disciplines under 40 CFR 745.226 (e),

and a 5-year certification period for renovators under 40 CFR 745.90 (a) (4). The Department proposes to align its certification durations with the federal durations.

- 8) **Update requirements for physical documentation that do not reflect widely available technology.** The Department proposes to remove the restrictions on copying training diplomas and certification cards under s. DHS 163.13 (6) to allow individuals to keep electronic copies of these documents available when performing or supervising regulated activities to present to the Department or public as proof of certification, and to allow companies to keep these electronic copies on file as proof of certification or training.

Section DHS 163.10 (4) and (5) (f) permits the Department to require copies of individual certification application attachments to be notarized, and require applicants from other jurisdictions to submit notarized copies of their original certification documents from those jurisdictions. This is not sufficient to validate their authenticity. It is more reliable for Department staff to verify documents directly with the agency that has jurisdiction over the training or certification the applicant submitted, a process already provided under s. DHS 163.10 (5) (d).

- 9) **Replace interim certification with provisional certification.** Consolidating s. DHS 163.10 (6) (am) and (b) to eliminate the issuance of interim certification cards and instead provide that, for applicants who apply for initial lead abatement supervisor, inspector, or risk assessor certification, the training diploma serves as temporary certification until either the certification card has been issued by the Department (once the applicant passes the certification exam) or 6 months have passed since completing initial training. This change will necessitate other minor adjustments to the rule, including repealing s. DHS 163.03 (58), which defines “interim certification,” revising the requirements for training diplomas under s. DHS 163.20 (9) (c) to include a statement explaining provisional certification for the discipline for which it qualifies the applicant to apply, as well as adding the 6-month post-initial training deadline for passing the certification exam to s. DHS 163.10 (3) (a).

- 10) **Eliminate requirement to submit proof of X-Ray Fluorescence (XRF) training.** The Department proposes to eliminate s. DHS 163.10 (3) (a) 3. and (3) (d), which requires an applicant for a risk assessor and lead inspector certification to complete and submit proof of completing X-Ray Fluorescence (XRF) instrument training that meets requirements under ch. DHS 157, related to radiation protection, to qualify for certification. This is not required under federal law (see 40 CFR 745.226). This has become more complicated to administer as different types of XRF instruments, with different regulations, have entered the market.

- 11) **Soil-lead hazard standards.** Wisconsin’s soil-lead hazard levels are defined under ch. DHS 163 and currently align with EPA’s, which took effect in 2001. EPA was ordered to reconsider the soil lead hazard standard along with the dust-lead hazard standards described under item 1., but doesn’t intend to provide notice of their proposed rulemaking on the matter until February of 2027, after the compliance date for Wisconsin to align with

EPA's new dust standards (January 11, 2027). Some members of the Lead Technical Advisory Committee advised the Department to act to lower the soil lead hazard standard under ch. DHS 163 now rather than waiting until EPA adopts new levels. The Department reviewed neighboring state regulations for their soil lead hazard standards and learned that Minnesota has had a single standard for all areas of bare soil set at 100 parts per million (ppm) since 2004, which is considerably lower than Wisconsin's hazard values of 400 and 1,200 ppm in play areas and the rest of the yard, respectively. This level is much more protective, and, from Minnesota's many years of experience, is achievable. The Department proposes to revise the soil lead hazard standards to adopt Minnesota's single value of 100 ppm.

- 12) **Program fees.** To ensure adequate funding for program work, the Department proposes to combine a small increase in program fees with a longer duration for the certifications, accreditations, and approvals it issues to the regulated community. The longer durations offer a reduction in processing work that will make it possible to support the program with a smaller annual increase than would otherwise be feasible.

For lead-safe renovation work, the number of certified individuals associated with a particular company directly corresponds to the volume of regulated work that company can engage in, so weighting the fee increase more heavily towards the individual certifications instead of company certifications allows a more fair cost allocation between smaller businesses and microbusinesses with only one or two certified lead-safe renovators, and companies with many more certified individuals that allow a high volume of work that is, in turn, costlier to the Department to oversee.

Note that individuals who are required to be certified as a condition of employment by a government agency qualify for exemption from initial and renewal certification fees. State and local government agencies are also exempt from fees for initial and renewal lead company certification.

Accreditation and instructor approval fees have not increased since 2002. To assure fiscal sustainability for the program, the Department proposes to remove the option for a 2-year course accreditation for both initial and refresher training courses, leaving the annualized fee for initial courses the same, but increasing the annualized fee for refresher courses. The Department proposes to standardize the fee for initial and renewal instructor approval for all disciplines and to extend the duration of approval to 3 years. By incorporating a one-time \$75 approval application fee for only the first time an applicant seeks approval, the Department's costs to verify the applicant's eligibility can be covered.

Please see the table "Comparison to Neighboring States: Fees for Certification, Accreditations and Approval" on page 95 for the proposed fee increases compared with fees in neighboring states on an annualized basis.

- 13) **Lead property registry.** Subchapter V of ch. DHS 163 contains standards for certification of a premises, dwelling, or dwelling unit as a lead-free or lead-safe property. These

standards, established under s. 254.179, Stats., haven't been substantially updated since 2002, and the standards for these certifications are outdated, complex, and difficult to communicate to property owners who may be interested in seeking certification and to lead inspector and risk assessor students who will become certified to conduct the necessary investigations to determine whether a property qualifies.

The Department proposes to simplify the investigation protocols required for establishing initial eligibility for registration and certification, as well as the administrative processes for application for lead-safe and lead-based paint free property certificates. The Department proposes to transition to a renewable, 3-year duration lead-safe property certificate that incorporates a protocol for assuring ongoing maintenance and addressing significant changes in the condition of the property that may take place unpredictably over time. The Department proposes to better align the protocol for establishing eligibility for a certificate with existing lead investigation protocols, which will make the process more straightforward for lead risk assessors and the training providers who teach this topic. These updates should ensure eligibility standards are adequately protective of public health and strengthen administrative processes for maintaining the registry.

The Department also proposes to adjust the nomenclature used for the program. This includes changing the term "lead-free" to "lead-based paint free" to make clear that lead in paint below the threshold in the definition of lead-based paint could be present, as well as standardizing the use of the terms like "registry," "registration," and "registered" to make clear that this refers to inclusion on the Department's list of properties meeting criteria for registration, while reserving terms like "certificate," "certification" and "certified" to refer to the document issued by the Department to an applicant describing the status of their property.

Fees associated with the property registration and certification program have not been increased since 2002. They have been increased in this proposal to reflect the actual costs to be incurred by the Department to process applications for property certification and maintain the property registry.

- 14) **More time for required reporting.** The current requirement to notify the Department of a change to information provided to the Department as part of a company's application for certification under s. DHS 163.13 (12) is more restrictive than the federal procedure provided under 40 CFR 745.89 (c). The procedure under federal law gives a certified company ("firm") 90 days before or after the date of a change to notify EPA, as compared with the 10 working days advanced notice required under s. DHS 163.13 (12). The Department proposes to align this requirement and its timing with federal law.

Additionally, s. DHS 163.14 currently provides 10 working days after receiving lab results to submit a report detailing the results of a lead investigation (including risk assessment, clearance, and full or partial inspection). The Department proposes to extend this timeframe to 15 working days.

15) **Redundancies, technical errors, and ambiguities.** The Department proposes to correct minor discrepancies of ch. DHS 163 with 40 CFR 745, including revising definitions such as “renovation” under s. DHS 163.03 (100m) to align with the federal definition provided under 40 CFR 745.83, and defining “painted surface.” The Department also proposes to better organize work practice standards, particularly for lead inspection, partial lead inspection, and clearance, as well as all lead investigation reporting. This also includes correcting several minor technical errors or internal inconsistencies identified during the revision process, such as removing terms that are defined but not used in the rule, or that are not referenced in a standardized manner throughout the rule, and updating outdated contact information and broken links.

There are no reasonable alternatives to rulemaking. Chapter DHS 163 is currently inconsistent with EPA standards, and under federal law the rule must be revised to ensure continued authorization from the EPA to administer a state lead-based paint program. The Department is required under ch. 254, Stats., to establish and enforce standards for certification for the identification, removal, and reduction of lead-based paint hazards. Therefore, the Department is required to engage in rulemaking to update ch. DHS 163 to maintain consistency with federal law.

Additional changes to ch. DHS 163 are intended to match requirements under ch. DHS 163 with federal law and simplify administrative burden. Further, the programs that enforce these functions are funded by fees established by rule that must be increased to cover the costs incurred by the Department in administering the programs. The proposed fee increases are intended to have minimal economic impact on small businesses and individuals while ensuring continued program viability.

Entities that may be affected by the proposed rule include all of the following:

- Persons who perform, supervise, or offer to perform or supervise lead abatement, lead investigation, or renovation activities.
- Residential remodelers, carpenters, painters, repair professionals, specialty trade contractors, property managers, building inspectors, and local health departments.
- Persons who own, manage, and/or conduct abatement, rehabilitations, or maintenance activities in most pre-1978 housing that are covered by a federal housing assistance program in accordance with 24 CFR Part 35.
- Persons who offer, advertise, claim to provide, or conduct a lead training course represented as qualifying an individual who completes the course for certification to perform a renovation, lead hazard reduction, or lead investigation activity. Affected entities may include technical and trade schools.
- Persons who sell or lease “target housing,” as defined in s. DHS 163.03 (106).
- Persons who operate a child-occupied facility. Affected entities may include child day care services and schools with kindergarten classrooms.

Summary of, and comparison with, existing or proposed federal regulations

40 CFR Part 745 Subparts D, E, L and Q contain the definitions of lead-based paint hazards and the requirements for lead-safe renovation, lead-based paint activities (including

abatement and lead investigations), and for state and tribal lead programs. The Wisconsin lead program is authorized by the EPA under Subpart Q of 40 CFR Part 745 to administer its lead certification program in lieu of the EPA administering one in Wisconsin.

The EPA has made changes to its regulations, and Wisconsin is required to adopt and comply with those changes to retain its authorization. The primary revisions relate to the nomenclature and to the quantity of lead that may be present in post-abatement clearance dust samples for the abatement to be considered successful, and to the amount of lead in dust that triggers the requirement to report a dust-lead hazard.

Additionally, as described under the plain language analysis, ch. DHS 163 is inconsistent with federal law in several other areas, including the hazard investigator discipline, which does not exist under federal law, and allows individuals holding this certification, which does not require initial lead inspection training, to conduct lead risk assessment work. Federal law requires initial lead inspection training to conduct lead risk assessment work.

Because Wisconsin's lead program is required to be at least as restrictive as federal law to maintain continued authorization from EPA, ch. DHS 163 must be revised to remove this discipline.

40 CFR Part 745 Subpart L, titled "Lead-Based Paint Activities," contains training course accreditation requirements. Chapter DHS 163 includes provisions for the accreditation of similar courses, but revisions are necessary to align it with the EPA's requirements for all course types.

Comparison with rules in adjacent states

Illinois: Illinois Administrative Code Title 77 Part 845, Subpart p: Lead Poisoning Prevention Code

Last updated: 2019

Illinois certifies individuals and companies to conduct lead abatement and lead testing and investigation activities, and accredits training courses preparing individuals to qualify for certification to conduct these activities. This program is generally similar to Wisconsin's program. Illinois does not administer a lead-safe renovation program.

Hazard Standards: Like Wisconsin, Illinois is required by EPA to update its dust lead hazard and clearance levels to be as protective as the revised levels under 40 CFR Part 745 by January 11, 2027, to qualify for continued authorization of its lead program.

Illinois law currently matches the Wisconsin standard for a soil-lead hazard in a play area, 400 micrograms per gram ($\mu\text{g/g}$) or parts per million (ppm). However, Illinois law has more protective standard than Wisconsin's value for non-play areas (1,000 $\mu\text{g/g}$ versus 1,200 $\mu\text{g/g}$).

Work Practice Standards: The Illinois work practice requirements are written more prescriptively than are Wisconsin's, in some cases. For example, while Wisconsin law

requires posting of signs to warn occupants and others not involved in abatement activities to remain outside of the work area, Illinois law requires the sign include specified text (derived from outdated signage required by U.S. OSHA) and be at least 11” by 8.5.” As another example, Wisconsin law requires that lead inspection reports include the specific locations of each painted component tested without directing the manner in which this is expressed, while Illinois law requires the report to include a property diagram with consistent labeling. In general, Wisconsin’s regulation requires that regulated work be conducted according to documented methodologies, defined as “written protocols, standards or methods that are generally used and accepted for conducting regulated activities.” This provides some flexibility for the regulated community to incorporate newly published or updated protocols as available. The Illinois regulation requires protocols in specific publications be followed.

Fees: Last updated in 2008

Discipline	Fee	Duration
Lead Worker	\$50	1 year
Lead Supervisor	\$100	1 year
Lead Inspector	\$100	1 year
Lead Risk Assessor	\$100	1 year
First-Time Lead/Renovation Company	\$500	1 year
Renewal Lead/Renovation Company	\$500	1 year
First-Time Accreditation - Initial Course	\$500	1 year
First-Time Accreditation - Refresher Course	\$250	1 year
Renewal Accreditation - Initial Course	\$500	1 year
Renewal Accreditation - Refresher Course	\$250	1 year

Property Registration/Certification: Illinois does not administer a program for registering or certifying properties as lead-based paint free or as lead-safe.

Iowa: Iowa Administrative Code 481, Chapter 469 Renovation, Remodeling, And Repainting—Lead Hazard Notification Process, and Chapter 470 Lead-Based Paint Activities.

Last updated: 2017

Iowa administers a full lead certification program, certifying individuals and companies to conduct lead abatement, lead-safe renovation and lead testing and investigation activities. Iowa also administers a comprehensive lead training course accreditation program. Iowa’s program is generally similar to Wisconsin’s program with some exceptions.

- Iowa law provides a shorter required interval for lead-safe renovation refresher training (3 years versus Wisconsin’s current 4-year interval).
- Iowa does not approve individual principal instructors of training courses and rather approves the instructor’s qualifications as part of the application for course accreditation. This means that instructor approvals are not portable from company to company as they are in Wisconsin, where instructors can instruct for multiple companies with accredited training courses.

- Iowa's program has a subdiscipline specifically for lead risk assessors who may conduct elevated blood lead investigations that requires an additional 4-hour training course.
- Iowa's regulation provides for the review of applicant conviction history for evidence of rehabilitation. Wisconsin's regulation provides for the consideration of related violations of environmental laws and regulations.

Hazard Standards: Although Iowa has not yet updated its dust lead hazard standards or clearance levels to the more protective new levels in 40 CFR part 745, the Iowa program is authorized by U.S. EPA and is therefore also required to revise these values by January 11, 2027, to remain eligible for continued program authorization.

Iowa has only one soil-lead hazard value for all areas of the yard (driveline, mid-yard, or play area), which currently matches the Wisconsin standard for a soil-lead hazard in a play area, 400 micrograms per gram ($\mu\text{g/g}$). Iowa's soil-lead hazard standard is therefore more protective than Wisconsin, since Wisconsin's value for non-play areas is 1,200 $\mu\text{g/g}$ or ppm.

Work Practice Standards: The Iowa work practice requirements are written more comprehensively than Wisconsin's, providing more specific requirements, whereas, ch. DHS 163 provides general requirements and further references documented methodologies that a person must follow to remain in compliance.

Fees: Last updated in 2017

Discipline	Fees	Duration
Lead-Safe Renovator	\$180	3 years
Lead Worker	\$180	3 years
Lead Supervisor	\$180	3 years
Sampling/Clearance Technician	\$180	3 years
Lead Inspector	\$180	3 years
Lead Risk Assessor	\$180	3 years
Lead Project Designer	\$180	3 years
First-Time Lead/Renovation Company	\$0	3 years
Renewal Lead/Renovation Company	\$0	3 years
First-Time Accreditation - Initial Course	\$200	3 years
First-Time Accreditation - Refresher Course	\$200	3 years
Renewal Accreditation - Initial Course	\$200	3 years
Renewal Accreditation - Refresher Course	\$200	3 years

Property Registration/Certification: Iowa's program does not provide for the registration or certification of properties as lead-based paint free or as lead-safe.

Michigan: Public Health Code, Act 368 of 1978, Part 54A, 333.5451-333.5477: The Lead Abatement Act

Administrative Rules: Lead Hazard Control, R325.99101 –R325.99409

Michigan's lead certification program certifies individuals and companies to conduct lead abatement and lead testing and investigation activities. They do not administer the full scope of the lead-safe renovation program at the state level, but do administer the pre-renovation education part of the renovator program that requires contractors to give the "Renovate Right" pamphlet to clients before starting renovation work (see 40 CFR Part 745.326). Michigan also administers a lead training course accreditation program for all lead courses except for the lead renovation course. Michigan's lead certification program is generally similar to Wisconsin's program with some exceptions:

- Michigan's statutes are more prescriptive than is Wis. Stat. ch. 254. Michigan's fees are set by statute, as are the minimum required training hours for each course discipline.
- Michigan's required training topics are more closely aligned with EPA's topics than Wisconsin's current rule, which is much more prescriptive and specific, though the Department is proposing to revise the current rule to better align with EPA regulations. However, Michigan's lead professionals uniformly begin with an 8-hour "lead core basics" training class that allows trainers to combine prospective applicants for a variety of certifications to take class together to cover background information required for all disciplines without it being focused on information related to the student's intended certification.
- Michigan law requires lead inspectors, risk assessors, and supervisors to pass a certification exam every three years, rather than once upon application for initial certification.
- Michigan law requires lead risk assessors to maintain "endorsement" to perform elevated blood lead environmental investigations. Receiving the endorsement requires a written exam.

Hazard Standards: Like Wisconsin, Michigan is required by EPA to update its dust lead hazard and clearance levels to be as protective as the revised levels under 40 CFR Part 745 by January 11, 2027, to qualify for continued authorization of its lead program. Michigan currently incorporates the EPA's soil lead hazard values by reference in its Lead Hazard Control Rule. This means that Michigan currently aligns with Wisconsin's standards, and that Michigan will not have to update its soil lead hazard standard when EPA does (anticipated rulemaking to begin in February of 2027).

Work Practice Standards: The Michigan work practice requirements are quite similar to Wisconsin's but more prescriptive. Much of the protocols provided in the Michigan regulation align with the methodologies commonly used in Wisconsin and accepted for use under our regulation. In general, Wisconsin's regulation requires that regulated work be conducted according to documented methodologies, defined as "written protocols, standards or methods that are generally used and accepted for conducting regulated activities." This provides some flexibility for the regulated community to incorporate newly published or updated protocols as available. The Michigan regulation requires protocols in specific publications be followed.

Fees: Last updated in 2002

Discipline	Fees	Duration
Lead Worker	\$25	1 year
Lead Supervisor	\$50	1 year
Sampling/Clearance Technician	\$50	1 year
Lead Inspector	\$150	1 year
Lead Risk Assessor	\$300	1 year
Lead Project Designer	\$150	1 year
First-Time Lead/Renovation Company	\$320	1 year
Renewal Lead/Renovation Company	\$220	1 year
First-Time Accreditation - Initial Course	\$575	1 year
First-Time Accreditation - Refresher Course	\$575	1 year
Renewal Accreditation - Initial Course	\$265	1 year
Renewal Accreditation - Refresher Course	\$265	1 year

Property Registration/Certification: Under s. 333.5474b of the Michigan Lead Abatement Act, a lead-safe housing registry is established and maintained by the Michigan Department of Health and Human Services, the Family Independence Agency, and the Michigan State Housing Development Authority. The statute requires the owner of target housing that is for rent or lease or the owner of a child-occupied facility that has been abated or had interim controls performed to register the property with the Michigan Department of Health and Human Services by providing some basic information about the building, the type of lead investigation(s) performed there and the findings, the type of lead control activities completed, and the names and certified risk assessors or abatement workers who performed any of these activities. Registration is free for property owners required to register their property, though other property owners may also register their properties. There doesn't appear to be a limit on the duration of a property's appearance on the registry, nor does there appear to be any certificate of lead-safe status issued by the State of Michigan to properties listed. Instead, a website listing registered properties is available at <https://leadinforegistry.state.mi.us/> for properties with lead services occurring after January 1, 2015.

Minnesota: 2018 Minnesota Statutes, HEALTH, Chapter 144, 144.9501 – 144.9512, The Lead Poisoning Prevention Act
Administrative Rules, Chapter 4761
Last updated: 2023

Minnesota's lead certification program certifies individuals and companies to conduct lead abatement and lead testing and investigation activities. Minnesota does not administer a full lead-safe renovation program at the state level, but Minnesota law does require a renovation company to be certified as a renovation firm. Minnesota also administers a lead training course accreditation program for all lead courses including the lead renovation course. The Minnesota lead certification program is authorized by the U.S. EPA and is generally similar to Wisconsin's program except they do not certify lead-safe renovators.

Hazard Standards: Like Wisconsin, Minnesota is required by EPA to update its dust lead hazard and clearance levels to be as protective as the revised levels under 40 CFR Part 745 by January 11, 2027, to qualify for continued authorization of its lead program.

Minnesota has only one soil-lead hazard value for bare soil anywhere on a property: 100 parts per million (ppm) by weight. This is much more protective than Wisconsin's current standards for soil-lead hazard in a play area—400 micrograms per gram (µg/g) or ppm—and for a soil-lead hazard in a non-play area—1,200 µg/g (ppm).

Work Practice Standards: The Minnesota work practice requirements are similar to, though written more prescriptively than, Wisconsin's.

Fees: Last updated in 2017

Discipline	Fees	Duration
Lead Worker	\$50	1 year
Lead Supervisor	\$50	1 year
Lead Inspector	\$50	1 year
Lead Risk Assessor	\$100	1 year
Lead Project Designer	\$100	1 year
First-Time Lead/Renovation Company	\$100	2 years
Renewal Lead/Renovation Company	\$100	2 years
First-Time Accreditation - Initial Course	\$500	2 years
First-Time Accreditation - Refresher Course	\$250	2 years
Renewal Accreditation - Initial Course	\$250	2 years
Renewal Accreditation - Refresher Course	\$125	2 years

Property Registration/Certification: Minnesota's program does not provide for the registration or certification of properties as lead-based paint free or as lead-safe.

Summary of factual data and analytical methodologies

The Department did not rely on data or analytical methodologies to draft the proposed rule, but was primarily guided by recent regulatory revisions at the federal level concerning dust lead levels that required subsequent revisions to the administrative rule. Information relied upon by the EPA in its reconsideration of dust-lead hazard standards and dust-lead post-abatement clearance levels is described in [89 FR 89416](#) (published November 12, 2024). Supporting documents, including exposure/blood lead modeling analysis information, the 2015 Lead Hazard Control Clearance Survey, the New York City Department of Health and Mental Hygiene's experience implementing lower standards for dust lead after abatement, EPA's evaluation of laboratory capabilities, and public comments are available in the [rulemaking docket \(ID: EPA-HQ-OPPT-2023-0231\)](#) for this action.

In developing this rule order, the Department consulted with a technical advisory committee that included representatives from local public health and housing agencies, certified lead professionals, child care regulators, children's health advocacy organizations, and Milwaukee

residents to review proposed changes. The committee met on January 28 and April 23, 2026. Committee members provided input on the concepts proposed for revision. This input received included advice to make changes that weren't initially proposed by the Department for revision (e.g., lowering the soil lead hazard level), advice against making some of the proposed revisions (e.g., longer intervals between refresher trainings for individuals), advice to consider a different approach to the particular policy problem in question (e.g., the fee structure for seeking Department approval of alternative course delivery methods), as well as advice to proceed with revisions as proposed. The Department considered all feedback as it determined which proposals to include in this draft rule order.

In addition, the Department was guided by the issues and concerns raised by stakeholders that are required to comply with the rules or rely on the rules to protect their children from exposure to lead, as well as by the program's decades of experience administering the rules.

Analysis and supporting documents used to determine effect on small business

The Department was able to incorporate several methods to reduce the impact of this rule and its revision on small businesses. Structuring the fee increase more heavily towards individual certifications instead of company certifications allows a more fair cost allocation between smaller businesses, microbusinesses with only one or two certified lead-safe renovators, and companies with many more certified individuals that allow a high volume of work that is, in turn, costlier to the Department to oversee. Longer certification, accreditation, and approval durations reduce the administrative burden on small businesses, and, for disciplines requiring training, reduces confusion resulting from the lack of alignment between the certification interval and the training interval.

Effect on small business

If revisions to the fees for certification, accreditation, and approval are promulgated, the proposed rule is anticipated to have a moderate economic impact in total. The revisions will be structured so that most economic impact occurs to entities that conduct the highest volume of regulated work, and those entities likely do not meet the definition of a "small business" under s. 227.114 (1), Stats. The proposed rule is therefore anticipated to have a minimal effect on small businesses.

Agency contact person

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Statement on quality of agency data

The data sources referenced and used to draft the rules and analyses are accurate, reliable, and objective and are discussed in the "Summary of factual data and analytical methodologies."

Place where comments are to be submitted and deadline for submission

Comments may be submitted to the agency contact person that is listed above until the deadline given in the upcoming notice of public hearing. The notice of public hearing and deadline for submitting comments will be published in the Wisconsin Administrative Register and to the department's website at <https://www.dhs.wisconsin.gov/rules/active-rulemaking-projects.htm>. Comments may also be submitted through the Wisconsin Administrative Rules Website, at: <https://docs.legis.wisconsin.gov/code/chr/active>.

RULE TEXT

SECTION 1. DHS 163.01 (3) is amended to read:

DHS 163.01 (3) ~~ACTIVITIES INVOLVING REGISTERED LEAD-FREE CERTIFIED LEAD-BASED PAINT FREE PROPERTY AND REGISTERED CERTIFIED LEAD-SAFE PROPERTY.~~ This chapter establishes standards for ~~registered lead-free certified lead-based paint free~~ and ~~registered certified lead-safe~~ property, procedures for determining whether a property meets the standards, and procedures for issuing and maintaining certificates of ~~lead-free lead-based paint free~~ status and lead-safe status.

SECTION 2. DHS 163.02 (1) (c) is amended to read:

DHS 163.02 (1) (c) Subchapter V applies to real property for which a certificate of ~~lead-free lead-based paint free~~ status or lead-safe status is sought or has been issued.

SECTION 3. DHS 163.02 (2) (Note) is amended to read:

DHS 163.02 (2) (Note) Note: ~~Submit your Forms to request for approval of an alternative to a requirement by mail to the Lead and Asbestos Section, 1 W. Wilson Street, Room 137, Madison, WI 53703-3445, or by email to~~ dhsasbestoslead@wi.gov are available on the department website at <https://dhs.wi.gov/lead>.

SECTION 4. DHS 163.03 (1) is repealed and recreated to read:

DHS 163.03 (1) (a) “Abatement” means any measure or set of measures designed to permanently eliminate lead-based paint hazards, in the case of dust-lead hazards to below the action levels.

(b) “Abatement” includes any of the following:

1. The removal of paint and dust (in the case of dust-lead hazards to below the action levels), the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces, components or fixtures, or the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust, or soil.
2. All preparation, cleanup, and disposal activities associated with measures described under subd. 1.
3. Projects for which a written contract or other documentation indicates that a person will be conducting activities in or to target housing or a child-occupied facility that meet one of the following criteria:
 - a. The activities will result in the permanent elimination of a lead-based paint hazard, or, in the case of a dust-lead hazard, to below the action level.

- b. The activities are designed to permanently eliminate a lead-based paint hazard, or, in the case of a dust-lead hazard, to below the action level, and are described in subds. 1. and 2.
4. A project resulting in the permanent elimination of a lead-based paint hazard, or, in the case of a dust-lead hazard, to below the action level, conducted by a person certified by the department under this chapter, except as provided in pars. (c) and (d) of this subsection.
5. A project resulting in the permanent elimination of a lead-based paint hazard, or, in the case of a dust-lead hazard, to below the action level, conducted by persons who, through their name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing abatement, except as provided in pars. (c) and (d) of this subsection.
6. A project resulting in the permanent elimination of a lead-based paint hazard, or, in the case of a dust-lead hazard, to below the action level, that are conducted in response to a state or local government abatement order.
- (c) “Abatement” does not include measures and activities intended to temporarily, but not permanently, reduce lead-based paint hazards, in the case of dust-lead hazards to below action levels.
- (d) “Abatement” does not include activities that are intended solely to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards, in the case of dust-lead hazards to below the action levels.

SECTION 5. DHS 163.03 (2) is amended to read:

DHS 163.03 (2) “Accreditation” means an approval status granted by the department to a training course meeting the requirements under subchs. I and III. ~~Accreditation may be either contingent accreditation or full accreditation.~~

SECTION 6. DHS 163.03 (3g) and (Note) are created to read:

DHS 163.03 (3g) “Action levels” means the values under s. DHS 163.15 that indicate the amount of lead in dust on a surface following completion of an abatement, interim control, or renovation activity. To complete such an activity when dust wipe sampling is required, values below these levels must be achieved.

(Note) Note: The department previously used the term “clearance levels” to refer to these levels.

SECTION 7. DHS 163.03 (5m) is created to read:

DHS 163.03 (5m) “Alternative course delivery method” means any mode of training where the principal instructor and students are not physically present together at the same location during all training hours of a course.

SECTION 8. DHS 163.03 (6m) is created to read:

DHS 163.03 (6m) “Authorized representative” means an individual who is permitted by a certified lead company to communicate with the department on its behalf.

SECTION 9. DHS 163.03 (7m) is created to read:

DHS 163.03 (7m) “Blended course delivery” means the use of alternative course delivery methods for some, but not all, portions of an accredited training course.

SECTION 10. DHS 163.03 (8), (9), and (10) are amended to read:

DHS 163.03 (8) “Certificate of ~~lead-free lead-based paint free~~ status” or “~~lead-free lead-based paint free~~ certificate” means a certificate issued ~~under this chapter by a certified lead inspector or risk assessor, and registered with~~ by the department that documents a finding by ~~the~~ a certified lead inspector or lead risk assessor that a premises, dwelling, or unit of a dwelling is free of lead-bearing paint as of the date specified on the certificate unless revoked by the department.

(9) “Certificate of lead-safe status” or “lead-safe certificate” means a certificate issued ~~under this chapter by a certified lead hazard investigator or risk assessor, and registered with~~ by the department that documents ~~that a finding by a the hazard investigator or certified lead risk assessor detected no lead-based paint hazards affecting that~~ the premises, dwelling or unit of the dwelling on the date specified on the certificate meets the standards for lead-safe certification for the duration indicated on the face of the certificate.

(10) “Certification” means an approval status granted by the department to a person or property meeting the conditions for certification under this chapter.

SECTION 11. DHS 163.03 (12) is repealed.

SECTION 12. DHS 163.03 (14) is amended to read:

DHS 163.03 (14) “Clearance” means the actions taken after an abatement, interim control, or renovation activity to make a final determination that the work was completed, final cleaning was conducted, and dust-lead levels are below the ~~clearance~~ action levels, including the provision of a report explaining the results of the investigation.

SECTION 13. DHS 163.03 (14m) is created to read:

DHS 163.03 (14m) “Clearance area” means the work area and additional spaces outside the work area where lead contamination may have occurred during lead hazard reduction or renovation activities.

SECTION 14. DHS 163.03 (15) is repealed.

SECTION 15. DHS 163.03 (17) is amended to read:

DHS 163.03 (17) “Component” means a specific design, architectural or structural element, or fixture of a structure that is distinguished from another component by form, function, or location. Interior components include ceiling, crown molding, wall, chair rail, door, door trim, floor, fireplace, radiator or other heating unit, shelf, shelf support, stair tread, stair riser, stair stringer, newel post, railing cap, balustrade, window and trim (including sash, window head, jamb, interior sill or stool windowsill, and trough), built-in cabinet, column, beam, bathroom vanity, counter top, and air conditioner. Exterior components include painted roofing, chimney, flashing, gutter, downspout, ceiling, soffit, fascia, rake board, cornerboard, bulkhead, door and door trim, fence, floor, joist, lattice work, railing, railing cap, siding, handrail, stair riser, stair tread, stair stringer, column, balustrade, exterior windowsill, window trough or well, casing, sash, and air conditioner.

SECTION 16. DHS 163.03 (18) (Note) is repealed.

SECTION 17. DHS 163.03 (19) is repealed.

SECTION 18. DHS 163.03 (26) (Note) is repealed.

SECTION 19. DHS 163.03 (29) (Note) is amended to read:

DHS 163.03 (29) (Note) Note: Examples of documented methodologies include the following: The U.S. Department of Housing and Urban Development (HUD) HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (current edition); the EPA Guidance on Residential Lead-Based Paint Hazards in Housing; the EPA ~~Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-Contaminated Soil~~; the EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling (EPA report number 7474-R-95-001); Wisconsin Childhood Lead Poisoning Prevention and Control Handbook; regulations, guidance, methods or protocols issued by EPA or States and Indian Tribes that have been authorized by EPA; and other equivalent methods and guidelines. ~~For non-abatement lead-based paint activities, additional documented methodologies include: HUD’s Lead Paint Safety, A Field Guide for Painting, Home Maintenance, and Renovation Work; EPA’s Renovate Right pamphlet and Small Entity Compliance Guide to Renovate Right; EPA’s Lead-Based Paint Renovation, Repair and Painting Program. Federal documents may be downloaded from the HUD website at <http://hud.gov/lead> or from the EPA website at <http://epa.gov/lead>.~~

SECTION 20. DHS 163.03 (35) is repealed.

SECTION 21. DHS 163.03 (37g) is created to read:

DHS 163.03 (37g) “Dwelling for the elderly” means a dwelling in a retirement community or similar type of dwelling reserved for households comprised of one or more persons 62 years of age or more at the time of initial occupancy.

SECTION 22. DHS 163.03 (39) is amended to read:

DHS 163.03 (39) “Elevated blood lead investigation” means the environmental investigation activities conducted in response to a report of a lead poisoning and intended to identify lead hazards that may contribute to the lead poisoning. “Elevated blood lead investigation” may include one or more lead investigation activities, such as lead risk assessment and full or partial lead inspection.

SECTION 23. DHS 163.03 (47) is repealed.

SECTION 24. DHS 163.03 (51) is repealed.

SECTION 25. DHS 163.03 (58) is repealed.

SECTION 26. DHS 163.03 (59) is amended to read:

DHS 163.03 (59) “Interior windowsill” ~~or “window stool”~~ means the portion of the horizontal window ledge adjacent to the interior side of the window sash when the window is closed. ~~On older homes, the interior windowsill frequently that protrudes into the interior of the room.~~

SECTION 27. DHS 163.03 (64) is amended to read:

DHS 163.03 (64) “Lead abatement supervisor” means an individual who ~~supervises or performs~~ may supervise or perform lead abatement or other lead hazard reduction activities.

SECTION 28. DHS 163.03 (65) is amended to read:

DHS 163.03 (65) “Lead abatement worker” means an individual who ~~performs~~ may perform lead abatement ~~or other lead hazard reduction activities.~~

SECTION 29. DHS 163.03 (68) is amended to read:

DHS 163.03 (68) ~~“Lead-free~~ Lead-based paint free inspection” means a lead investigation activity conducted to determine whether a dwelling, dwelling unit, child-occupied facility or other premises qualifies for a certificate of ~~lead-free lead-based paint free~~ status, including the provision of a report explaining the results of the investigation.

SECTION 30. DHS 163.03 (70) is repealed.

SECTION 31. DHS 163.03 (73) is amended to read:

DHS 163.03 (73) “Lead hazard screen” means a limited risk assessment activity ~~to determine whether a structure in good condition is free of lead-based paint hazards or should have a full risk assessment. A lead hazard screen involves less paint or~~ that involves limited paint and dust sampling or testing than in a full risk assessment.

SECTION 32. DHS 163.03 (74) is amended to read:

DHS 163.03 (74) “Lead inspection” means the on-site sampling or testing of all testing combinations to determine the presence of lead-based paint, including the provision of a report explaining the results of the investigation.

SECTION 33. DHS 163.03 (75) is amended to read:

DHS 163.03 (75) “Lead inspector” means an individual who ~~conducts a lead-free~~ may conduct lead-based paint free inspections, or lead inspection inspections, and ~~who may also conduct~~ clearance activities.

SECTION 34. DHS 163.03 (76) is amended to read:

DHS 163.03 (76) “Lead investigation activity” means any activity that determines whether lead-based paint or lead hazards are present. Lead investigation activities include clearance, dust-wipe sampling, elevated blood lead investigation, ~~lead-free~~ lead-based paint free inspection, lead inspection, lead hazard screen, lead-safe investigation, paint chip sampling, partial lead inspection, risk assessment, soil sampling, and XRF testing activities.

SECTION 35. DHS 163.03 (77) is amended to read:

DHS 163.03 (77) “Lead investigation discipline” means a job category for which individuals are trained and become certified by the department to conduct specific lead investigation activities. Lead investigation disciplines are lead ~~hazard investigator,~~ inspector, risk assessor, and sampling technician.

SECTION 36. DHS 163.03 (79) is amended to read:

DHS 163.03 (79) “Lead risk assessor” means an individual who ~~conducts~~ may conduct all types of lead investigation activities.

SECTION 37. DHS 163.03 (80) is amended to read:

DHS 163.03 (80) “Lead sampling technician” means an individual who may independently perform limited perform post-renovation clearance activities or ~~assists a lead hazard~~

investigator, assist a certified lead inspector or risk assessor in conducting other lead investigation activities, including collecting paint-chip, dust-wipe, or soil samples.

SECTION 38. DHS 163.03 (81) is amended to read:

DHS 163.03 (81) “Lead-safe investigation” means a lead investigation activity conducted to determine whether a dwelling, dwelling unit, child-occupied facility, or other premises qualifies for a certificate of lead-safe status, including the provision of a report explaining the results of the investigation.

SECTION 39. DHS 163.03 (83) is amended to read:

DHS 163.03 (83) “Lead-safe renovator” means an individual who ~~performs or directs~~ may perform or direct workers who perform renovation activities in target housing or child-occupied facilities.

SECTION 40. DHS 163.03 (85) is repealed.

SECTION 41. DHS 163.03 (88g) is created to read:

DHS 163.03 (88g) “Painted surface” means a component surface covered in whole or in part with paint or other surface coatings.

SECTION 42. DHS 163.03 (88r) is amended to read:

DHS 163.03 (88r) “Partial lead inspection” means an on-site sampling or testing of one or more, but not all, testing combinations in any target housing or child-occupied facility to determine the presence of lead-based paint, including the provision of a report explaining the results of the investigation.

SECTION 43. DHS 163.03 (88v) is created to read:

DHS 163.03 (88v) “Permanent” means an expected design life of at least 20 years.

SECTION 44. DHS 163.03 (94) is amended to read:

DHS 163.03 (94) “Property owner” means a person who has both equitable title and legal possession of a dwelling, child-occupied facility, or premises, ~~registered lead-free property or registered lead-safe property.~~

SECTION 45. DHS 163.03 (94m) is created to read:

DHS 163.03 (94m) “Public employee” means any employee of the state, of any state agency, or of any political subdivision of the state.

SECTION 46. DHS 163.03 (96) (Note) is repealed.

SECTION 47. DHS 163.03 (98) is renumbered DHS 163.03 (11g) and amended to read:

DHS 163.03 (11g) “~~Registered lead-free~~ Certified lead-based paint free property” means those portions of real property that were included in a ~~lead-free~~ lead-based paint free inspection and are described as covered property on a ~~current, valid~~ current, valid certificate of ~~lead-free~~ lead-based paint free status issued ~~under this chapter and registered with~~ by the department.

SECTION 48. DHS 163.03 (99) is renumbered DHS 163.03 (11r) and amended to read:

DHS 163.03 (11r) “~~Registered~~ Certified lead-safe property” means those portions of real property that were included in a lead-safe investigation and are described as covered property on a current, valid certificate of lead-safe status issued ~~under this chapter and registered with~~ by the department.

SECTION 49. DHS 163.03 (100m) is repealed and recreated to read:

DHS 163.03 (100m) (a) “Renovation” means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as a part of abatement activities.

(b) “Renovation” includes the removal, modification, or repair of painted surfaces or painted components, including any of the following:

1. Modification of painted doors.
2. Surface restoration.
3. Window repair.
4. Surface preparation activities such as sanding, scraping, or other activities that may generate paint dust.
5. The removal of building components such as walls, ceilings, plumbing, or windows.
6. Weatherization projects, such as cutting holes in painted surfaces to install blown-in insulation or gain access to attics, or planing thresholds to install weatherstripping.
7. Interim controls that disturb painted surfaces.

(c) “Renovation” includes a work activity performed for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility.

(d) “Renovation” does not include minor repair and maintenance activities, as defined under s. DHS 163.03 (85m).

(e) “Renovation” does not include the razing of an entire building.

SECTION 50. DHS 163.03 (101g) is created to read:

DHS 163.03 (101g) “Reportable level” means the lowest analyte concentration, or amount, that does not contain a “less than” qualifier and that is reported with confidence for a specific method by a recognized laboratory.

SECTION 51. DHS 163.03 (102) is amended to read:

DHS 163.03 (102) “Risk assessment” means an on-site investigation of ~~paint, dust, water or other environmental media~~ to determine the existence, nature, severity, and location of ~~lead~~ lead-based paint hazards, including the provision of a report explaining the results of the investigation and options for controlling any identified lead-based paint hazards.

SECTION 52. DHS 163.03 (111m) is created to read:

DHS 163.03 (111m) “Vertical containment” means a vertical barrier consisting of plastic sheeting or other impermeable material over scaffolding or a rigid frame, or an equivalent system of containing the work area..

SECTION 53. DHS 163.03 (112) is repealed.

SECTION 54. DHS 163.03 (116) is amended to read:

DHS 163.03 (116) “Window system” means all components associated with the operation or decoration of a window, including the framing, casing, lower and upper sash, jamb, parting bead, inside stop, outside stop, channel guide or track, interior ~~sill or stool~~ windowsill, trough or well, exterior ~~sill~~ windowsill, apron, storm window, screen window, muntin, mullion, and window trim.

SECTION 55. DHS 163.03 (117) is amended to read:

DHS 163.03 (117) “Window trough” or “window well” means the portion of the ~~windowsill~~ window system between the interior windowsill ~~or stool~~ and the frame of the storm window. If there is no storm window, the window trough is the area that would receive upper and lower sashes if they were lowered.

SECTION 56. DHS 163.10 (1) (d) 1. is amended to read:

DHS 163.10 (1) (d) 1. The paint involved in the renovation activity has been tested by a person certified as a lead inspector, ~~hazard investigator~~ or risk assessor, who has determined that the paint does not meet the definition of lead-based paint under s. DHS 163.03 (61).

SECTION 57. DHS 163.10 (2) (a) 1. and 2. are amended to read:

DHS 163.10 (2) (a) 1. ‘Lead abatement worker.’ A certified lead abatement worker may perform any abatement activity, and shall be supervised under s. DHS 163.14 (1) (c) when performing abatement. A lead abatement worker may not prepare an occupant protection plan for

abatement, prepare an abatement report, conduct sampling for abatement, or supervise abatement activities. ~~A certified lead abatement worker who completes a lead-safe renovation initial or refresher course, or a lead abatement worker refresher course after October 19, 2009, is also qualified to conduct renovation activities.~~

2. 'Lead abatement supervisor.' A certified lead abatement supervisor may develop occupant protection plans, write abatement reports, and supervise or perform lead abatement activities. A certified lead abatement supervisor may take dust wipe samples before clearance is conducted to determine if cleanup is complete, but this activity does not meet the criteria for sampling under s. 901.055, Stats., or for clearance. ~~A certified lead abatement supervisor who completes a lead-safe renovation initial or refresher course, or a lead abatement supervisor refresher course on or after October 19, 2009, is also qualified to conduct renovation activities.~~

SECTION 58. DHS 163.10 (2) (b) 1. and 2. are amended to read:

DHS 163.10 (2) (b) 1. 'Lead sampling technician.' When no abatement activity was performed, a certified lead sampling technician may conduct clearance following a renovation activity involving target housing or a child-occupied facility. A certified lead sampling technician may take dust wipe samples, and may take paint chip and soil samples when directly assisting a certified lead ~~investigator~~, inspector or risk assessor to conduct other lead investigation activities. A certified lead sampling technician may not use an XRF, conduct clearance after an abatement activity or provide recommendations for reducing a lead hazard.

2. 'Lead inspector.' A certified lead inspector may conduct any clearance, ~~lead-free inspection or lead-based paint free inspection, lead inspection, or partial lead inspection~~ activity, and may use an XRF. A certified lead inspector may assist a certified lead ~~hazard investigator or~~ risk assessor to conduct other lead investigation activities, but may not identify lead-based paint hazards or provide recommendations for reducing a ~~lead~~ lead-based paint hazard.

SECTION 59. DHS 163.10 (2) (b) 3. is repealed.

SECTION 60. DHS 163.10 (2) (b) 4. is amended to read:

DHS 163.10 (b) 4. 'Lead risk assessor.' A certified lead risk assessor may conduct any lead investigation activity, including clearance, ~~lead-free~~ lead-based paint free inspection, lead inspection, partial lead inspection, elevated blood-lead investigation, lead hazard screen, lead-safe investigation, and risk assessment activities, and may use an XRF.

SECTION 61. DHS 163.10 (3) (a) 1. is amended to read:

DHS 163.10 (3) (a) 1. An applicant ~~shall use this subsection and subs. (4) to (7) to apply for~~ initial certification in a lead hazard reduction, lead investigation, or renovation discipline or an

applicant for certification in a lead hazard reduction, lead investigation, or renovation discipline whose previous certification for the first time or after certification in the discipline has lapsed for 12 months or more expired shall satisfy the requirements under this subsection and sub. (5).

SECTION 62. DHS 163.10 (3) (a) 2. is amended to read:

DHS 163.10 (3) (a) 2. An individual applying for initial certification in any discipline identified under sub. (2) shall be 18 years of age or older, shall meet applicable education and experience qualifications under par. (b), and shall successfully complete certification training requirements under s. DHS 163.11 and, to be certified as a lead abatement supervisor, hazard investigator, inspector, or risk assessor, shall pass a certification examination under par. (c) within one year before applying to the department, except as provided under subd. 2m.

SECTION 63. DHS 163.10 (3) (a) 2m. is created to read:

DHS 163.10 (3) (a) 2m. To receive initial certification as a lead abatement supervisor, inspector, or risk assessor, an individual shall apply to the department and pass the certification examination under par. (c) not more than six months after completing initial lead abatement supervision, inspection, or risk assessment training.

SECTION 64. DHS 163.10 (3) (a) 3. is repealed.

SECTION 65. DHS 163.10 (3) (a) 4. is amended to read:

DHS 163.10 (3) (a) 4. To apply for certification under subds. 1. to ~~3.~~ 2m., the applicant shall submit to the department an application under sub. (5) and include the applicable fee.

SECTION 66. DHS 163.10 (3) (a) (Note) is repealed.

SECTION 67. DHS 163.10 (3) (b) 1., 2. a., 3. (title), and 3. (intro.) are amended to read:

DHS 163.10 (3) (b) 1. 'Requirement.' An applicant for initial certification as a lead abatement supervisor, ~~hazard investigator~~, project designer, or risk assessor shall meet the applicable education and experience qualifications in this paragraph in addition to the certification training requirements under s. DHS 163.11.

2. a. Have one year of experience as a certified lead abatement worker or ~~lead abatement supervisor~~ lead-safe renovator.

3. (title) '~~Hazard investigator or risk~~ Risk assessor.' An applicant for lead risk assessor or ~~lead hazard investigator~~ certification shall meet one of the following:

SECTION 68. DHS 163.10 (3) (b) 3. e. is repealed.

SECTION 69. DHS 163.10 (3) (c) (title) and 1. are amended to read:

DHS 163.10 (3) (c) *Certification examination for lead ~~hazard investigators~~, inspectors, risk assessors, and abatement supervisors.*

1. 'Examination requirement.' ~~To be certified, an~~ An applicant for initial certification as a lead abatement supervisor, ~~hazard investigator~~, inspector, or risk assessor shall pass a certification examination ~~administered by the department or by a person authorized by the department to administer the certification examination under the department's direction or with the department's approval.~~

SECTION 70. DHS 163.10 (3) (c) 2. is amended to read:

DHS 163.10 (3) (c) 2. 'Timing of certification examination.' An applicant for initial certification ~~to whom the department granted interim certification under sub. (6) (b)~~ shall take the next available certification examination offered at a reasonably accessible location, as determined by the department. The applicant ~~with interim certification~~ may take the certification examination a maximum of 3 times within 6 months after completing an all approved training course initial lead abatement supervision, inspection, or risk assessment training as required for the discipline under s. DHS 163.11. ~~If an applicant does not pass the certification examination and become certified by the department after up to 3 attempts within this 6-month period, the department may revoke the interim certification and shall deny initial certification. The individual will not be eligible to re-apply for a period of 12 months from the date of denial. The individual shall retake the initial training course before reapplying for initial certification in the same discipline.~~

SECTION 71. DHS 163.10 (3) (c) 4. is amended to read:

DHS 163.10 (3) (c) 4. 'Rescheduling a certification examination.' ~~If unable to take the certification examination at the time or date scheduled by the department, the~~ An applicant may reschedule the certification examination for another time or date without payment of an additional fee if the applicant requests the change not less than one working day prior to the scheduled certification examination. The certification examination fee is not refundable.

SECTION 72. DHS 163.10 (3) (c) 5. is created to read:

DHS 163.10 (3) (c) 5. 'Failing to pass the certification examination.' If an applicant does not pass the certification examination and become certified by the department after up to 3 attempts within this 6-month period, the department may revoke provisional certification and shall deny initial certification. An applicant whose initial certification is denied under this subdivision shall retake the following initial training course, as applicable, before reapplying for initial certification in the same discipline:

- a. An applicant for lead abatement supervisor certification shall retake initial lead abatement supervision training.
- b. An applicant for lead inspector certification shall retake initial lead inspection training.

c. An applicant for lead risk assessor certification shall retake initial lead inspection training and initial lead risk assessment training.

SECTION 73. DHS 163.10 (3) (d) and (4) are repealed.

SECTION 74. DHS 163.10 (5) (am) is created to read:

DHS 163.10 (5) (am) *Disclosure of violations.* Any history of civil or criminal violation of statutes, regulations, or ordinances of the United States, this state, or of any other state, tribal, or local government committed by the applicant that is substantially related to regulated activities or other environmental remediation not previously disclosed to the department.

SECTION 75. DHS 163.10 (5) (e) (intro.) is amended to read:

DHS 163.10 (5) (e) (intro.) *Documentation of education and experience.* Except as provided under par. (f), for certification as a lead abatement supervisor, ~~hazard investigator~~, project designer or risk assessor, an affidavit of education and experience required under sub. (3) (b) on a form obtained from the department. The applicant shall also be prepared to submit one or more of the following forms of documentation if requested by the department:

SECTION 76. DHS 163.10 (5) (f) is amended to read:

DHS 163.10 (5) (f) *Other documentation.* An applicant requesting certification based on current certification issued by EPA or another EPA-authorized state or tribal program shall submit a copy of their current certification issued by EPA or an EPA-authorized state or tribe; ~~notarized as a true copy of the original document.~~

SECTION 77. DHS 163.10 (5) (g) 1. (intro.), a., and b. are amended to read:

DHS 163.10 (5) (g) 1. (intro.) 'Initial certification fee.' A written request for a ~~government~~ certification fee exemption under subd. 1. h. or a nonrefundable initial certification fee as follows:

a. For certification as a lead abatement supervisor, a fee of ~~\$275~~
\$412.50.

b. For certification as a lead abatement worker, a fee of ~~\$100~~
\$150.

SECTION 78. DHS 163.10 (5) (g) 1. c. is repealed.

SECTION 79. DHS 163.10 (5) (g) 1. d. to h. are amended to read:

DHS 163.10 (5) (g) 1. d. For certification as a lead inspector, a fee of ~~\$325~~ \$487.50.

- e. For certification as a lead project designer, a fee of ~~\$375~~ \$562.50.
- f. For certification as a lead risk assessor, a fee of ~~\$375~~ \$62.50.
- g. For certification as a lead sampling technician, a fee of ~~\$75~~ \$112.50.
- gm. For certification as a lead-safe renovator, a fee of ~~\$75~~ \$225.
- h. ~~To request a government~~ An applicant who is a public employee shall request a certification fee exemption; the applicant shall submit a letter by submitting a request from the employing government agency their employer that verifies that the scope of the applicant's employment and need for includes duties requiring the certification.

SECTION 80. DHS 163.10 (5) (g) 2. is amended to read:

DHS 163.10 (5) (g) 2. 'Certification examination fee.' For lead abatement supervisor, ~~hazard investigator, inspector,~~ or risk assessor initial certification, a nonrefundable certification examination registration of \$75.

SECTION 81. DHS 163.10 (5) (g) 4., and (Note 1) are amended to read:

DHS 163.10 (5) (g) 4. 'Other fees.' The department may assess other fees as necessary to cover costs of administering this chapter, ~~such as walk-in~~ including for expedited service, if available, and for verifying training diplomas from other jurisdictions.

(Note 1) Note: Applications are available on the department website at <http://dhs.wi.gov/lead>. ~~To request a form by mail, call 608-261-6878 or write to the Lead and Asbestos Section, 1 W. Wilson Street, Room 137, Madison, WI 53703-3445~~ <https://dhs.wi.gov/lead>.

SECTION 82. DHS 163.10 (5) (g) 4. (Note 2) is repealed.

SECTION 83. DHS 163.10 (6) (b) and (Note) are repealed.

SECTION 84. DHS 163.10 (6) (c) 2. is amended to read:

DHS 163.10 (6) (c) 2. 'Upon passing certification examination.' When an individual with ~~interim provisional~~ certification in a discipline requiring a certification exam passes the certification examination for the discipline, the department shall ~~change the individual's certification from interim to initial and shall issue a revised certification card for the balance of the certification term.~~

SECTION 85. DHS 163.10 (6) (e) is created to read:

DHS 163.10 (6) (e) *Issue downgraded certification.* When an individual with provisional certification in a discipline requiring a certification exam does not pass the certification exam

within 6 months after completing qualifying training, the department shall issue a certification card the applicant qualifies for based on pre-requisite training courses, and shall deny the certification requiring the certification exam under par. (d).

1. Applicants for lead supervisor certification to whom this paragraph applies shall be issued lead-safe renovator certification for 5 years from the date of the most recent training in that discipline.
2. Applicants for lead risk assessor and lead inspector certification to whom this paragraph applies shall be issued lead sampling technician certification for 3 years from the date of the most recent training in that discipline.

SECTION 86. DHS 163.10 (7) is repealed and recreated to read:

DHS 163.10 (7) LENGTH OF INITIAL CERTIFICATION.

- (a) *Lead-safe renovator discipline.* Certification as a lead-safe renovator shall remain valid for 5 years from the date of the initial training required under s. DHS 163.11.
- (b) *Lead hazard reduction and lead hazard investigation disciplines.* Lead abatement worker, abatement supervisor, project designer, sampling technician, inspector, and risk assessor certification shall remain valid for 3 years after the completion date of the initial training required under s. DHS 163.11.

SECTION 87. DHS 163.10 (8) (a) is amended to read:

DHS 163.10 (8) (a) *Requirement.* No individual certified under this subchapter may perform an activity for which certification is required after the expiration date on that individual's certification card until the individual is recertified by the department. An individual shall ~~use~~ satisfy the requirements under this subsection to apply for recertification before certification expires or within 12 months after certification expires.

SECTION 88. DHS 163.10 (8) (a) (Note) is repealed.

SECTION 89. DHS 163.10 (8) (c) 1m. is created to read:

DHS 163.10 (8) (c) 1m. 'Disclosure of violations.' A list of any civil or criminal violation of statutes, regulations, or ordinances of the United States, this state, or of any other state, tribal, or local government substantially related to regulated activities or other environmental remediation not previously disclosed to the department.

SECTION 90. DHS 163.10 (8) (c) 2. is amended to read:

DHS 163.10 (8) (c) 2. 'Photograph.' Except when a photograph was submitted to the department by a training provider after the applicant completed a required course, a recent,

clearly identifiable color photograph of the applicant, taken within the previous ~~24~~ 36 months in the format specified by the department.

SECTION 91. DHS 163.10 (8) (c) 4. (intro.), a., and b. are amended to read:

DHS 163.10 (8) (c) 4. (intro.) A written request for a ~~government~~ certification fee exemption under subd. 4. ~~gm. h.~~ or a nonrefundable recertification fee as follows:

- a. For recertification as a lead abatement supervisor, a fee of ~~\$275~~ \$412.50.
- b. For recertification as a lead abatement worker, a fee of ~~\$100~~ \$150.

SECTION 92. DHS 163.10 (8) (c) 4. c. is repealed.

SECTION 93. DHS 163.10 (8) (c) 4. d. to h. are amended to read:

- DHS 163.10 (8) (c) 4. d. For recertification as a lead inspector, a fee of ~~\$325~~ \$487.50.
- e. For recertification as a lead project designer, a fee of ~~\$375~~ \$562.50.
 - f. For recertification as a lead risk assessor, a fee of ~~\$375~~ \$562.50.
 - g. For recertification as a lead sampling technician, a fee of ~~\$75~~ \$112.50.
 - gm. For recertification as a lead-safe renovator, a fee of ~~\$75~~ \$225.
 - h. ~~To qualify for government~~ An applicant who is a public employee shall request a certification fee exemption upon recertification the applicant shall verify current government employment and need for certification by submitting a request from their employer that verifies that the scope of the applicant's employment includes duties requiring certification, or, if previously submitted, verifying the applicant's continued employment includes the duties previously described.

SECTION 94. DHS 163.10 (8) (c) 6. is amended to read:

DHS 163.10 (8) (c) 6. 'Other fees.' The department may assess other fees as necessary to cover costs of administering this chapter, including for expedited service, if available, and for verifying training diplomas from other jurisdictions.

SECTION 95. DHS 163.10 (8) (c) 6. (Note 1) is amended to read:

DHS 163.10 (8) (c) 6. (Note 1) Note: Applications are available on the department website at <http://dhs.wi.gov/lead>. ~~To request forms by mail, call 608-261-6876 or write to the Lead and Asbestos Section, 1 W. Wilson Street, Room 137, Madison, WI 53703-3445~~
<https://dhs.wi.gov/lead>.

SECTION 96. DHS 163.10 (8) (c) 6. (Note 2) is repealed.

SECTION 97. DHS 163.10 (8) (e) is repealed and recreated to read:

DHS 163.10 (8) (e) *Length of recertification.*

1. 'Lead-safe renovator.' When the department recertifies an individual as a lead-safe renovator, the department shall issue a certification card with an expiration date 5 years after the most recent required training under s. DHS 163.11.
2. 'Lead abatement supervisor.' a. Except as provided in subd. 2. b., when the department recertifies an individual as a lead abatement supervisor, the department shall issue a certification card with an expiration date 3 years after the applicant's most recent lead abatement supervisor refresher training under s. DHS 163.11.
b. When the department recertifies an individual as a lead abatement supervisor, if the applicant's most recent lead-safe renovator refresher training under s. DHS 163.11 was completed more than two years before recertification, the department shall issue a certification card with an expiration date 5 years after the early lead-safe renovator refresher training date.
3. 'All other disciplines.' When the department recertifies an individual as a lead abatement worker, abatement supervisor, project designer, sampling technician, inspector, or risk assessor, the department shall issue a certification card with an expiration date 3 years after the completion date of the most recent refresher training under s. DHS 163.11.

SECTION 98. DHS 163.11 (intro.) is amended to read:

DHS 163.11 (intro.) To be certified under this chapter as a lead abatement supervisor, abatement worker, ~~hazard investigator~~, inspector, project designer, risk assessor, sampling technician, or lead-safe renovator, an individual shall meet all of the following minimum training requirements:

SECTION 99. DHS 163.11 (1) (b) is amended to read:

DHS 163.11 (1) (b) Accredited by EPA or an EPA-authorized state or tribal lead training and certification program if the department determines the course is comparable to a course or courses under s. DHS 163.20 (8), ~~and the course was completed in another state where the accrediting program has authority, and the course was held in compliance with all accrediting program requirements.~~

SECTION 100. DHS 163.11 (2) is repealed and recreated to read:

DHS 163.11 (2) REQUIREMENT FOR INITIAL TRAINING.

(a) *Lead hazard reduction training.*

1. 'Lead abatement worker.' For certification as a lead abatement worker, an individual shall complete an initial lead abatement work course.
2. 'Lead abatement supervisor.' Except as provided under subds. 2. a. to c., for certification as a lead abatement supervisor, an individual shall complete an initial lead-safe renovation course and an initial lead abatement work course in any order, followed by an initial lead abatement supervision course.
 - a. An individual who is currently certified as a lead-safe renovator with an expiration date more than 3 years in the future is not required to complete an initial lead-safe renovation course before completing the initial lead abatement supervision course.
 - b. An individual who is currently certified as a lead-safe renovator with an expiration date less than 3 years in the future shall complete a lead-safe renovator refresher course before completing the initial lead abatement supervision course.
 - c. An individual who is currently certified as a lead abatement worker is not required to complete an initial lead abatement work course before completing the initial lead abatement supervision course.
3. 'Lead project designer.' For certification as a lead project designer, an individual shall complete the training required for lead abatement supervisor certification provided under subd. 2., followed by an initial lead project design course. An individual who is currently certified as a lead abatement supervisor is not required to complete the training provided under subd. 2.

(b) *Lead investigation training.*

1. 'Lead sampling technician.' For certification as a lead sampling technician, an individual shall complete an initial lead sampling course, or an initial combined lead sampling and inspection course.
2. 'Lead inspector.' For certification as a lead inspector, an individual shall complete either an initial lead sampling course followed by an initial lead inspection course, or an initial combined lead sampling and inspection course.
3. 'Lead risk assessor.' For certification as a lead risk assessor, an individual shall complete the training required for lead inspector certification provided under subd. 2., followed by an initial lead risk assessment course. An individual who is currently certified as a lead inspector is not required to complete the training provided under subd. 2.

(c) *Lead-safe renovator training.* For certification as a lead-safe renovator, an individual shall complete an initial lead-safe renovation course.

SECTION 101. DHS 163.11 (3) is repealed and recreated to read:

DHS 163.11 (3) REQUIREMENT FOR REFRESHER TRAINING. Before applying to the department for recertification, an individual with current certification shall complete the following refresher training courses for the individual's discipline before the individual's current certification expires:

- (a) *Lead abatement worker*. For lead abatement workers, a lead abatement worker refresher training course.
- (b) *Lead abatement supervisor*. For lead abatement supervisors, a lead-safe renovator refresher training course followed by lead abatement supervisor refresher training course.
- (c) *Lead project designer*. For lead project designers, a lead project designer refresher training course.
- (d) *Lead sampling technician*. For lead sampling technicians, a lead sampling technician refresher training course.
- (e) *Lead inspector*. For lead inspectors, a lead inspector refresher training course.
- (f) *Lead risk assessor*. For lead risk assessors, a lead risk assessor refresher training course.
- (g) *Lead-safe renovator*. For lead-safe renovators, a lead-safe renovator refresher training course.

SECTION 102. DHS 163.11 (3m) is created to read:

DHS 163.11 (3m) REQUIREMENT FOR INITIAL TRAINING AFTER CERTIFICATION EXPIRATION. As a condition for recertification, an individual whose certification has expired shall complete initial training required for the discipline as provided under s. DHS 163.11 (2) before applying for certification under s. DHS 163.10 (5).

SECTION 103. DHS 163.11 (4) is amended to read:

DHS 163.11 (4) PROOF OF TRAINING. The individual shall retain ~~an~~ their original training diploma; ~~issued by the training provider, for each required training course completed for the duration of the individual's certification for each required training course completed.~~

SECTION 104. DHS 163.12 (1) (am) is repealed.

SECTION 105. DHS 163.12 (1) (b) is amended to read:

DHS 163.12 (1) (b) A person is not required to be certified as a company when the person is a homeowner who personally performs regulated activities only on the owner's owner-occupied dwelling unit ~~and, the owner-occupied dwelling unit is not occupied by an individual other than the property owner's immediate family, and no other dwelling unit or common area is affected.~~

SECTION 106. DHS 163.12 (3) (a) (title), 1., a., b., d., f., and g. are amended to read:

DHS 163.12 (3) (a) ~~Application for a nongovernmental company~~ An applicant that is not a state agency or political subdivision of the state.

1. 'Application form.' ~~The company that is not a governmental agency~~ An applicant that is not a state agency or political subdivision of the state shall submit ~~to the department~~ a fully and accurately completed application on a form obtained from the department. The application shall include all of the following information:

- a. ~~The company's applicant's legal name, mailing address, physical address and telephone number and the physical address of records required under s. DHS 163.13 (3) if different from the physical address, phone number, and, if applicable, email address.~~
- b. The federal employer identification number or a statement why the ~~company applicant~~ does not have one.
- d. Names of corporate officers if the ~~company applicant~~ is incorporated.
- f. A statement signed by ~~the applicant, or an owner or officer if the applicant is incorporated, of the company~~ attesting that the ~~company applicant~~ will employ or contract with only appropriately certified persons when certification is required under this chapter.
- g. A statement signed by ~~the applicant, or an owner or officer if the applicant is incorporated, of the company~~ attesting that the ~~company applicant~~, its employees, and subcontractors will comply with the requirements of this chapter when conducting activities regulated under this chapter.

SECTION 107. DHS 163.12 (3) (a) 1. h. is created to read:

DHS 163.12 (3) (a) 1. h. Disclosure of any history of civil or criminal violation of statutes, regulations or ordinances of the United States, this state, any other state or any tribal or local government substantially related to regulated activities or other environmental remediation not previously disclosed to the department.

SECTION 108. DHS 163.12 (3) (a) 2. a. is amended to read:

DHS 163.12 (3) (a) 2. a. ~~A nonrefundable initial~~ For 3-year lead company certification, a nonrefundable fee of \$125 \$195.

SECTION 109. DHS 163.12 (3) (a) 2. am. is created to read:

DHS 163.12 (3) (a) 2. am. For 5-year lead company certification, a nonrefundable fee of \$325.

SECTION 110. DHS 163.12 (3) (a) 2. b. is amended to read:

DHS 163.12 (3) (a) 2. b. Any other fee imposed by the department as necessary to cover costs of administering this chapter, including for expedited service, if available, or for replacement of a lost, stolen, or damaged certificate.

SECTION 111. DHS 163.12 (3) (b) (title), (intro.), 1., 2., and 3. are amended to read:

DHS 163.12 (3) (b) (title) ~~Application for a governmental agency~~ An applicant that is a state agency or political subdivision of the state.

(intro.) ~~A company that is a governmental agency~~ An applicant that is a state agency or political subdivision of the state shall submit a fully and accurately completed application on a form obtained from the department. The application shall include all of the following information:

1. ~~Name~~ The applicant's legal name, mailing address, physical address and telephone number for the agency and physical address of records required under s. DHS 163.13 (3) if different from the agency's physical address, phone number, and, if applicable, email address.
2. A statement signed by an authorized representative of the ~~agency~~ applicant attesting that the ~~agency~~ applicant will employ or contract with only appropriately certified persons when certification is required under this chapter.
3. A statement signed by an authorized representative of the ~~agency~~ applicant attesting that the ~~agency~~ applicant, its employees, and subcontractors will follow the work practice standards in s. DHS 163.14 when conducting activities covered by the work practice standards.

SECTION 112. DHS 163.12 (3) (b) 4. is created to read:

DHS 163.12 (3) (b) 4. Whether the applicant wishes to apply for a 3-year lead company certificate or a 5-year lead company certificate.

SECTION 113. DHS 163.12 (3) (Note 1) is amended to read:

DHS 163.12 (3) (Note 1) Note: Applications are available on the department website at <http://dhs.wi.gov/lead> ~~https://dhs.wi.gov/lead. To request forms by mail, call 608-261-6876 or write to the Lead and Asbestos Section, 1 W. Wilson Street, Room 137, Madison, WI 53703-3445.~~

SECTION 114. DHS 163.12 (3) (Note 2) is repealed.

SECTION 115. DHS 163.12 (5) is amended to read:

DHS 163.12 (5) ~~EXPIRATION LENGTH OF COMPANY CERTIFICATION.~~ A company's Company certification shall expire ~~2~~ 3 or 5 years after the certification issue date.

SECTION 116. DHS 163.12 (6) (title) and (a) (intro.) are amended to read:

DHS 163.12 (6) (title) ~~RENEWAL OF CERTIFICATION~~ RECERTIFICATION.

(a) (intro.) No person may perform, supervise, advertise, claim to provide, or offer to perform or supervise an activity for which company certification is required under this subchapter after the expiration date of that company's certification. A company shall submit all of the following to the department to apply for recertification within 12 months before certification expires ~~or within 12 months after certification expires~~:

SECTION 117. DHS 163.12 (6) (a) 2. is amended to read:

DHS 163.12 (6) (a) 2. A nonrefundable fee ~~of \$125 as provided under this subdivision~~, except that a state or local government agency is exempt from paying the fee.

SECTION 118. DHS 163.12 (6) (a) 2. a. and b. are created to read:

DHS 163.12 (6) (a) 2. a. For 3-year lead company certification, an applicant shall submit a fee of \$195.

b. For 5-year lead company certification, an applicant shall submit a fee of \$325.

SECTION 119. DHS 163.12 (6) (a) (Note 1) is amended to read:

DHS 163.12 (6) (a) (Note 1) Note: Applications are available on the department website at <http://dhs.wi.gov/lead> ~~https://dhs.wi.gov/lead. To request forms by mail, call 608-261-6876 or write to the Lead and Asbestos Section, 1 W. Wilson Street, Room 137, Madison, WI 53703-3445.~~

SECTION 120. DHS 163.12 (6) (a) (Note 2) is repealed.

SECTION 121. DHS 163.12 (6) (b) 1., 2., and 3. are amended to read:

DHS 163.12 (6) (b) 1. 'Time limit.' Within 15 working days after receipt of a fully and accurately completed application, the department shall grant or deny ~~a company's request for renewal of certification~~ recertification.

2. 'Grant ~~renewal of certification~~ recertification.' If the department grants ~~a company renewal of certification~~ recertification, the department shall issue a certificate of approval.

3. 'Deny ~~renewal of certification~~ recertification.' If the department denies ~~a company renewal of certification~~ recertification, the department shall give the company a written explanation for the denial and shall notify the company of the right to appeal that decision under s. DHS 163.33.

SECTION 122. DHS 163.12 (6) (c) is amended to read:

DHS 163.12 (6) (c) ~~Length of company renewal of certification~~ recertification. When the department ~~renews~~ recertifies a company ~~certification~~, the department shall extend the company's certification ~~2 either 3 or 5~~ years from the date of expiration.

SECTION 123. DHS 163.13 (3) (c) 3., 4., and 5. are amended to read:

DHS 163.13 (3) (c) 3. A signed and dated acknowledgement of receipt of the ~~pre-renovation education~~ pamphlet under s. DHS 163.14 (10).

4. Written certification of delivery of the ~~pre-renovation education~~ pamphlet under s. DHS 163.14 (10) when the company has been unsuccessful in obtaining written acknowledgement of receipt from an adult occupant under s. DHS 163.14 (10).

5. A certificate of mailing when the ~~pre-renovation education~~ pamphlet is sent by U.S. mail under s. DHS 163.14 (10).

SECTION 124. DHS 163.13 (5) (e) is amended to read:

DHS 163.13 (5) (e) For a ~~lead-free lead-based paint free~~ inspection or a lead-safe investigation, what action will be taken if the property is found ineligible for the certificate being sought.

SECTION 125. DHS 163.13 (6) (a) 1. a. is renumbered DHS 163.13 (6) (a) 1. and amended to read:

DHS 163.13 (6) (a) 1. 'Responsibility for training diploma.' ~~a-~~ The individual shall retain ~~an original the training diploma, or an electronic or printed copy,~~ for the duration of the individual's certification for each required training course completed and shall make it available upon request by the department.

SECTION 126. DHS 163.13 (6) (a) 1. b. is repealed.

SECTION 127. DHS 163.13 (6) (a) 2. a. is renumbered DHS 163.13 (6) (a) 2. and amended to read:

DHS 163.13 (6) (a) 2. 'Responsibility for certification card.' ~~a-~~ The individual shall retain the certification card, or an electronic or printed copy, until the ~~card~~ certification expires, shall have it ~~physically~~ present when performing or supervising a regulated activity, and shall make ~~the certification card~~ it available for inspection upon request by the department or the public.

SECTION 128. DHS 163.13 (6) (a) 2. b. is repealed.

SECTION 129. DHS 163.13 (6) (a) 2. c. is renumbered DHS 163.13 (6) (a) 3. and amended to read:

DHS 163.13 (6) (a) 3. 'Responsibility to return certification card upon request.' When requested by the department, the individual shall return a suspended, revoked, or otherwise

invalid certification card to the department within 10 working days of the department's request.

SECTION 130. DHS 163.13 (6) (b) 1. is amended to read:

DHS 163.13 (6) (b) 1. 'Prohibited actions.' The employer or company may not confiscate an individual's original training diploma or certification card. ~~The employer or company may not photocopy an individual's training diploma or certification card unless the photocopy is clearly labeled "copy" across the face of it in order to discourage fraudulent or misleading use of the photocopy.~~

SECTION 131. DHS 163.13 (6) (b) 2. b. is amended to read:

DHS 163.13 (6) (b) 2. b. A company ~~shall~~ may not allow another person to photocopy the certificate unless the photocopy is clearly labeled "copy" across the face of it in order to discourage fraudulent or misleading use of the photocopy and shall not allow another a person to use the certificate of another person.

SECTION 132. DHS 163.13 (7) (b) and (c) are amended to read:

DHS 163.13 (7) (b) *Training and certification for regulated renovation activities.* The company conducting a regulated renovation activity shall be a certified lead company and shall verify that individuals who will perform renovation activities are either certified lead-safe renovators or have been properly trained by a certified lead-safe renovator in accordance with s. DHS 163.14 (11) on the work practices they will use to perform their assigned tasks. A certified ~~lead abatement worker~~ or lead abatement supervisor who completed department-approved lead-safe renovator training is also qualified to perform the duties of a certified lead-safe renovator.

(c) *Certified lead-safe renovator assigned.* The company conducting a regulated renovation activity shall assign a certified lead-safe renovator to each regulated activity who shall fulfill all certified lead-safe renovator responsibilities identified in this chapter. A certified ~~lead abatement worker~~ or lead abatement supervisor who completed department-approved lead-safe renovator training is also qualified to perform the duties of a certified lead-safe renovator.

SECTION 133. DHS 163.13 (8) (a) and (Note) are amended to read:

DHS 163.13(8) (a) *Requirement for summary report.* ~~Except when an elevated blood lead investigation is conducted or a certificate of lead-free status or lead-safe status is issued as the result of the lead investigation activity, persons~~ Persons who were certified to perform lead investigation activities at any time during a reporting period shall submit to the department a summary of all regulated lead investigation activities conducted during the reporting period, except if the activity was conducted by a local health department in response to a lead poisoned child. The summary shall be reported on a form obtained from or approved by the department. If no regulated activities are conducted in a reporting period, the report shall be filed to show no activity.

(Note) Note: Information about ~~elevated blood lead investigations~~ investigation activities conducted by local health departments in response to reports of lead-poisoned children will be collected from reports submitted to the Wisconsin Childhood Lead Poisoning Prevention Program ~~and information about lead-free inspections and lead-safe investigations will be collected through the registration of lead-free and lead-safe certificates.~~

SECTION 134. DHS 163.13 (8) (c) (Note) is amended to read:

DHS 163.13 (8) (c) (Note) Note: The Lead-Based Paint Investigation Summary Report form is available on the department website at <http://dhs.wi.gov/lead> ~~https://dhs.wi.gov/lead~~. To request this form by mail, call 608-261-6876 or write to the Lead and Asbestos Section, 1 W. Wilson Street, Room 137, Madison WI 53703-3445. Return completed summary report according to form instructions.

SECTION 135. DHS 163.13 (12) is repealed and recreated to read:

DHS 163.13 (12) NOTICE OF COMPANY CHANGE. A company shall notify the department in writing 90 days before or after a change occurs to information included on the company's most recent application. If the company does not notify the department within 90 days of the change, it may not perform regulated lead activities until it notifies the department.

SECTION 136. DHS 163.14 (1) (b) is amended to read:

DHS 163.14 (1) (b) *Abatement protocol*. In supervising or performing abatement, certified persons shall use documented methodologies to conduct work in a lead-safe manner ~~that does not create lead-based paint hazards to the occupants~~, including work practices that limit the creation of dust and ~~that~~ prevent the spread of dust, debris, and paint chips outside of the work area, and shall comply with all requirements under pars. (c) to ~~(L)~~ (m).

SECTION 137. DHS 163.14 (1) (e) (title), (intro.), and 1. are amended to read:

DHS 163.14 (1) (e) (title) ~~Occupant protection~~ Requirements to protect current and future occupants.

(intro.) ~~Documented~~ Certified persons shall use documented methodologies to protect occupants and all of the following work practice requirements ~~shall be used to protect occupants when performing abatement activities are performed:~~

1. 'Post signs.' Signs clearly defining the work area and warning occupants and other persons not involved in the abatement activities to remain outside the work area. These signs shall be in the primary language of the occupants. Signs shall be posted before beginning the work and shall remain in place and readable until the abatement activities and clearance have been completed. Except as provided under

subd. 6m., if warning signs have been posted in accordance with 24 CFR 35.1345 (b) (1) or 29 CFR 1926.62 (m), additional signs are not required by this subdivision.

SECTION 138. DHS 163.14 (1) (e) 2. (title) and a. are renumbered DHS 163.14 (1) (de) (title), (intro.), and 1., and amended to read:

DHS 163.14 (1) (de) (title) ~~‘Pre-clean work areas.’~~ *Requirement for precleaning.*

(intro.) ~~If Before containing work areas under par. (dm), certified persons shall remove paint chips, dust, and debris are present on the interior, by doing all of the following:~~

1. ~~Using a HEPA vacuum to clean the floor before protective sheeting is laid down and HEPA vacuum window wells or troughs before working on windows of the interior work area.~~

SECTION 139. DHS 163.14 (1) (de) 2. and 3. are created to read:

DHS 163.14 (1) (de) 2. Using a HEPA vacuum to clean all window wells or troughs to be affected by the project.

3. Using a HEPA vacuum, or a wet/dry vacuum with a drywall bag and HEPA filter, to clean the ground in the exterior work area.

SECTION 140. DHS 163.14 (1) (e) 3. is renumbered DHS 163.14 (1) (ds) and amended to read:

DHS 163.14 (1) (ds) ~~‘Contain work areas.’~~ *Requirement to contain work areas.* ~~Before starting abatement activities, contain the work area, including Certified persons shall cover the floor or ground; with heavy duty heavy-duty plastic sheeting, so that no or other disposable impermeable material a sufficient distance to contain dust, paint chips, or and debris; using vertical containment or equivalent extra precautions as necessary to prevent contamination outside of leaves the work area during the activity. Workers shall maintain the integrity of the containment throughout the abatement activities by ensuring that the plastic sheeting used as containment material is not torn or displaced, and that no dust or debris leaves the work area during the abatement. Certified persons shall install containment in a manner that does not interfere with occupant and worker egress in an emergency. When If the building property is occupied, containment shall be installed certified persons shall install containment in a manner that provides safe access to restrooms and exits for occupants. Containment may not be constructed in a manner that would interfere with emergency exit. All containment materials, including plastic sheeting, must be disposed of after one use and may not be relocated for reuse during a project.~~

SECTION 141. DHS 163.14 (1) (ds) 1., 2., 3. and 4. are created to read:

DHS 163.14 (1) (ds) 1. For interior work areas, certified persons shall cover flooring at least 6 feet beyond the perimeter of the surfaces undergoing abatement and shall secure floor coverings with tape. Floor containment measures may stop at the edge of the vertical barrier

when using a vertical containment system consisting of impermeable barriers that extend from the floor to the ceiling and are tightly sealed at joints with the floor, ceiling, and walls.

2. For exterior work areas, certified persons shall cover the ground at least 10 feet beyond the perimeter of surfaces undergoing abatement, unless the property line prevents 10 feet of ground cover, and shall secure ground coverings by staking or weighing them down. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system. Vertical containment or other precautions in containing the work area may be necessary in order to prevent contamination of other buildings, other areas of the property, or adjacent buildings or properties. If the abatement will affect surfaces within 10 feet of the property line, erect vertical containment or equivalent extra precautions in containing the work area to ensure that dust and debris from the renovation does not contaminate adjacent buildings or migrate to adjacent properties.

3. Certified persons shall maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced, and that no dust or debris leaves the work area during the abatement.

4. Certified persons shall dispose of plastic sheeting and other disposable impermeable materials used for containment after one use. These materials may not be moved from the original installation location for reuse.

SECTION 142. DHS 163.14 (1) (e) 4. (title), (intro.), a., b., and c. are renumbered DHS 163.14 (1) (dm) (title), (intro.), 1., 2., and 3., and amended to read:

DHS 163.14 (1) (dm) (title) ~~‘Protect personal property.’~~ Requirements to protect personal property.

(intro.) ~~Measures~~ Certified persons shall take all of the following measures shall be taken to protect all personal property in the work area interior and exterior work areas from contamination by dust and debris:

1. Remove all objects that can be moved from ~~the work area~~ work areas, including furniture, rugs, and window coverings. Objects that cannot be removed shall first be cleaned using a HEPA vacuum, and then be completely covered with plastic sheeting or other disposable impermeable material with all seams and edges taped or otherwise sealed.

2. Close and seal all duct openings in the work area with taped down plastic sheeting or other disposable impermeable material.

3. Close windows and doors in the work area. Doors shall be covered with plastic sheeting or other disposable impermeable material.

Doorways used as the entrance to the work area shall be covered with plastic sheeting or other disposable impermeable material in a manner that allows workers to pass through while containing dust and debris in

the work area. For exterior work areas, close windows and doors within 20 feet of and below the work area.

SECTION 143. DHS 163.14 (1) (e) 4. d. is repealed.

SECTION 144. DHS 163.14 (1) (e) 5. is renumbered DHS 163.14 (1) (ds) 5. and amended to read:

DHS 163.14 (1) (ds) 5. ~~‘Use precautions.’~~ Use Certified persons shall use precautions to ensure that all personnel, tools, and other items, including the exteriors of waste containers, are free of dust and debris before leaving the work area.

SECTION 145. DHS 163.14 (1) (e) 6. is amended to read:

DHS 163.14 (1) (e) 6. ‘Restrict access.’ Uncertified persons shall be kept out of the abatement area until the area is cleaned, containment and abatement materials removed, and a visual inspection successfully completed. Warning tape may be used to prevent unintentional access into work areas in addition to the posted warning signs. ~~If access is granted before clearance has been successfully achieved, a notice shall be posted that states: “This worksite has not yet met clearance requirements. Lead-based paint hazards may be present.”~~

SECTION 146. DHS 163.14 (1) (e) 6m. is created to read:

DHS 163.14 (1) (e) 6m. ‘Access before clearance.’ If access is granted before clearance has been successfully achieved, a notice shall be posted that states: “This worksite has not yet met clearance requirements. Lead-based paint hazards may be present.”

SECTION 147. DHS 163.14 (1) (g) 1. and 2. are amended to read:

DHS 163.14 (1) (g) 1. If soil is removed, any replacement soil shall have a lead concentration of less than ~~400~~ 100 parts per million and shall comply with ch. NR 720 as applicable. The soil that is removed shall not be used as topsoil at another dwelling or child-occupied facility.

2. If the soil abatement does not involve removal of soil-lead, the soil shall be permanently ~~covered~~ separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, such as asphalt or concrete. Grass, mulch, and other landscaping materials are not considered permanent coverings.

SECTION 148. DHS 163.14 (1) (i) (Note) is repealed.

SECTION 149. DHS 163.14 (1) (k) (Note) is repealed.

SECTION 150. DHS 163.14 (1) (L) is amended to read:

DHS 163.14 (1) (L) *Requirement for clearance.* The lead abatement supervisor shall arrange for final clearance under sub. (5) to be conducted as soon as possible following abatement. The

abatement is not complete until a certified lead ~~hazard investigator~~, inspector or risk assessor declares in writing that all clearance levels are met.

SECTION 151. DHS 163.14 (2) (a) 2. and 3. are amended to read:

DHS 163.14 (2) (a) 2. ~~In an emergency where a health risk warrants immediate action~~ For an abatement required in response to a local emergency abatement order, written ~~or verbal~~ notice before the start of the activity. The lead abatement supervisor shall include a copy of the emergency abatement order.

3. Projects ~~must~~ shall start on the start date provided on the project notice. To change the project start date on an existing notice, the lead abatement supervisor shall submit a written, ~~or verbal~~ revised notice not less than 2 working days before the activity begins, if the new start date is earlier than the original start date, or a minimum of one working day before the original start date, if the new start date is later than the original start date.

SECTION 152. DHS 163.14 (2) (b) 1. a., b., 2., and (Note 1) are amended to read:

DHS 163.14 (2) (b) 1. a. Project details, including the start and end dates, work shifts or hours, project activities, quantity of lead-based paint materials in the project, and whether the project was ordered, or affected by HUD requirements, ~~or involved registered lead-safe property or property applying for a certificate of lead-free status or lead-safe status.~~

b. Lead investigation details, including how and when it was identified and the name and certification number of the lead ~~hazard investigator~~, inspector or risk assessor.

2. 'Acceptable methods for submitting written notice.' Written notice may be sent ~~by U.S. mail, commercial carrier, electronically, by email, fax, email,~~ or another method approved by the department.

(Note 1) Note: Lead notice forms are available on the department website at <http://dhs.wi.gov/lead> ~~https://dhs.wi.gov/lead. To request forms by mail, call 608-261-6876 or write to the Lead and Asbestos Section, 1 W. Wilson Street, Room 137, Madison, WI 53703-3445.~~

SECTION 153. DHS 163.14 (2) (b) 4. (Note 2) is repealed.

SECTION 154. DHS 163.14 (2) (c) is repealed.

SECTION 155. DHS 163.14 (4) (c) (Note) is repealed.

SECTION 156. DHS 163.14 (5) (a) 1. is amended to read:

DHS 163.14 (5) (a) 1. A certified lead ~~hazard investigator~~, inspector or risk assessor may conduct clearance for any lead hazard reduction or renovation activity.

SECTION 157. DHS 163.14 (5) (c) (intro.), 1., 2., 3. a., b., 4. a., b., and 5. b. are amended to read:

DHS 163.14 (5) (c) *Clearance protocol.* In performing clearance, the certified lead ~~hazard investigator, inspector, risk assessor,~~ or sampling technician shall determine the clearance area using documented methodologies, and shall comply with all of the following in an unbiased, objective, and impartial manner:

1. 'Visual inspection of work.' Perform a visual inspection of the clearance area to determine if work specified in any contract, work plans, orders, or other specifications has been completed and if any visible amounts of dust, debris, or residue are present in the clearance area. If work has not been completed or if visible amounts of dust, debris or residue are present, the person who performed the activity being cleared shall eliminate these conditions prior to the continuation of the clearance procedures.

2. 'Timing of sampling.' Following a successful visual inspection and a minimum of one hour after completion of final cleanup activities, conduct clearance sampling for dust-lead by collecting single-surface dust wipe samples using documented methodologies that incorporate adequate quality control procedures.

3. a. ~~In at least 4 rooms, hallways, stairwells or other living areas~~ room equivalents within the containment area, collect ~~one dust sample from one interior windowsill or one window trough, if available, and one dust~~ wipe sample from the floor, and one dust wipe sample from either an interior windowsill or window trough, if both types of surfaces are present in the room equivalent sampled. If there are fewer than 4 ~~rooms, hallways, stairwells or other living areas~~ room equivalents within the containment area, in each room equivalent within containment, collect samples from one interior windowsill or one window trough, if available, and one dust wipe sample from the floors of all rooms, hallways, stairwells or other living areas within containment floor and one dust wipe sample from either an interior windowsill or window trough.

b. Collect one dust wipe sample from the floor of a common area within containment for every 2,000 square feet of floor, and one dust wipe sample from the floor of a common area outside containment. The dust wipe sample taken outside containment shall be collected within 10 feet of the containment doorway.

4. a. ~~In For residential dwellings and child-occupied facilities, in at least 4 rooms, hallways, stairwells or other living areas~~ room equivalents in or near the work area, collect ~~one dust sample from one interior windowsill or one window trough, if available, and one dust~~ wipe sample from the floor, and one dust wipe sample from either an interior windowsill or window trough, if both types of surfaces are present in the room equivalent sampled. If there are fewer than 4 ~~rooms, hallways, stairwells or other living areas~~ room equivalents within the residential dwelling or child-occupied facility, in each room equivalent within the residential

~~dwelling or child-occupied facility, collect samples from one interior windowsill or one window trough, if available, and one dust wipe sample from the floors of all rooms, hallways, stairwells or other living areas floor and one dust wipe sample from either an interior windowsill or window trough.~~

b. Collect one dust wipe sample from the floor of a common area for every 2,000 square feet of floor.

5. b. A sufficient number of dwelling units are selected using documented methodologies for dust sampling to provide a 95% level of confidence that at least 95% of all dwelling units would pass clearance if all dwelling units were sampled. In a housing complex with more than 1,000 dwelling units, no sampled dwelling unit may fail clearance and a sufficient number of dwelling units shall be selected for dust sampling to provide a 95% level of confidence that no more than 5% of all dwelling units or 50 dwelling units, whichever is smaller, would fail clearance if all dwelling units were sampled.

SECTION 158. DHS 163.14 (5) (c) 5. b. (Note) is repealed.

SECTION 159. DHS 163.14 (5) (c) 7. and 8. (intro.) are amended to read:

DHS 163.14 (5) (c) 7. 'Laboratory analysis.' Have Within 3 working days after collection, submit collected samples analyzed for analysis by a recognized laboratory to determine the detectable levels of lead that can be quantified numerically.

8. (intro.) 'Interpretation of laboratory results.' Compare the residual lead level from each dust wipe sample, as determined by laboratory analysis, with the applicable clearance action level for ~~lead in dust~~ dust-lead on floors, interior windowsills, and window troughs under s. DHS 163.15. If the residual lead level in a dust wipe sample equals or exceeds the applicable clearance action level, all of the components represented by ~~the failed that~~ sample shall be recleaned or sealed ~~by the person who conducted the activity being cleared and retested by the person conducting clearance until clearance levels are met before retesting.~~ For dust wipe samples taken during clearance, clearance is achieved when ~~the laboratory result for a sample is less than the following:~~

SECTION 160. DHS 163.14 (5) (c) 8. a., b., and c. are repealed.

SECTION 161. DHS 163.14 (5) (c) 9. (title), (intro.), and c. are renumbered DHS 163.14 (5) (e) (title), (intro.), and 3., and are amended to read:

DHS 163.14 (5) (e) (title) ~~'Preparation of report following clearance of activities involving abatement.'~~ Clearance report.

(intro.) Within ~~10~~ 15 working days after conducting clearance of activities involving ~~abatement~~, or within ~~10~~ 15 working days after receipt of any required

laboratory results, whichever is later, a certified person shall prepare a written clearance report for submission to the person who conducted the activities being cleared, and to the property owner or and the person who contracted for the clearance, if different, and to an adult occupant of each dwelling unit affected by the activity being cleared. The report shall include all of the following information:

3. Name, address, telephone number, and certification number of each individual and lead company conducting the clearance and signature of each certified lead ~~hazard investigator~~, inspector, risk assessor, or sampling technician.

SECTION 162. DHS 163.14 (5) (c) 9. a., b., cm., cr., and d. are renumbered DHS 163.14 (5) (e) 1., 2., 4., 5., and 6.

SECTION 163. DHS 163.14 (5) (e) 7. and 8. (intro.) are created to read:

DHS 163.14 (5) (e) 7. When dust wipe sample testing results are below the action levels and at or above the dust-lead reportable levels, the following dust-lead hazard statement for the activity being cleared, as applicable:

a. Abatement activity: “Although the completed abatement project achieved dust-lead below action levels, some dust-lead hazards remain because any reportable level of dust-lead is considered a dust-lead hazard by the Wisconsin Department of Health Services (DHS) in a residential dwelling or child-occupied facility. In order for abatement work to be considered complete under DHS regulations, dust-lead levels must be below the action levels, which are established based on reliability, effectiveness, and safety. To continue to reduce lead exposure from dust, the EPA pamphlet entitled Protect Your Family From Lead in Your Home includes recommendations such as: using a vacuum with a high-efficiency particulate air (HEPA) filter on furniture and other items returned to the work area, and regularly cleaning hard surfaces with a damp cloth or sponge and a general all-purpose cleaner. For more information on how to continue to reduce lead exposure, see Protect Your Family From Lead in Your Home.”

b. Interim control or renovation activity: “Although the completed project achieved dust-lead below action levels, some dust-lead hazards remain because any reportable level of dust-lead is considered a dust-lead hazard by the Wisconsin Department of Health Services (DHS) in a residential dwelling or child-occupied facility. To achieve clearance under DHS regulations, dust-lead levels must be below the action levels, which are established based on reliability, effectiveness, and safety. To continue to reduce lead exposure from dust, the EPA pamphlet entitled Protect Your Family From Lead in Your Home includes

recommendations such as: using a vacuum with a high-efficiency particulate air (HEPA) filter on furniture and other items returned to the work area, and regularly cleaning hard surfaces with a damp cloth or sponge and a general all-purpose cleaner. For more information on how to continue to reduce lead exposure, see Protect Your Family From Lead in Your Home.”

8. (intro.) Except if the activity being cleared is an abatement activity, all of the following:

SECTION 164. DHS 163.14 (5) (c) 10. (title), (intro.), and a. are repealed.

SECTION 165. DHS 163.14 (5) (c) 10. b., c., d., and e. are renumbered DHS 163.14 (5) (e) 8. a., b., c., and d., and amended to read:

DHS 163.14 (5) (e) 8. a. The start and completion dates of the ~~non-abatement lead-based paint activity~~ interim controls or renovation activities.

b. The name and address of each company conducting the interim controls or renovation activities.

c. The name and department certification number of the ~~person in charge of the work~~ certified lead-safe renovator assigned to the project.

d. A description of the interim controls or renovation activities.

SECTION 166. DHS 163.14 (5) (c) 11. is repealed.

SECTION 167. DHS 163.14 (6) (a) and (b) are amended to read:

DHS 163.14 (6) (a) *Who may conduct*. Only a certified lead ~~hazard investigator~~ or risk assessor may perform an elevated blood lead investigation.

(b) *Elevated blood lead investigation protocol*. An elevated blood lead investigation that includes lead risk assessment or full or partial lead inspection shall follow work practice standards for those activities under this section. An elevated blood lead investigation in response to a child with lead poisoning shall be conducted according to documented methodologies consistent with funding criteria and guidance issued to public health agencies by the department.

SECTION 168. DHS 163.14 (7) (a) and (b) are amended to read:

DHS 163.14 (7) (a) *Who may perform*. Only a certified lead ~~hazard investigator~~ or risk assessor associated with a certified lead company may perform a lead hazard screen involving target housing or a child-occupied facility. Under direct on-site supervision of a certified lead ~~hazard investigator~~ or risk assessor, a certified lead inspector or sampling technician may assist with a lead hazard screen.

(b) *Lead hazard screen protocol*. In performing a lead hazard screen, the certified lead ~~hazard investigator~~ or risk assessor shall comply with all requirements under pars. (c) to (g).

SECTION 169. DHS 163.14 (7) (d) 3. (Note) is repealed.

SECTION 170. DHS 163.14 (7) (e) 1., 2., 3., and 4. are amended to read:

DHS 163.14 (7) (e) 1. Collect 4 dust wipe samples from the floors and 4 dust wipe samples from ~~the windows, in rooms, hallways, stairwells or other living areas~~ interior windowsills in room equivalents where a child under 6 years of age is most likely to come into contact with dust.

2. In multi-family dwellings and child-occupied facilities, collect dust wipe samples from common areas where a child under 6 years of age is most likely to come into contact with dust in addition to samples collected under subd. 1.

3. Collect all dust wipe samples by using documented methodologies that incorporate adequate quality control procedures.

4. ~~Have~~ Within 3 working days after collection, submit all collected dust wipe samples analyzed for analysis by a recognized laboratory to determine if they contain detectable levels of lead that can be quantified numerically.

SECTION 171. DHS 163.14 (7) (g) (intro.) and 14. are amended to read:

DHS 163.14 (7) (g) *Written report.* Within ~~10~~ 15 working days after a lead hazard screen or receipt of any required laboratory results, whichever is later, prepare a written lead hazard screen report for submission to the property owner, the person who contracted for the lead hazard screen, and an adult occupant of each dwelling unit included in the investigation, if different. The report shall include all of the following information:

14. A copy of the laboratory report of the analysis of collected paint, soil, and dust wipe samples.

SECTION 172. DHS 163.14 (8) (a) is amended to read:

DHS 163.14 (8) (a) *Who may conduct.* Only a certified lead inspector or risk assessor associated with a certified lead company may perform an inspection involving target housing or a child-occupied facility. Under direct on-site supervision of a certified lead inspector or risk assessor, a certified lead ~~hazard investigator or~~ sampling technician may assist with an inspection, but may not use an XRF.

SECTION 173. DHS 163.14 (8) (c) (Note) is repealed.

SECTION 174. DHS 163.14 (8) (d) (intro.), 1., and 2. are amended to read:

DHS 163.14 (8) (d) (intro.) *Paint analysis.* ~~Conduct~~ A certified lead inspector or risk assessor shall conduct paint analysis by using one or both of the following methods:

1. Analyze paint to determine the presence of lead by using documented methodologies that incorporate adequate quality control procedures. A certified lead inspector or risk assessor who uses an XRF shall follow radiation protection requirements under ch. DHS 157 as applicable, and shall operate the XRF in accordance with the manufacturer's instructions, or documented methodologies, and the performance characteristic sheet developed for the instrument, including following procedures for warming up the instrument, calibrating the instrument before use and at specified intervals, substrate correction, and inconclusive readings.
2. ~~Have all~~ Submit collected paint chip samples ~~analyzed for analysis~~ by a recognized laboratory to determine if they contain detectable levels of lead that can be quantified numerically.

SECTION 175. DHS 163.14 (8) (dm) is created to read:

DHS 163.14 (8) (dm). *Determine the presence of lead-based paint.* A certified lead inspector or risk assessor shall determine whether lead-based paint as defined under s. 163.03 (61) is present based on the result of the analysis of each testing combination, and shall classify any repetitions of each testing combination based on the result of the representative instance analyzed. A certified lead inspector or risk assessor shall determine that lead-based paint is assumed present on any testing combination that was not analyzed.

SECTION 176. DHS 163.14 (8) (e) is repealed.

SECTION 177. DHS 163.14 (8) (f) (intro.) is amended to read:

DHS 163.14 (8) (f) *Written report.* Within ~~10~~ 15 working days after an inspection or receipt of any required laboratory results, whichever is later, prepare a written inspection report for submission to the property owner, ~~or owners and~~ to any other person who contracted for the inspection, and to an adult occupant of each dwelling unit included in the inspection, if different. The report shall include all of the following information:

SECTION 178. DHS 163.14 (9) (a) and (b) are amended to read:

DHS 163.14 (9) (a) *Who may conduct.* Only a certified lead ~~hazard investigator or~~ risk assessor associated with a certified lead company may perform a risk assessment involving target housing or a child-occupied facility. Under direct on-site supervision of a certified lead ~~hazard investigator or~~ risk assessor, a certified lead inspector or sampling technician may assist with a risk assessment.

(b) *Risk assessment protocol.* A certified lead ~~hazard investigator or~~ risk assessor shall perform a risk assessment of the entire residential dwelling or child-occupied facility as well as to any common areas as defined under s. DHS 163.03 (16) according to all the requirements under pars. (c) to (k).

SECTION 179. DHS 163.14 (9) (c) 2. is repealed.

SECTION 180. DHS 163.14 (9) (c) 3. (Note) is repealed.

SECTION 181. DHS 163.14 (9) (f) 1. (intro.), d., 2. (intro.), and c. are amended to read:

DHS 163.14 (9) (f) 1. (intro.) ‘Dwellings.’ In dwellings, collect single-surface dust wipe samples from the interior windowsill and floor in each of the following locations:

d. Other common areas in the building where the ~~hazard investigator or~~ risk assessor determines that a child under 6 years of age is likely to come into contact with dust.

2. (intro.) ‘Child-occupied facilities.’ For child-occupied facilities, collect single-surface dust wipe samples from the interior windowsill and floor in each of the following locations:

c. Other common areas in the child-occupied facility where the ~~hazard investigator or~~ risk assessor determines that a child under 6 years of age is likely to come into contact with dust.

SECTION 182. DHS 163.14 (9) (i), (j), (k) (intro.), 12., 13., 14. and 18. are amended to read:

DHS 163.14 (9) (i) *Analysis by recognized laboratory.* ~~Have any~~ Within 3 working days after collection, a certified lead risk assessor shall submit collected paint chip, dust, or soil samples ~~analyzed for analysis~~ by a recognized laboratory to determine if they contain detectable levels of lead that can be quantified numerically.

(j) *Presence of a lead-based paint hazard.* ~~Determine~~ A certified lead risk assessor shall determine whether a lead-based paint hazard is present under s. DHS 163.15. If a dust-lead hazard is present, the certified lead risk assessor shall determine whether it meets or exceeds the action level under s. DHS 163.15.

(k) (intro.) *Written report.* Within ~~10~~ 15 working days after a risk assessment or receipt of any required laboratory results, whichever is later, a certified lead risk assessor shall prepare a written risk assessment report for submission to the person who contracted for the risk assessment, the property owner, and to an adult occupant of each dwelling unit included in the investigation, if different.

The report shall include all of the following information:

12. All data collected from on-site testing, including quality control data, expressed in terms appropriate to the testing method used, and, if used, the serial number of any XRF.

13. All results of laboratory analysis on collected paint, soil, and dust wipe samples, expressed in terms appropriate to the sampling method used.

14. Any other sampling results, expressed in terms appropriate to the sampling method used.

18. A description of lead hazard reduction options for each identified lead-based paint hazard and a suggested prioritization for addressing

each hazard. If any dust-lead hazard identified meets or exceeds the applicable action level, the dust-lead hazard shall be suggested for prioritization. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

SECTION 183. DHS 163.14 (10) (a) 1. (intro.), 2. (intro.), and b. are amended to read:

DHS 163.14 (10) (a) 1. (intro.) Provide the ~~Renovate-Right~~ pamphlet to the owner of the unit, and, if not owner-occupied, also to an adult occupant of each unit in which renovation activities will be conducted.

2. (intro.) Provide written notice to all affected dwelling units about the planned and ongoing renovation activities by any of the following methods:

b. While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation activities and the anticipated completion date. These signs shall be posted in areas where they are likely to be seen by the occupants of all the affected units. The signs shall be accompanied by a posted copy of the pamphlet. ~~Alternatively, the pamphlet may be distributed to each affected unit.~~

SECTION 184. DHS 163.14 (11) (a) 3., (c), and (g) 1. are amended to read:

DHS 163.14 (11) (a) 3. Certified lead abatement supervisors ~~or lead abatement workers who meet the training requirements under s. DHS 163.11 (2) (c) and~~ work for a certified lead company.

(c) *Requirement for supervision.* The assigned certified lead-safe renovator or another person who meets the conditions of par. (a) 3. or 4., shall provide direct on-site supervision at all times during worksite setup, including while posting warning signs and establishing work area containments, and during work area cleaning. ~~The certified lead-safe renovator~~ shall be onsite regularly during renovation activities to direct work performed by other individuals and to ensure that lead-safe work practices are being followed, that containment barriers are maintained and that dust and debris do not spread beyond the work area. The certified lead-safe renovator shall be readily available, either on site or by telephone, at all times while paint disturbing activities are being conducted and, when off site, shall be able to return to the worksite within a reasonable time, about 30 minutes, as needed.

(g) 1. Remove all objects from the work area, including furniture and play equipment, and pre-clean horizontal surfaces and the ground using a HEPA vacuum or a wet/dry vacuum with a drywall bag and HEPA filter to remove any visible paint debris. Objects that cannot be removed shall first be cleaned using a HEPA vacuum, and then be covered with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed.

SECTION 185. DHS 163.14 (11) (g) 5. is created to read:

DHS 163.14 (11) (5) (g) 5. Use precautions to ensure that all personnel, tools, and other items, including the exteriors of containers of waste, are free of dust and debris before leaving the work area.

SECTION 186. DHS 163.14 (11) (j) 3. is amended to read:

DHS 163.14 (11) (j) 3. For exterior work areas, remove all visible debris, paint chips, and residue in and below the work area, including from the ground, ~~window sills~~ exterior windowsills, and other horizontal surfaces.

SECTION 187. DHS 163.14 (11) (j) 4. e. (Note) is repealed.

SECTION 188. DHS 163.14 (11) (k) 3., (L) 1., a., b., d., (m) 2., and (p) are amended to read:

DHS 163.14 (11) (k) 3. For exterior renovation activities, a visual inspection shall be performed to determine whether dust, debris, or residue is still present on surfaces in and below the work area, including exterior windowsills and the ground. If dust, debris, or residue is present, these conditions shall be eliminated and another visual inspection shall be performed. After the work area or areas pass visual inspection, the activity is considered complete and warning signs may be removed.

(L) 1. Verify that each interior windowsill in the work area has been adequately cleaned by wiping the interior windowsill with an unused wet disposable cleaning cloth that is damp to the touch and comparing the cleaning cloth to the cleaning verification card.

a. If the cleaning cloth matches or is lighter than the cleaning verification card, the interior windowsill has been adequately cleaned.

b. If the cleaning cloth is darker than the cleaning verification card, the interior windowsill has not been adequately cleaned and re-cleaning following the procedures in par. (j) 3. is required. After re-cleaning, either use a new cleaning cloth or fold the used cloth in such a way that an unused surface is exposed and wipe the surface again. If the cleaning cloth matches or is lighter than the cleaning verification card, the interior windowsill has been adequately cleaned.

d. After waiting for the interior windowsill to dry, wipe the ~~sill~~ interior windowsill with a dry disposable cleaning cloth. After this wipe, the interior windowsill has been adequately cleaned.

(m) 2. Dust clearance samples for renovation activities shall be collected by a certified lead inspector, ~~lead hazard investigator~~, ~~lead risk assessor~~, or ~~lead~~ sampling technician following clearance protocol under s. DHS 163.14 (5) (c).

(p) *Use of paint test kits.* When requested by the party contracting for renovation services, the certified renovator may use only a ~~department-recognized~~ recognized paint test kit to determine whether components and surfaces to be affected by the renovation activities contain lead-based paint. The certified renovator shall test each distinct component and surface to be affected, follow the manufacturer's instructions for use of the paint test kit, and document and maintain the records required under s. DHS 163.13 (3) (c) 11.

SECTION 189. DHS 163.15 (1) is repealed and recreated to read:

DHS 163.15 (1) DUST-LEAD HAZARD. A dust-lead hazard is surface dust in a residential dwelling or child-occupied facility that contains a mass-per-area concentration of any reportable level of lead for floors or for interior windowsills based on dust wipe samples analyzed by a recognized laboratory.

SECTION 190. DHS 163.15 (1m) is created to read:

DHS 163.15 (1) DUST-LEAD ACTION LEVELS. For dust wipe samples collected during clearance, levels of lead in dust shall be below the following action level, as applicable, to successfully pass clearance:

- (a) Five micrograms per square foot (5 mg/ft²) for interior floors.
- (b) Forty micrograms per square foot (40 mg/ft²) for porch floors.
- (c) Forty micrograms per square foot (40 mg/ft²) for interior windowsills.
- (d) One hundred micrograms per square foot (100 mg/ft²) for window wells or troughs.

SECTION 191. DHS 163.15 (2) (a), (b), and (3) (a) are amended to read:

DHS 163.15 (2) (a) ~~Four~~ One hundred parts per million (~~400~~ 100 ppm) for the soil-lead concentration from a composite sample of bare soil in a play area.

(b) ~~One thousand two~~ One hundred parts per million (~~1,200~~ 100 ppm) for the arithmetic mean lead concentration from one or more composite samples of bare soil from the rest of the yard.

(3) (a) ~~Any lead-based paint on a friction surface that is subject to abrasion and where the dust-lead levels on the nearest horizontal surface underneath the friction surface, such as the interior windowsill or floor, are equal to or greater than the dust-lead hazard levels under sub. (1).~~

SECTION 192. DHS 163.20 (3) is amended to read:

DHS 163.20 (3) ~~ONLY IN-STATE COURSES ACCESSIBLE WITHIN THE STATE.~~ The department may grant training course accreditation only to training courses conducted in Wisconsin or otherwise accessible within Wisconsin for accreditation auditing.

SECTION 193. DHS 163.20 (4) (d) 2. and 4. are repealed.

SECTION 194. DHS 163.20 (4) (d) 8m. is created to read:

DHS 163.20 (4) (d) 8m. Combined lead sampling and inspection initial.

SECTION 195. DHS 163.20 (4) (d) 9. is amended to read:

DHS 163.20 (4) (d) 9. Lead ~~hazard investigation~~ risk assessment initial and lead ~~hazard investigator~~ risk assessor refresher.

SECTION 196. DHS 163.20 (4) (d) 10. is repealed.

SECTION 197. DHS 163.20 (4m) is created to read:

DHS 163.20 (4m) ALTERNATIVE COURSE DELIVERY METHODS.

(a) *Accreditation addendum.* A training provider may request department approval to offer an accredited course using one or more alternative course delivery methods that meet the requirements under par. (b) by submitting an alternative delivery addendum and fee with the accreditation application submitted under s. DHS 163.21, or at any time after receiving accreditation for the course.

(b) *Requirements.*

1. A training provider shall inform prospective students of the components of the course that will be delivered using an alternative method, as well as the schedule and location for other portions of the course, in the case of blended course delivery.
2. A training provider shall inform prospective students of all software and equipment requirements for participation.
3. A training provider shall ensure that all students of a single, notified training course receive training through the same delivery methods. No training provider may offer alternative course delivery methods where only some students in a class are physically present at the same location with the principal instructor during all training hours.
4. A training provider may not use asynchronous activities such as independent readings or homework to cover required course topics or meet minimum training hours.
5. A training provider shall assure that the principal instructor is in direct communication with students during all training hours.
6. A training provider shall assure each student is present and engaged when alternative course delivery methods are used.

SECTION 198. DHS 163.20 (8) (a) 1. is repealed and recreated to read:

DHS 163.20 (8) (a) 1. 'Lead-safe renovation course.' A lead-safe renovation course shall provide a minimum of 8 training hours. The course shall include lectures, demonstrations, a

minimum of 2 hours of hands-on practice, hands-on skills assessment, a course review, and a written course test. The course shall provide instruction and materials that address all of the following topics, with subds. e., g., h., i., and j. to be included in the hands-on portion of the course:

- a. Background information on lead and its adverse health effects.
- b. Background information on federal, state, and local regulations and guidance that pertains to lead-based paint and renovation activities, including requirements for training, certification, and work practices under this chapter.
- c. Lead company responsibilities under this chapter.
- d. Roles and responsibilities of a certified lead-safe renovator under this chapter.
- e. Renovation methods to minimize the creation of dust and lead-based paint hazards.
- f. Procedures for collecting a paint chip sample and sending it to a laboratory recognized by EPA under section 405 (b) of the federal Toxic Substances Control Act.
- g. Procedures for using recognized test kits to determine whether paint is lead-based paint.
- h. Interior containment and cleanup methods.
- i. Exterior containment and cleanup methods.
- j. Methods to ensure that a renovation has been properly completed, including cleaning verification and clearance testing.
- k. Waste handling and disposal.
- L. Record preparation.
- m. Providing on-the-job training to other workers.

SECTION 199. DHS 163.20 (8) (a) 2. is repealed and recreated to read:

DHS 163.20 (8) (a) 2. 'Lead abatement work course.' A lead abatement work course shall provide a minimum of 16 training hours only to persons who meet the requirements of s. DHS 163.10 for certification. The course shall include lectures, demonstrations, a minimum of 8 hours of hands-on practice and hands-on skills assessment, a course review, and a written course test. The course shall provide instruction and materials that address all of the following topics, with subds. d., e., f., and g. to be included in the hands-on portion of the course:

- a. Roles and responsibilities of a lead abatement worker under this chapter.
- b. Background information on lead and its adverse health effects.
- c. Background information on federal, state, and local regulations and guidance that pertain to lead-based paint abatement, including the requirements for training, certification, and work practices under this chapter.
- d. Lead-based paint hazard recognition and control.

- e. Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices under s. DHS 163.14 (4).
- f. Interior dust abatement methods, cleanup, or lead-based paint hazard reduction.
- g. Soil and exterior dust abatement methods, cleanup, or lead-based paint hazard reduction.

SECTION 200. DHS 163.20 (8) (a) 3. is repealed and recreated to read:

DHS 163.20 (8) (a) 3. ‘Lead abatement supervision course.’ A lead abatement supervision course shall provide a minimum of 16 training hours only to persons who have successfully completed both lead abatement worker training and lead-safe renovation training. The course shall include lectures, demonstrations, a minimum of 2 hours of hands-on practice and hands-on skills assessment, a course review, and a written course test. The course shall provide instruction and materials that address all of the following course topics, with subds. e., g., and i. to be included in the hands-on portion of the course:

- a. Roles and responsibilities of a lead abatement supervisor.
- c. Background information on lead and its adverse health effects.
- d. Background information on federal, state, and local regulations and guidance that pertain to lead-based paint abatement, including the requirements for training, certification, work practices, and project notification under this chapter.
- e. How to complete a lead abatement notice form.
- f. Liability and insurance issues relating to lead-based paint abatement.
- g. Risk assessment and inspection report interpretation.
- h. Cleanup and waste disposal.
- i. Development and implementation of an occupant protection plan and post-abatement report.
- j. Recordkeeping.
- k. Action levels and testing.

SECTION 201. DHS 163.20 (8) (a) 4. is repealed and recreated to read:

DHS 163.20 (8) (a) 4. ‘Lead project design course.’ A lead project design course shall provide a minimum of 8 training hours only to persons who have successfully completed lead abatement supervisor training and meet the requirements of s. DHS 163.10 for certification. The course shall include lectures, demonstrations, student participation, a course review, and a written course test. The course shall provide instruction and materials that address all of the following topics:

- a. Roles and responsibilities of a project designer.
- b. Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices for large-scale abatement projects.

- c. Interior dust abatement, cleanup, or lead hazard control and reduction methods for large-scale abatement projects.
- d. Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large-scale abatement projects.
- e. Development and implementation of an occupant protection plan for large-scale abatement projects.
- f. Action levels and testing for large-scale abatement projects.

SECTION 202. DHS 163.20 (8) (b) (intro.) is amended to read:

DHS 163.20 (8) (b) (intro.) *Required learning objectives for courses leading to certification in lead investigation disciplines.* An accredited training course that meets a training requirement under s. DHS 163.11 for certification as a lead sampling technician, lead inspector, ~~lead hazard investigator~~ or lead risk assessor shall teach work practice standards that are consistent with s. DHS 163.14 for lead investigation activities. A training course shall be based on department-approved curricula and shall meet or exceed the applicable minimum curriculum requirements, including both the minimum number of course training hours and the minimum number of hands-on training hours, as follows:

SECTION 203. DHS 163.20 (8) (b) 1. is repealed and recreated to read:

DHS 163.20 (8) (b) 1. 'Lead sampling course.' A lead sampling course shall provide a minimum of 8 training hours. The course shall include lectures, demonstrations, a minimum of 3 hours of hands-on practice and hands-on skills assessment, a course review, and a written course test. The course shall provide instruction and materials that address all of the following topics, with subds. c. and f. to be included in the hands-on portion of the course:

- a. Background information on lead and its adverse health effects.
- b. Roles and responsibilities of a lead sampling technician.
- c. Dust sampling methodologies.
- d. Background information on federal, state, and local regulations and guidance that pertains to lead-based paint and renovation activities, including training and certification requirements for lead investigation activities under this chapter.
- e. Action levels and testing.
- f. Report preparation.

SECTION 204. DHS 163.20 (8) (b) 2. is repealed and recreated to read:

DHS 163.20 (8) (b) 2. 'Lead inspection course.' A lead inspection course shall provide a minimum of 16 training hours only to persons who have successfully completed the lead sampling course under par. (b) 1. and who meet the requirements of s. DHS 163.10 for certification. The course shall include lectures, demonstrations, a minimum of 6 hours of hands-on practice and hands-on skills assessment, a course review, and a written course

test. The course shall provide instruction and materials that address all of the following topics, with subds. c., d., f., and h. to be included in the hands-on portion of the course:

- a. Roles and responsibilities of a lead inspector.
- b. Background information on federal, state, and local statutes, ordinances, rules, and regulations that pertain to lead-based paint inspections and lead-based paint free inspections, including the requirements for training, certification, and work practices under this chapter.
- c. Lead-based paint inspection methods, including selection of rooms and components for sampling or testing.
- d. Paint, dust, and soil sampling methodologies.
- e. Lead-based paint free inspection using protocols and documented methodologies.
- f. Preparation of the final inspection report.
- g. Recordkeeping.
- h. Action levels and testing, including random sampling.

SECTION 205. DHS 163.20 (8) (b) 3. is repealed and recreated to read:

DHS 163.20 (8) (b) 3. ‘Combined lead sampling and inspection course.’ A combined lead sampling and inspection course shall provide a minimum of 24 training hours only to persons who meet the requirements of s. DHS 163.10 for certification. The course shall include lectures, demonstrations, a minimum of 9 hours of hands-on practice and hands-on skills assessment, a course review, and a written course test. The course shall provide instruction and materials that address all of the following course topics, with subds. d., e., f., and h. to be included in the hands-on portion of the course:

- a. Background information on lead and its adverse health effects.
- b. Roles and responsibilities of a lead inspector.
- c. Background information on federal, state, and local statutes, ordinances, rules, and regulations that pertain to lead-based paint and renovation activities, including the requirements for training, certification, and work practices for lead inspection and clearance under this chapter.
- d. Lead-based paint inspection and clearance methods, including selection of rooms and components for sampling or testing.
- e. Paint, dust, and soil sampling methodologies.
- f. Preparation of final inspection reports and clearance reports.
- g. Recordkeeping.
- h. Action levels and testing, including random sampling.

SECTION 206. DHS 163.20 (8) (b) 4. is created to read:

DHS 163.20 (8) (b) 4. ‘Lead risk assessment course.’ A lead risk assessment course shall provide a minimum of 16 training hours only to persons who have successfully completed a lead sampling course and a lead inspection course, or a combined lead sampling and

inspection course, and meet the requirements of s. DHS 163.10 for certification. The course shall include lectures, demonstrations, a minimum of 4 hours of hands-on practice and hands-on skills assessment, a course review, and a written course test. The course shall provide instruction and materials that address all of the following topics, with subds. d., f., g., h., and i. to be included in the hands-on portion of the course:

- a. Roles and responsibilities of a lead risk assessor.
- b. Collection of background information to perform a lead risk assessment.
- c. Sources of environmental lead contamination such as paint, surface dust and soil, water, air, packaging, and food.
- d. Visual inspection for the purposes of identifying potential sources of lead-based hazards.
- e. Lead hazard screen protocol.
- f. Sampling for other sources of lead exposure.
- g. Interpretation of lead-based paint and other lead sampling results, including all applicable federal, state, or local guidance or regulations pertaining to lead-based paint hazards.
- h. Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards.
- i. Preparation of a final risk assessment report.
- j. Lead-safe investigation protocol.

SECTION 207. DHS 163.20 (8) (c) (intro.), 1., and 2. are amended to read:

DHS 163.20 (8) (c) *Required topics for lead refresher courses.* Each lead refresher training course ~~shall meet the required minimum training hours,~~ shall include lectures, discussion, hands-on instructional activities and skills assessment, a course review, and a written course test. Each lead refresher training course shall be based on department-approved curricula and shall provide instruction and materials that address ~~student learning goals and objectives submitted by the training manager and cover all required~~ a review of the curriculum topics of the initial courses required for certification in the course discipline, as appropriate, including an overview of current safety practices, laws and regulations, and technologies relating to lead-based paint in general, as well as specific information pertaining to the discipline. Each lead refresher training course shall provide the specified training hours as follows:

1. 'Lead abatement supervisor refresher course.' ~~A total minimum of 8 training hours to include a review of the curriculum covered in courses required for lead abatement supervisor certification, as appropriate, an overview of current safety practices relating to regulated activities, current federal, state and local statutes, ordinances, rules and regulations relating to regulated activities in general as well as specific information pertaining to lead hazard reduction, and current technologies relating to lead-based paint activities in general and lead-based paint hazard reduction in particular.~~ A total minimum of 8

2. 'Lead abatement worker refresher course.' A ~~total~~ minimum of 8 training hours to include a review of the curriculum covered in courses required for lead abatement worker certification, as appropriate, an overview of current safety practices relating to regulated activities, current federal, state and local statutes, ordinances, rules and regulations relating to lead-based paint hazard reduction and current technologies relating to regulated activities in general and lead-based paint hazard reduction and lead-safe work practices in particular.

SECTION 208. DHS 163.20 (8) (c) 3. is repealed.

SECTION 209. DHS 163.20 (8) (c) 4., 5., 6., 7. and 8. are amended to read:

DHS 163.20 (8) (c) 4. 'Lead inspector refresher course.' A ~~total~~ minimum of 8 training hours to include a review of the curriculum covered in courses required for lead inspector certification, as appropriate, an overview of current safety practices relating to regulated activities, current federal, state and local statutes, ordinances, rules and regulations relating to lead-based paint identification and current technologies relating to regulated activities in general and lead-based paint identification in particular.

5. 'Lead project designer refresher course.' A ~~total~~ minimum of 4 training hours to include a review of the curriculum covered in courses required for lead project designer certification, as appropriate, an overview of current safety practices relating to regulated activities, current federal, state and local statutes, ordinances, rules and regulations relating to lead-based paint and current technologies relating to regulated activities in general and lead hazard reduction in particular.

6. 'Lead risk assessor refresher course.' A ~~total~~ minimum of 8 training hours to include review of the curriculum covered in courses required for lead risk assessor certification, as appropriate, an overview of current safety practices relating to regulated activities, current federal, state and local statutes, ordinances, rules and regulations relating to regulated activities in general as well as specific information pertaining to risk assessments, and current technologies relating to regulated activities generally and specifically.

7. 'Lead sampling technician refresher course.' A ~~total~~ minimum of 4 training hours to include a review of the curriculum covered in the course required for lead sampling technician certification, as appropriate, an overview of current safety practices relating to regulated activities, current federal, state and local statutes, ordinances, rules and regulations relating to lead-based paint and current technologies relating to dust, paint and soil sampling in general and clearance in particular.

8. 'Lead-safe renovator refresher course.' A ~~total~~ minimum of 4 training hours to include a review of the curriculum and work practices covered in the course required for lead-safe renovator certification, an overview of current lead safety practices relating to renovation activities, current

~~federal, state and local statutes, regulations, rules and ordinances relating to lead-based paint and renovation, and current technologies relating to lead-safe work practices for renovation.~~

SECTION 210. DHS 163.20 (8m) is created to read:

DHS 163.20 (8m) STUDENT ATTENDANCE. A training provider shall require each student to sign in on a daily attendance record at the beginning of each day and after each lunch break.

SECTION 211. DHS 163.20 (9) (b) is amended to read:

DHS 163.20 (9) (b) *Requirement to issue training diploma.* The training manager shall issue a training diploma to a student ~~when the student completes all course requirements who has missed no more than 15 minutes of class time without making up the missed time, and has successfully demonstrated the required hands-on skills and passed the course test. The training diploma shall be issued within 2 working days after the student completes the class under this paragraph.~~

SECTION 212. DHS 163.20 (9) (c) 7., 8., and 8m. are amended to read:

DHS 163.20 (9) (c) 7. A statement that the student passed the course test, ~~when a course test is required.~~

8. The date of the course test, ~~when a course test is required.~~

8m. The training expiration date, which shall be ~~2~~ 3 years from the date of course completion for the lead abatement work initial, abatement worker refresher, abatement supervision initial, abatement supervisor refresher, project design initial, project designer refresher, lead sampling initial, sampling technician refresher, inspection initial, combined sampling and inspection initial, inspector refresher, ~~hazard investigation risk assessment initial, hazard investigator refresher,~~ and risk assessor refresher courses, and shall be ~~4~~ 5 years from the date of course completion for the lead-safe renovation initial and lead-safe renovator refresher courses.

SECTION 213. DHS 163.20 (9) (c) 11. is repealed and recreated to read:

DHS 163.20 (9) (c) 11. The applicable compliance statement for the course as follows:

a. For initial lead-safe renovation, lead abatement work, lead sampling, and lead project design training, as well as all refresher training courses: “This training course complies with the requirements of and is accredited by the Wisconsin Department of Health Services (DHS) under ch. DHS 163, Wis. Adm. Code. After this student applies to DHS for certification, this diploma is proof of their provisional certification, until DHS issues the certification card or denies certification.”

b. For initial lead abatement supervision, inspection, combined sampling and inspection, and risk assessment courses: “This training course complies with the requirements of and is accredited by the Wisconsin Department of Health Services (DHS) under ch. DHS 163, Wis. Adm. Code. After this student applies to DHS for certification, this diploma is proof of their provisional certification, until DHS issues the certification card or denies certification. The student must pass the state certification exam within 6 months of completing class to qualify for a certification card.”

SECTION 214. DHS 163.21 (1) (a) and (am) are amended to read:

DHS 163.21 (1) (a) A fully and accurately completed application on a form obtained from the department, including a statement signed by the training manager that certifies that the training course meets the requirements of this subchapter. If the training manager submitting the application for accreditation is not already approved by the department, the application for accreditation shall include the completed training manager approval application under s. DHS 163.24.

(am) The application for course accreditation shall include ~~the federal employer identification number or social security number for the training provider, social security numbers for all owners of the course, and a statement signed by the training manager which certifies that the training course meets the requirements of this subchapter~~ an application for lead company certification, or, if the training provider is already a certified lead company, the company’s name and department certification number as printed on the lead company certificate.

SECTION 215. DHS 163.21 (1) (b) and (Note) are amended to read:

DHS 163.21 (1) (b) A course taught in a language other than English is considered a separate course for purposes of applying for accreditation. ~~Only a lead-safe renovation initial, lead-safe renovator refresher, lead abatement work initial and lead abatement worker refresher may be accredited in a language other than English.~~ When applying for accreditation of a course in a language other than English, a signed statement from a qualified, independent translator that they compared all course materials to the English language version and found the translation to be accurate shall be submitted to the department with the application.

(Note) Note: Course application forms are available on the department website at <http://dhs.wi.gov/lead> ~~https://dhs.wi.gov/lead~~. To request forms by mail, call 608-261-6876 or write to the Lead and Asbestos Section, 1 W. Wilson Street, Room 137, Madison WI 53703-3445. Submit completed course applications with all required materials and payment according to form instructions.

SECTION 216. DHS 163.21 (2) (title) and (intro.) are amended to read:

DHS 163.21 (2) (title) TRAINING COURSE ~~DESCRIPTION DISCIPLINE~~. (intro.) ~~A written description of the~~ The training course applied for under s. DHS 163.20 (4) (d), including all of the following:

SECTION 217. DHS 163.21 (2) (a), (b), (c), and (d) are repealed.

SECTION 218. DHS 163.21 (2m) is created to read:

DHS 163.21 (2m) LANGUAGE OF INSTRUCTION. The language of instruction for the course.

SECTION 219. DHS 163.21 (3) (a) and (b) are amended to read:

DHS 163.21 (3) (a) *Facilities.* ~~Location of~~ A description of the facilities to be used for classroom instruction and hands-on training, including classroom and any remote sites.

(b) *Equipment for training and hands-on activities.* ~~Training~~ A description of the equipment, including type, number of each type, location and method of storage to be used for classroom instruction and hands-on training.

SECTION 220. DHS 163.21 (3) (c) is repealed.

SECTION 221. DHS 163.21 (5) is amended to read:

DHS 163.21 (5) COURSE REGISTRATION PLAN. ~~A written course registration plan consisting of a plan for advising potential students of education and experience qualifications under s. DHS 163.10 (3) (b) and a written plan that includes a procedure for admitting only students who meet the age requirement under s. DHS 163.10 (3) and produce a valid form of official photo identification under s. DHS 163.20 (9) (a), and have completed any prerequisite lead training courses under s. DHS 163.11 (2). The plan shall provide a description of how the training provider will assure that only students eligible to take a refresher course will be admitted to a refresher class. The plan shall include a procedure for determining student proficiency in the language of class instruction and assuring that only students who demonstrate an ability to complete course requirements successfully in that language are admitted. The plan shall include the information described under pars. (a) to (c), as applicable.~~

SECTION 222. DHS 163.21 (5) (a), (b), and (c) are created to read:

DHS 163.21 (5) (a) *Refresher course eligibility.* For a refresher course, the course registration plan shall include a procedure for admitting only students who will be eligible for recertification under s. DHS 163.11 (3) after completing the refresher course.

(b) *Prerequisite training.* For initial lead abatement supervision, project design, combined lead sampling and inspection, inspection, and risk assessment courses, the course registration plan shall include a procedure for admitting only students who have completed prerequisite training courses as required under s. DHS 163.11 (2).

(c) *Education and experience qualifications.* For initial lead abatement supervision, project design, and risk assessment courses, the course registration plan shall include a procedure for informing potential students of education and experience qualifications for certification under s. DHS 163.10 (3) (b).

SECTION 223. DHS 163.21 (6) (c) 1., 6., and 7. are amended to read:

DHS 163.21 (6) (c) 1. ~~Student learning~~ Learning goals and objectives for each topic.
6. ~~Interactive~~ Instructions for any interactive training exercises, including instructions and descriptions or samples of materials.
7. ~~Hands-on~~ A description of the activities and procedures that will be used for conducting the hands-on skills training exercises, if used, including instructions and descriptions or samples of materials and assessments for each student, including a copy of the skills assessment checklist to be used to document each student's successful completion of hands-on skills.

SECTION 224. DHS 163.21 (6) (L) is created to read:

DHS 163.21 (6) (L) *Student attendance documentation.* A copy of the form that will be used to record student attendance under s. DHS 163.20 (8m).

SECTION 225. DHS 163.21 (7) is repealed.

SECTION 226. DHS 163.21 (9) (a) is amended to read:

DHS 163.21 (9) (a) *Application fee.* A nonrefundable application fee of \$200 for an initial course and \$125 for a refresher course shall accompany each application for ~~contingent course~~ initial accreditation of a course.

SECTION 227. DHS 163.21 (9) (b) is renumbered DHS 163.21 (9) (b) (intro.) and amended to read:

DHS 163.21 (9) (b) (intro.) *Accreditation fee.* ~~A 2-year accreditation fee of \$25 per course hour or a 4-year accreditation fee of \$50 per course hour~~ shall accompany each application for course accreditation. The department shall refund the accreditation fee if accreditation is denied, the training provider does not owe the department other fees, and the denial is either not appealed or the denial is appealed and upheld. The 4-year course accreditation fee for each course is as follows:

SECTION 228. DHS 163.21 (9) (b) 1. to 15. are created to read:

DHS 163.21 (9) (b) 1. 'Combined lead sampling and inspection initial course.' For a combined lead sampling and inspection initial course, \$1,200.

2. 'Lead abatement supervision initial course.' For a lead abatement supervision initial course, \$800.
3. 'Lead abatement supervisor refresher course.' For a lead abatement supervisor refresher course, \$500.
4. 'Lead abatement work initial course.' For a lead abatement work initial course, \$800.
5. 'Lead abatement worker refresher course.' For a lead abatement worker refresher course, \$500.
6. 'Lead inspection initial course.' For a lead inspection initial course, \$800.
7. 'Lead inspector refresher course.' For a lead inspector refresher course, \$500.
8. 'Lead project design initial course.' For a lead project design initial course, \$400.
9. 'Lead project designer refresher course.' For a lead project designer refresher course, \$250.
10. 'Lead risk assessment initial course.' For a lead risk assessment initial course, \$800.
11. 'Lead risk assessor refresher course.' For a lead risk assessor refresher course, \$500.
12. 'Lead sampling initial course.' For a lead sampling initial course, \$400.
13. 'Lead sampling technician refresher course.' For a lead sampling technician refresher course, \$150.
14. 'Lead-safe renovation initial course.' For a lead-safe renovation initial course, \$400.
15. 'Lead-safe renovator refresher course.' For a lead-safe renovator refresher course, \$250.

SECTION 229. DHS 163.21 (9) (c) is amended to read:

DHS 163.21 (9) (c) *Other fees.* The department may impose other fees as necessary to cover costs of administering this chapter, including the costs to review courses that will exceed the minimum required training hours.

SECTION 230. DHS 163.21 (10) is amended to read:

DHS 163.21 (10) **QUALITY CONTROL PLAN.** ~~A copy of the~~ The written quality control plan developed under s. DHS 163.25 (9).

SECTION 231. DHS 163.21 (11) is created to read:

DHS 163.21 (11) **ALTERNATIVE COURSE DELIVERY METHODS.** If the training provider is requesting optional approval of an alternative course delivery method for an accredited course, all of the following for each alternative course delivery method for which approval is sought:

- (a) *Alternative method proposed.* A description of the alternative course delivery method for which approval is sought.
- (b) *Training resources.* The training resources description under s. DHS 163.21 (3) modified to describe all of the following:
 - 1. Any software and equipment that will be used by the training provider for the alternative course delivery method.
 - 2. Any software and equipment that students are required to have to participate in the alternative course delivery method.
- (c) *Course registration plan.* The course registration plan required under s. DHS 163.21 (5) modified to describe how the training provider will assure only students who produce a valid form of photo identification under s. DHS 163.20 (9) (a) are admitted when using the alternative course delivery method.
- (d) *Student attendance and engagement.* A description of how the training provider will assure each student is present and engaged during the alternative course delivery method, including a description of how students will sign in on the daily attendance record as required under s. DHS 163.20 (8m).
- (e) *Technical or connection issues.* A written plan explaining how the training provider will address missed class time resulting from technical difficulties or connection issues on the part of the training provider or any student.
- (f) *Agenda.* The course agenda under s. DHS 163.21 (6) (a) modified to reflect the alternative course delivery method.
- (g) *Student materials.* The student manual, materials, and hand-outs under s. DHS 163.21 (6) (b), if different, as well as a description of how these items will be distributed to students.
- (h) *Instructor materials.* The instructor materials required under s. DHS 163.21 (6) (c) modified to reflect the alternative course delivery method, including procedures for any hands-on skills exercises and assessments that will be conducted using the alternative method, if applicable.
- (i) *Course test.* A description of how the validity, integrity, and security of the course test required under s. DHS 163.20 (8) (h) will be maintained, if it will be administered using the alternative method.
- (j) *Alternative course delivery method fee.* A nonrefundable fee of \$200 to request department approval of an initial course and a nonrefundable fee of \$125 to request department approval of a refresher course.

SECTION 232. DHS 163.22 (1) is amended to read:

DHS 163.22 (1) ~~DETERMINATION OF ELIGIBILITY FOR CONTINGENT ACCREDITATION.~~ The department shall review all information and materials submitted under s. DHS 163.21 for compliance with this subchapter. Within 60 days after the department receives all required application information and materials, the department shall either grant ~~contingent~~ accreditation or deny the application. If ~~contingent~~ accreditation is granted, the department shall send the training manager ~~a contingent an~~ accreditation certificate under sub. (5). If the application for accreditation is denied, the department shall notify the training manager in writing. The notice

shall include the reason for the denial and shall inform the training manager of the right to appeal that determination under s. DHS 163.33.

SECTION 233. DHS 163.22 (1m) is created to read:

DHS 163.22 (1m) DETERMINATION OF ELIGIBILITY FOR APPROVAL OF AN ALTERNATIVE COURSE DELIVERY METHOD. Within 60 days after the department issues accreditation under sub. (1), or after the department receives all required information and materials regarding the request for approval of an alternative course delivery method, the department shall review the information and materials submitted for the request for compliance with this subchapter and either approve or deny it. If the method is approved, the department shall send the training manager a modified accreditation certificate under sub. (5) describing the alternative course delivery method. If approval of the alternative course delivery method is denied, the department shall notify the training manager in writing. The notice shall include the reason for the denial and shall inform the training manager of the right to appeal that determination under s. DHS 163.33.

SECTION 234. DHS 163.22 (2) is amended to read:

DHS 163.22 (2) CONDUCTING A COURSE WITH ~~CONTINGENT~~ ACCREDITATION. The training course may be conducted once the training manager has received the ~~contingent~~ accreditation certificate for the course and confirmation that the principal instructor is approved under s. DHS 163.24 (3), and has notified the course schedule to the department under s. DHS 163.25 (3).

SECTION 235. DHS 163.22 (2m) is created to read:

DHS 163.22 (2m) CONDUCTING A COURSE WITH AN ALTERNATIVE DELIVERY METHOD. The training course may be conducted with an alternative delivery method once the training manager has received the modified accreditation certificate upon department approval under sub (1m) and has notified the course schedule to the department under s. DHS 163.25 (3).

SECTION 236. DHS 163.22 (3) is amended to read:

DHS 163.22 (3) LENGTH OF ~~CONTINGENT~~ ACCREDITATION. ~~Contingent accreditation is a temporary approval to conduct training.~~ When the department grants ~~contingent~~ accreditation, the expiration date on the ~~contingent~~ accreditation certificate under sub. (5) shall be 2 4 years after the date the certificate is issued. ~~Contingent accreditation may be renewed for a maximum of an additional 2 years at the discretion of the department~~ A training course may renew accreditation under the provisions of s. DHS 163.23. If an alternative course delivery method has been approved for the accredited course, that approval shall renew with the accreditation.

SECTION 237. DHS 163.22 (4) is repealed.

SECTION 238. DHS 163.22 (5) is amended to read:

DHS 163.22 (5) CERTIFICATE OF ACCREDITATION. The department shall send a certificate of accreditation to the training manager when a training course has been granted ~~contingent or full~~ accreditation and if reissued upon department approval of an alternative course delivery method. The training manager shall maintain the certificate of accreditation at the address listed on the application or later changed with notice to the department under s. DHS 163.25 (7) (a) and shall make the certificate available for review upon request by the department or the public. Only the most recent certificate of accreditation for a training course is valid. The training manager shall not allow another person to copy the ~~certificate of accreditation for fraudulent or misleading purposes or to use the certificate~~.

SECTION 239. DHS 163.23 (1) is amended to read:

DHS 163.23 (1) REQUIREMENT FOR RENEWAL OF ACCREDITATION. A training course may not be conducted after its accreditation expires until the training manager applies for and receives renewal of accreditation for the training course. When accreditation of a training course has been expired for less than one year, the department may reinstate accreditation if the training manager applies to the department for renewal of accreditation under this section. When accreditation of a training course has been expired for one year or longer, the training manager shall submit a new application under s. DHS 163.21 for ~~contingent~~ initial accreditation of a training course.

SECTION 240. DHS 163.23 (3) (d) (intro.) and (Note 1) are amended to read:

DHS 163.23 (3) (d) *Accreditation fee*. Each application for renewal of course accreditation shall be accompanied by ~~a 2-year the following non-refundable accreditation fee of \$25 per course hour or a 4-year accreditation fee of \$50 per course hour based on the course applied for under this paragraph:~~

(Note 1) Note: ~~Course application forms~~ Applications are available on the department website at <http://dhs.wi.gov/lead> ~~https://dhs.wi.gov/lead~~. To request a form by mail, call 608-261-6876 or write to the Lead and Asbestos Section, 1 W. Wilson Street, Madison WI 53703-3445.

SECTION 241. DHS 163.23 (3) (d) (Note 2) is repealed.

SECTION 242. DHS 163.23 (3) (d) 1. to 15. are created to read:

DHS 163.23 (3) (d) 1. 'Combined lead sampling and inspection initial course.' For a combined lead sampling and inspection initial course, \$1,200.

2. 'Lead abatement supervision initial course.' For a lead abatement supervision initial course, \$800.

3. 'Lead abatement supervisor refresher course.' For a lead abatement supervisor refresher course, \$500.

4. 'Lead abatement work initial course.' For a lead abatement work initial course, \$800.

5. 'Lead abatement worker refresher course.' For a lead abatement worker refresher course, \$500.
6. 'Lead inspection initial course.' For a lead inspection initial course, \$800.
7. 'Lead inspector refresher course.' For a lead inspector refresher course, \$500.
8. 'Lead project design initial course.' For a lead project design initial course, \$400.
9. 'Lead project designer refresher course.' For a lead project designer refresher course, \$250.
10. 'Lead risk assessment initial course.' For a lead risk assessment initial course, \$800.
11. 'Lead risk assessor refresher course.' For a lead risk assessor refresher course, \$500.
12. 'Lead sampling initial course.' For a lead sampling initial course, \$400.
13. 'Lead sampling technician refresher course.' For a lead sampling technician refresher course, \$150.
14. 'Lead-safe renovation initial course.' For a lead-safe renovation initial course, \$400.
15. 'Lead-safe renovator refresher course.' For a lead-safe renovator refresher course, \$250.

SECTION 243. DHS 163.23 (5) (a) is amended to read:

DHS 163.23 (5) (a) *Grant renewal of accreditation.* If accreditation is renewed, the department shall send the training manager a certificate of accreditation under s. DHS 163.22 (5) to extend accreditation for ~~2 years or 4 years, depending on the fee amount under sub. (3) (d) paid.~~ If an alternative course delivery method has been approved, that approval will renew with the accreditation.

SECTION 244. DHS 163.24 (2) (b) 2. (Note 1) is amended to read:

DHS 163.24 (2) (b) 2. (Note 1) Note: ~~Training manager application forms~~ Applications are available on the department website at <http://dhs.wi.gov/lead> ~~https://dhs.wi.gov/lead.~~ ~~To request forms by mail, call 608-261-6876 or write to the Lead and Asbestos Section, 1 W. Wilson Street, Madison WI 53703-3445.~~

SECTION 245. DHS 163.24 (2) (b) 2. (Note 2) is repealed.

SECTION 246. DHS 163.24 (3) (a) 1. b., 2. a. and (b) 7., a., c., d., and (Note 1) are amended to read:

DHS 163.24 (3) (a) 1. b. For teaching lead investigation courses, training in radiation safety and use of each XRF the instructor will use in the course, as documented by a certificate of training from the manufacturer of the XRF, if applicable.

2. a. As a lead risk assessor for approval to teach initial lead sampling, ~~lead inspection, and lead hazard investigation risk assessment~~ courses and refresher lead sampling technician, ~~lead inspector, lead hazard investigator, and lead risk assessor~~ courses.

(b) 7. 'Fee.' A nonrefundable principal instructor initial application fee of \$75 and the applicable approval fee as follows:

a. \$100 for a lead investigation instructor application, which includes approval to teach lead sampling, inspection, ~~hazard investigation~~ and risk assessment courses.

c. ~~\$50~~ \$100 for a lead project design instructor application, which includes approval to teach only lead project design courses.

d. The department may impose other fees as necessary to cover costs of administering this chapter, such as for expedited service, if available.

(Note 1) Note: Applications are available on the department website at <http://dhs.wi.gov/lead> ~~https://dhs.wi.gov/lead~~. ~~To request a form by mail, call 608-261-6876 or write to the Lead and Asbestos Section, 1 W. Wilson Street, Room 137, Madison WI 53703-3445.~~

SECTION 247. DHS 163.24 (3) (b) 7. d. (Note 2) is repealed.

SECTION 248. DHS 163.24 (3) (e) 1. b. is amended to read:

DHS 163.24 (3) (e) 1. b. A nonrefundable approval renewal fee of ~~\$50 for lead investigation instructor or lead hazard reduction instructor approval or \$25~~ \$100 for lead project design instructor approval.

SECTION 249. DHS 163.24 (6) is created to read:

DHS 163.24 (6) OTHER PERSONNEL. Each individual authorized by the training provider to submit or revise its course schedule notices under s. DHS 163.25 (3) or to submit its student data under s. DHS 163.25 (11) shall be designated to the department by the training manager. Upon designation, the department will provide unique credentials for the individual to access department systems. If the training provider no longer authorizes an individual previously designated to the department, the training manager shall inform the department so the individual's access to department systems can be revoked.

SECTION 250. DHS 163.25 (3) (a) (Note) is repealed.

SECTION 251. DHS 163.25 (3) (b) 2. is amended to read:

DHS 163.25 (3) (b) 2. The course discipline, ~~and whether it is an initial or refresher course, and the language of instruction.~~

SECTION 252. DHS 163.25 (3) (b) 5. is created to read:

DHS 163.25 (3) (b) 5. For courses that will be delivered remotely, instructions for accessing the online training platform.

SECTION 253. DHS 163.25 (3g) and (3r) are created to read:

DHS 163.25 (3g) COURSE REGISTRATION. The training manager shall ensure the course registration plan approved by the department under s. DHS 163.21(5) is followed.

(3r) DESIGNATION OF OTHER PERSONNEL. The training manager shall designate any individuals authorized to submit course schedule notices under sub. (3) and student data under sub. (11) on the training manager's behalf.

SECTION 254. DHS 163.25 (7) (c) and (d) are amended to read:

DHS 163.25 (7) (c) *Change of ownership.* The accreditation of a training course under this subchapter may be transferred to a new owner provided the course remains the same course accredited under this chapter and the transfer is requested by both the training provider transferring the course and the new owner of the course. Upon receipt of a request to transfer the accreditation of a course, the department ~~will change~~ shall reissue the course's accreditation to the new owner ~~contingent accreditation~~ under s. DHS 163.22 with no change in expiration date ~~or with an expiration date 2 years after the date ownership of the course changed, whichever is earlier.~~

(d) *Change in a course.* A change in the training course description under s. DHS 163.21 (2), the training resources under s. DHS 163.21 (3), the course registration plan under s. DHS 163.21 (5), or course materials under s. DHS 163.21 (6). In addition to the notice of a change in course materials under s. DHS 163.21 (6), the training manager shall submit a draft of the revised materials for department review and approval before using the revised materials in class. ~~After reviewing the draft revisions, the department may allow a trial period of 3 class sessions of a training course before requiring submittal of a final revision.~~

SECTION 255. DHS 163.25 (7) (e) (Note) is repealed.

SECTION 256. DHS 163.25 (11) (a) and (b) 7. are amended to read:

DHS 163.25 (11) (a) Within 2 working days after an accredited lead training course is completed, the training manager shall ~~submit~~ securely transmit student data to the department ~~in an electronic format provided by or approved by the department or in another format approved by the department using encryption or other method approved by the department.~~

(b) 7. A clearly identifiable picture of the student's face ~~clearly labeled~~ with the student's full legal name in the electronic file name.

SECTION 257. DHS 163.33 (2) (Note) is amended to read:

DHS 163.33 (2) (Note) Note: A hearing request should be addressed to the Division of Hearings and Appeals, ~~P.O. Box 7875, Madison, WI 53707-4822~~ Madison Yards Way, 5th Floor North, Madison, WI 53705-9100. Hearing requests may be delivered in person to that office ~~at 5005 University Avenue, Room 201, Madison, WI~~. ~~Hearing requests may be, emailed to~~ DHAMail@wisconsin.gov, or faxed to 608-264-9885.

SECTION 258. DHS 163 Subchapter V (title) is amended to read:

Subchapter V — Registry of Property with Certificates of ~~Lead-Free~~ Lead-Based Paint Free Status or Lead-Safe Status

SECTION 259. DHS 163.40 (1) and (2) (b) are amended to read:

DHS 163.40 (1) APPLICABILITY. This subchapter applies to ~~registered lead-free certified lead-based paint free~~ property and registered certified lead-safe property, the property owners and the employees and agents of property owners of ~~registered lead-free certified lead-based paint free~~ property or registered certified lead-safe property, and persons performing lead-based paint activities ~~on registered lead-safe property to determine if a property meets~~ standards for certification as a lead-based paint free property or as a lead-safe property.

(2) (b) ~~Registered lead-free Certified lead-based paint free property or registered certified lead-safe property~~. Only a dwelling, dwelling unit, or premises with a valid certificate of ~~lead-free lead-based paint free~~ status in effect may be claimed to be registered lead-free certified lead-based paint free property and only a dwelling, dwelling unit, or premises with a valid certificate of lead-safe status in effect may be claimed to be ~~registered certified~~ lead-safe property.

SECTION 260. DHS 163.40 (2) (c) 2. is repealed.

SECTION 261. DHS 163.40 (2) (c) 3., a., b., c., d., and e. are renumbered DHS 163.40 (2) (bg), 1., 2., 3., 4. and 5., and are amended to read:

DHS 163.40 (2) (bg) ~~Who Prohibitions on who may sample or test paint for conduct a lead-free lead-based paint free inspection or lead-safe investigation. To be included in a lead-free~~ No person may assist in or conduct a lead-based paint free inspection or lead-safe investigation; sampling or testing of paint shall be conducted by an appropriately certified person who is if any of the following apply:

1. ~~Not~~ The person is the property owner or an immediate family member, agent, or employee of the property owner.
2. ~~Not~~ The person is a company or associated with a company that is directly or beneficially owned, controlled, or managed by the property

owner, or by an immediate family member, agent, or employee of the property owner.

3. ~~Not a~~ The person hired is employed by or under contract with the property owner to manage or maintain the property owner's real property as directed by the property owner.

4. ~~Not a~~ The person who has been is authorized by the property owner to manage or maintain the property owner's real property on the property owner's behalf.

5. ~~Not a~~ The person who has a financial interest in the laboratory results of the sampling or testing or in the determination of whether the property meets the ~~registered lead-free~~ certified property standard or the ~~registered~~ certified lead-safe property standard.

SECTION 262. DHS 163.40 (2) (c) 5. is repealed.

SECTION 263. DHS 163.40 (2m) (b), (c), and (d) are created to read:

DHS 163.40 (2m) (b) *Risk assessment*. Subject to the applicable scope of the lead-safe investigation under sub. (2) (br), a lead-safe investigation shall include a risk assessment under s. DHS 163.14 (9).

(c) *Partial lead inspection*. Subject to the applicable scope of the lead-safe investigation under sub. (2) (br), a lead-safe investigation shall include a partial lead inspection under s. DHS 163.14 (8) to identify lead-based paint that is currently intact but could become a lead-based paint hazard within 3 years. The lead-safe investigation may incorporate a determination from a prior lead investigation activity that lead-based paint is not present on a painted component when the prior lead investigation activity meets the requirements under s. DHS 163.14 for the activity and the report for the activity is included with the application form submitted to the department for lead-safe property registration. Each unique testing combination that includes any of the following component types shall be identified in the partial lead inspection and tested or sampled to determine the presence of lead-based paint following documented methodologies and all work practice standards for lead inspection:

1. Floors.
2. Stair system components including treads and nosing, risers, and stringers.
3. Railing system components, including handrails, balusters, newel posts and caps, and shoes, if present.
4. Window components, including sashes, parting beads, stops and jambs, interior windowsills, troughs or wells, exterior windowsills, casings, heads and aprons, and storm and screen parts.
5. Door components, including stops, jambs, slabs or panels, thresholds and treads, and trim or casing.
6. Built-in cabinet doors, drawers, and shelving.
7. Baseboards and quarter round trim.

(d) *Clearance*. If the risk assessment under par. (b) and partial lead inspection under par. (c) identify conditions in the property that do not meet the standards for a lead-safe property certificate under s. DHS 163.42 (1), and lead hazard reduction measures are subsequently taken to bring the property into compliance with the standards, clearance under s. DHS 163.14 (5) shall be conducted following documented methodologies and all work practice standards.

SECTION 264. DHS 163.40 (2s) is created to read:

DHS 163.40 (2s) LEAD-SAFE RE-EVALUATION PROTOCOL.

(a) *Who may conduct*. A lead-safe re-evaluation shall be conducted by a certified lead risk assessor associated with a certified lead company. Under direct on-site supervision of a certified lead risk assessor, a certified lead sampling technician or lead inspector may assist with a lead-safe re-evaluation, but a lead sampling technician may not use an XRF. Certified individuals involved with conducting a lead-safe re-evaluation shall conduct it in an unbiased, objective, and impartial manner. All persons involved with conducting the lead-safe re-evaluation shall meet the requirements under sub. (2) (bg).

(b) *Risk assessment re-evaluation*. A certified lead risk assessor shall conduct a risk assessment re-evaluation following documented methodologies that incorporate adequate quality control procedures and work practice standards for risk assessment under s. DHS 163.14 (9). The re-evaluation may incorporate determinations about the presence of lead-based paint from prior reports that meet applicable work practice standards under s. DHS 163.14, and shall include all of the following:

1. 'New visual inspection.' A new visual inspection of the registered lead-safe property to identify all of the following potential lead-based paint hazards:
 - a. Failures of previous controls, such as enclosures, encapsulation, or soil coverings identified through a review of the prior reports prepared under sub. (2m) to determine how lead-based paint hazards previously found were controlled.
 - b. Newly deteriorated paint and paint subject to friction or impact.
 - c. Ongoing moisture intrusion or water leaks.
 - d. Evidence of substrate damage, defects, decay, or deterioration that could cause paint failure.
 - e. Visible dust and debris.
 - f. Newly bare soil.
2. 'New dust wipe samples.' New dust wipe samples collected from locations selected by the certified lead risk assessor based on the scope of the current lead-safe property certification.
3. 'Analysis of newly identified potential lead-based paint hazards, including potential soil-lead hazards.' Testing and analysis of all newly

identified potential lead-based paint hazards, including potential soil-lead hazards.

(c) *Clearance*. If the risk assessment re-evaluation under par. (b) identifies conditions in the property that do not meet the standards for a lead-safe property certificate under s. DHS 163.42 (1), and lead hazard reduction measures are subsequently taken to bring the property into compliance with the standards, clearance under s. DHS 163.14 (5) shall be conducted following documented methodologies and all work practice standards.

SECTION 265. DHS 163.40 (3) (a), (b) 1., 2., and (5) are amended to read:

DHS 163.40 (3) (a) *Requirement to transfer*. When a person obtains both equitable title and legal possession of a ~~registered lead-free~~ certified lead-based paint free property or ~~registered certified~~ lead-safe property, any certificate issued to the previous property owner is no longer in effect unless transferred under par. (b).

(b) 1. To request a transfer of ownership and an amended certificate, one of the new property owners shall submit a signed and dated written notice of the change in ownership of the property to the department within 60 days after the date on which the new property owner obtains both equitable title and legal possession of a ~~registered lead-free~~ certified lead-based paint free property or ~~registered certified~~ lead-safe property. In the written notice, the property owner who provides the notice shall provide the names and mailing addresses of the property owners or the name and mailing address of the authorized representative of the property owners.

2. The property owner shall submit the appropriate fee for an amended certificate under ~~s. DHS 163.41 (2) (f) or 163.42 (2)~~ s. DHS 163.40 (6).

(5) *VOLUNTARY TERMINATION OF A CERTIFICATE*. To voluntarily terminate a certificate of ~~lead-free lead-based paint free~~ status or to ~~terminate a certificate of~~ lead-safe status, and the ~~requirement~~ requirements to comply with conditions for maintaining a ~~the~~ certificate of lead-safe status, the property owner shall return the original certificate and any existing copies to the department with a signed and dated notice to terminate the certificate. The certificate is no longer in effect on the date the department receives the notice.

SECTION 266. DHS 163.40 (6) is created to read:

DHS 163.40 (6) *FEE FOR AMENDING OR REPLACING A CERTIFICATE*. If a property owner requests the department to issue a duplicate or an amended certificate of lead-based paint free or lead-safe status, the property owner shall submit a fee of \$50.

SECTION 267. DHS 163.41 (title) and (1) are amended to read:

DHS 163.41 (title) **Certificate of ~~lead-free~~ lead-based paint free status.**

(1) ~~REGISTERED LEAD-FREE STANDARDS FOR LEAD-BASED PAINT FREE PROPERTY STANDARDS~~
CERTIFICATION. ~~All registered lead-free~~ To qualify for a certificate of lead-based paint free status, a property shall meet all of the following standards:

(a) *Painted components.* Painted components shall be free of lead-based paint, as determined by a ~~lead-free lead-based paint free~~ inspection under ~~sub. (2) s.~~ DHS 163.40 (2e).

(b) *Dust from removal of paint or components.* Property shall be free of a dust-lead ~~hazard hazards~~ at or above the action levels under s. DHS 163.15 created by removal of lead-based paint or lead-based paint components, as determined by a ~~lead-free lead-based paint free~~ inspection under ~~sub. (2) s.~~ DHS 163.40 (2e).

SECTION 268. DHS 163.41 (2) (title) is repealed and recreated to read:

DHS 163.41 (2) (title) APPLICATION TO THE DEPARTMENT.

SECTION 269. DHS 163.41 (2) (intro.) is repealed.

SECTION 270. DHS 163.41 (2) (a) (title) and 1. are renumbered DHS 163.40 (2e) (title) and (a), and are amended to read:

DHS 163.40 (2e) ~~LEAD-FREE LEAD-BASED PAINT FREE INSPECTION PROTOCOL.~~

(a) *Who may conduct.* A ~~lead-free lead-based paint free~~ inspection shall be conducted by a certified lead inspector or lead risk assessor associated with a certified lead company. Under direct on-site supervision of a certified lead inspector or risk assessor, a certified lead ~~hazard investigator or~~ sampling technician may assist with a ~~lead-free lead-based paint free~~ inspection but may not use an XRF. Certified individuals involved with conducting a ~~lead-free lead-based paint free~~ inspection shall conduct it in an unbiased, objective, and impartial manner. All persons involved with conducting the ~~lead-free lead-based paint free~~ inspection shall meet the requirements under s. DHS 163.40 (2) ~~(c) 3~~ (bg).

SECTION 271. DHS 163.41 (2) (a) 2., a., b., and c. are renumbered DHS 163.40 (2) (br), 1., 2., and 3., and amended to read:

DHS 163.40 (2) (br) ~~'Locations inspected.'~~ The registered lead-free Scope of investigation. A lead-based paint free or lead-safe property covered by a certificate is limited to those locations subject to the lead-free inspection under one of the following subd. pars., except that all dwelling units are included when a random selection process under subd. 2. c. is successfully used shall be based on the following scope of the lead-based paint free inspection or lead-safe property investigation, as applicable:

1. 'Single dwelling unit.' When a certificate of ~~lead-free status~~ is being sought for a single dwelling unit, the locations inspected shall include the

dwelling unit for which the certificate is being sought and all interior and exterior common areas for the real property associated with the dwelling.

2. 'Multi-family dwelling.' When a certificate ~~of lead-free status~~ is being sought for an entire multi-family dwelling, the locations inspected shall include all dwelling units ~~unless except as provided under subd. 2.-e.~~ 3. applies, and shall include all interior and exterior common areas for the real property associated with the dwelling.

3. 'Multi-family dwelling with more than 20 dwelling units that are similar in construction.' When a certificate ~~of lead-free status~~ is being sought for a multi-family dwelling with more than 20 dwelling units that are similar in construction, age, and have a common painting history, the locations inspected shall include either all dwelling units or a subset of the dwelling units selected using the random selection process, and shall include all interior and exterior common areas for the real property associated with the dwelling. When the random selection process is used for dwellings built before 1960, a sufficient number of dwelling units shall be selected to provide a 95% level of confidence that at least 95% of all dwelling units would meet the ~~standard for registered lead-free property~~ applicable standards for the certificate sought if all dwelling units were investigated. When the random selection process is used for dwellings built in 1960 or later, a sufficient number of dwelling units shall be selected to provide a 95% level of confidence that at least 90% of all dwelling units would meet the ~~standard for registered lead-free property~~ applicable standards for the certificate sought if all dwelling units were investigated. If any dwelling unit ~~included in the lead-free inspection that was randomly selected for inclusion in the investigation does not meet the standard~~ applicable standards, a certificate of lead-free status may not be issued. If conditions in the failed dwelling unit ~~are~~ shall be corrected; conduct a new lead-free inspection before conducting a new investigation that includes a new selection of dwelling units chosen using the random selection process.

SECTION 272. DHS 163.40 (7) and (Note) are created to read:

DHS 163.40 (7) PUBLIC REGISTRY OF CERTIFIED LEAD-SAFE AND LEAD-BASED PAINT FREE PROPERTIES. The department shall list each property issued a certificate of lead-safe or lead-based paint free status on its website.

(Note) **Note:** The lead-safe and lead-based paint free property registry is available on the department's website at <https://dhs.wi.gov/lead>.

SECTION 273. DHS 163.41 (2) (a) 2. c. (Note) is repealed.

SECTION 274. DHS 163.41 (2) (a) 2. d. is renumbered DHS 163.40 (2) (br) 4. and amended to read:

DHS 163.40 (2) (br) 4. 'Child-occupied facility.' When a certificate of ~~lead-free status~~ is being sought for a ~~premises that is not a dwelling, such as a~~ child-occupied facility, the locations inspected shall include all interior and exterior common areas for the real property associated with the premises where an occupant of the child-occupied facility might be exposed to a lead-based paint hazard.

SECTION 275. DHS 163.41 (2) (a) 2. d. (Note) is repealed.

SECTION 276. DHS 163.41 (2) (a) 2. e. is renumbered DHS 163.40 (2e) (b) and amended to read:

DHS 163.40 (2e) (b) ~~The lead-free~~ Lead inspection. Subject to the applicable scope of the lead-based paint free inspection under sub. (2) (br), a lead-based paint free inspection shall include a lead inspection under s. DHS 163.14 (8). The lead-based paint free inspection may incorporate a determination from a prior lead ~~investigation activity inspection~~ that lead-based paint is not present on a painted component when the prior ~~investigation activity inspection~~ meets the requirements under s. DHS 163.40 (2) (c) 3.

SECTION 277. DHS 163.41 (2) (a) 3. is repealed.

SECTION 278. DHS 163.41 (2) (a) 4. (intro.) is renumbered DHS 163.40 (2e) (c) and amended to read:

DHS 163.40 (2e) (c) Clearance. A ~~lead-free~~ lead-based paint free inspection shall include clearance under s. DHS 163.14 (5) ~~of the work area where more than 2 square feet of paint was removed or more than 2 square feet of paint was disturbed in removing a painted component, if known, or of the dwelling units and common areas inspected under subd. 2., unless one of the following is obtained:~~ using the area within the scope of the lead-based paint free inspection as the clearance area.

SECTION 279. DHS 163.41 (2) (a) 4. a. and b., (b), (c), (d), (e), and (f) are repealed.

SECTION 280. DHS 163.41 (2) (am), (Note), (g), and (h) are created to read:

DHS 163.41 (2) (am) Application form. The certified lead company shall complete and submit the lead-based paint free property certification application form to the department to apply for a certificate of lead-based paint free status.

Note: Application forms are available on the department website at <https://dhs.wi.gov/lead>.

(g) Lead-based paint free inspection report. The certified lead company shall submit the lead inspection and clearance reports, including all laboratory results and other attachments, to the department with the application form.

(h) Fee. The applicant shall pay an application fee of \$150.

SECTION 281. DHS 163.41 (2m) is created to read:

DHS 163.41 (2m) ACTION BY THE DEPARTMENT. (a) *Timeframe.* Within 15 working days after receipt of a fully and accurately completed application for a certificate of lead-based paint free status, the department shall review the application and materials to determine if the property meets standards for certification under sub. (1), and shall grant or deny certification.

(b) *Grant lead-based paint free property certification.* If the department determines the dwelling unit, dwelling, or premises meets the standards for a certificate of lead-based paint free status, the department shall issue a lead-based paint free certificate for the property. The certificate shall be valid on the date the dwelling unit, dwelling, or premises met the standards, as determined by the department based on evidence submitted by the applicant, and shall remain valid unless revoked, which shall be stated on the certificate of lead-based paint free status.

(c) *Deny lead-based paint free property certification.* If the department denies certification under this section, the department shall give the applicant a written explanation for the denial and shall notify the applicant of the right to appeal that decision under s. DHS 163.33.

SECTION 282. DHS 163.41 (3) (intro.) and (c) are amended to read:

DHS 163.41 (3) REVOCATION. If the department provides written notice of revocation, the grounds for revocation and an explanation of the process under s. DHS 163.33 for appealing a revocation not less than 30 days before the date of the revocation, and the violation on which the revocation is based remains substantially uncorrected at the end of the 30-day notice period, the department may revoke a property's certificate of lead-free lead-based paint free status for any of the following reasons:

(c) ~~The lead-free inspection does not support that the property meets the registered lead-free property standards for lead-based paint free certification under sub. (1) because the lead-free lead-based paint free inspection protocol under sub. (2) s. DHS 163.40 (2e) was not followed in determining that the dwelling, dwelling unit, child-occupied facility or other premises met the standards for registered lead-free property and a subsequent lead-free inspection does not verify that the dwelling, dwelling unit, child-occupied facility or other premises met the lead-free standards.~~

SECTION 283. DHS 163.41 (3) (c) (Note) is repealed.

SECTION 284. DHS 163.42 (1), (c), and (e) are amended to read:

DHS 163.42 (1) ~~REGISTERED STANDARDS FOR LEAD-SAFE PROPERTY STANDARDS CERTIFICATION. Under the standards in this subsection, paint is considered to be lead-based paint unless tested under s. DHS 163.40 (2) (c) and determined not to be lead-based paint. For registered To qualify for a certificate of lead-safe property status, all locations under sub. (2) (a) 2. that are~~

~~subject to a lead-safe investigation a property shall meet all of the following standards, as determined by a lead-safe investigation under sub. (2):~~

(c) *Paint chips*. Floors, stairways, interior windowsills, window wells or troughs, exterior windowsills, and soil shall be free of visible paint chips.

(e) *Dust-lead hazards*. The property shall have no dust-lead hazards at or above the action level as defined under DHS 163.15 (1) (b).

SECTION 285. DHS 163.42 (1) (f) (intro.) is amended to read:

DHS 163.42 (1) (f) *Moisture or water damage*. Surfaces with lead-based paint shall be free from ongoing water damage ~~caused by any of the following:~~ moisture intrusion, or active leaks from any source.

SECTION 286. DHS 163.42 (1) (f) 1., 2., and 3. are repealed.

SECTION 287. DHS 163.42 (1) (g) is amended to read:

DHS 163.42 (1) (g) ~~*Painted floors and stairs*~~ *Floors*. ~~Painted interior and exterior floors and stairs~~ Floors with lead-based paint shall be ~~free of deteriorated or abraded lead-based paint~~ enclosed with rigid, durable materials that are mechanically fastened to the substrate, component, or building structure, with all edges, joints, and seams sealed in order to act as a dust-tight barrier between lead-based paint and the environment.

SECTION 288. DHS 163.42 (1) (gg) and (gr) are created to read:

DHS 163.42 (1) (gg) *Stair systems*. Interior and exterior stair treads and nosing, stringers and trim, and risers with lead-based paint shall be enclosed with rigid, durable materials that are mechanically fastened to the structure with all edges, joints, and seams sealed in order to act as a dust-tight barrier between lead-based paint and the environment.

(gr) *Railing systems*. Railing systems, including handrails, balusters, newel posts and caps, and shoes with lead-based paint shall be coated with a lead-based paint free topcoat.

SECTION 289. DHS 163.42 (1) (h) 2. is amended to read:

DHS 163.42 (1) (h) 2. Window wells or troughs with lead-based paint shall be enclosed with rigid, durable materials that are mechanically fastened to the structure with all edges, joints, and seams sealed in order to act as a dust-tight barrier between lead-based paint and the environment, and shall be smooth and cleanable.

SECTION 290. DHS 163.42 (1) (h) 4., 5., and (hm) are created to read:

DHS 163.42 (1) (h) 4. Window sashes, parting beads, stops, and jambs shall be free from lead-based paint.

5. Interior windowsills and aprons, and exterior windowsills with lead-based paint shall be coated with a lead-based paint free topcoat.

(hm) *Door systems, including storm and screen doors.* Components of door systems subject to friction or impact, such as stops, jambs, slabs or panels, and thresholds or treads, shall be free of lead-based paint. Other components with lead-based paint, such as trim or casing, shall be coated with a lead-based paint free topcoat.

SECTION 291. DHS 163.42 (1) (i) is amended to read:

DHS 163.42 (1) (i) *Soil-lead hazard.* ~~There shall be no soil-lead hazard on registered Certified lead-safe property shall have no soil-lead hazards.~~ A soil-lead hazard is present when bare soil is present and an assessment conducted under s. DHS 163.14 (9) (g) determines that the bare soil is a soil-lead hazard under s. DHS 163.15 (2).

SECTION 292. DHS 163.42 (1) (j) and (k) are created to read:

DHS 163.42 (1) (j) *Cabinetry.* Built-in cabinet doors, drawers, and shelving shall be free of lead-based paint.

(k) *Baseboard trim.* Baseboard trim with lead-based paint shall be coated with a lead-based paint free topcoat.

SECTION 293. DHS 163.42 (2) (title) is amended to read:

DHS 163.42 (2) ~~ISSUANCE OF CERTIFICATE OF LEAD-SAFE STATUS~~ APPLICATION TO THE DEPARTMENT.

SECTION 294. DHS 163.42 (2) (a) (title) and 1. are renumbered DHS 163.40 (2m) (title) and (a), and DHS 163.40 (2m) (a) is amended to read:

DHS 163.40 (2m) (a) *Who may conduct.* A lead-safe investigation shall be conducted by a certified lead ~~hazard investigator or lead~~ risk assessor associated with a certified lead company. Under direct on-site supervision of a certified lead ~~hazard investigator or~~ risk assessor, a certified lead inspector or sampling technician may assist with a lead-safe investigation but a lead sampling technician may not use an XRF. Certified individuals involved with conducting a lead-safe investigation shall conduct it in an unbiased, objective, and impartial manner. All persons involved with conducting the lead-safe investigation shall meet the requirements under ~~s. DHS 163.40 (2) (c) 3 sub. (2) (bg).~~

SECTION 295. DHS 163.42 (2) (a) 2., 3., 4., 5., 6., 7., 8., 10., and 11. are repealed.

SECTION 296. DHS 163.42 (2) (b) is amended to read:

DHS 163.42 (2) (b) ~~Submission of registration~~ Application form. ~~Following instructions provided by the department, a~~ A certified lead company shall complete and submit the lead-safe investigation registration property certification application form to the department within

~~10~~ 15 working days of completing the lead-safe investigation or receiving any laboratory results, whichever is later. ~~The registration form shall be submitted using an electronic format provided by the department or an alternative method approved by the department~~ Except if the dwelling unit or premises applied for is occupied by only the property owner or the property owner's immediate family, the application form shall name the individual to whom occupants should report any deteriorated paint and, if applicable, failure of encapsulation or enclosure, along with the mailing address, email address, and telephone number of the individual to whom occupants should report any deteriorated paint.

SECTION 297. DHS 163.42 (2) (b) (Note) and (bm) are created to read:

DHS 163.42 (2) (b) (Note) Note: Application forms are available on the department website at <https://dhs.wi.gov/lead>.

(bm) *Lead-safe investigation reports.* A certified lead company shall submit all of the following lead-safe investigation reports, including all laboratory results and other attachments, to the department with the application form:

1. The full risk assessment report under s. DHS 163.14 (9).
2. The partial inspection report under s. DHS 163.14 (8) f).
3. The clearance report under s. DHS 163.14 (5) (e), if clearance was conducted as part of the lead-safe investigation under s. DHS 163.40 (2m) (d).

SECTION 298. DHS 163.42 (2) (c), (d), and (e) are repealed.

SECTION 299. DHS 163.42 (2) (f) is repealed and recreated to read:

DHS 163.42 (2) (f) *Fee.* The applicant shall pay a lead-safe property certification application fee of \$150.

SECTION 300. DHS 163.42 (2m) is created to read:

DHS 163.42 (2m) ACTION BY THE DEPARTMENT.

(a) *Timeframe.* Within 15 working days after receipt of a fully and accurately completed application for lead-safe certification, the department shall review the application and materials to determine if the property meets standards for certification under sub. (1), and shall grant or deny certification.

(b) *Grant lead-safe property certification.* If the department determines the dwelling unit, dwelling, or premises meets the standards for a certificate of lead-safe status, the department shall issue a lead-safe certificate for the property. The face of the certificate shall indicate that it is valid on the date the dwelling unit, dwelling, or premises met the standards, as determined by the department based on evidence submitted by the applicant, and that it shall expire three years after that date.

(c) *Deny lead-safe property certification.* If certification is denied, the department shall give the applicant a written explanation for the denial and shall notify the applicant of the right to appeal that decision under s. DHS 163.33.

SECTION 301. DHS 163.42 (3) is repealed and recreated to read:

DHS 163.42 (3) CONDITIONS FOR MAINTAINING A CERTIFICATE OF LEAD-SAFE STATUS.

(a) Requirement to comply. The property owner shall comply with all of the conditions for maintaining a certificate of lead-safe status under pars. (b) to (g).

(b) Distribute certificate and reports to occupants. Except if the dwelling unit or premises covered by a certificate of lead-safe status is occupied by only the property owner or the property owner's immediate family, the property owner shall distribute copies of the certificate and the reports of the lead-safe investigation activities that qualified the property for certification.

1. For each dwelling unit covered by the lead-safe property certificate, the property owner shall provide an adult occupant with a copy of the lead-safe certificate issued by the department.

2. For a multi-family dwelling, the property owner shall ensure that a copy of the lead-safe certificate issued by the department is posted in plain view near each entrance to common areas on the interior of the multi-family dwelling.

3. For a child-occupied facility, the property owner shall ensure that a copy of the lead-safe property certificate issued by the department is posted in plain view near each entrance to areas of the child-occupied facility covered by the certificate.

(c) Timing for distribution and posting of certificate.

1. 'After issuance.' The property owner shall ensure that the certificate is distributed and posted as specified par. (b) within 60 days after the certificate of lead-safe status is issued.

2. 'At start of tenancy.' The property owner shall ensure that the certificate is distributed and posted as specified under par. (b) as follows:

a. For tenancy of a dwelling unit under a rental agreement, prior to the start of tenancy, entering into a rental agreement or accepting earnest money or a security deposit, whichever is later.

b. For tenancy of a dwelling unit in the absence of a rental agreement, prior to the start of tenancy by an occupant age 16 years or older who holds possession for a period of 30 consecutive days or more with the knowledge and consent of the owner and materials have not been distributed to other occupants of the dwelling unit within the previous 12 months.

Note: For rental housing, the required materials may be distributed together with disclosure materials required under HUD regulations under 24 CFR Part 35, Sub-part H and EPA regulations under 40 CFR Part 745 Subpart F.

(d) Remove lead-based paint hazards.

- 1.** Subject to the provisions under subds. 2. to 5., the property owner or the property owner's agent or employee shall ensure that any failing enclosure, encapsulation or covering, or untested deteriorated paint, and any other potential lead-based paint hazard is controlled within 20 working days of gaining knowledge of the potential lead-based paint hazard from any source, including a report from an occupant, or a notice from a federal, state, or local governmental agency.
- 2.** If the property owner or the property owner's employee or agent knows or has reason to know that a child under the age of 6 occupies a unit where an interior lead-based paint hazard is located, the property owner or the property owner's employee or agent shall ensure that measures are taken within 5 working days to protect the child from lead exposure. These measures may be temporary, such as temporarily covering deteriorated paint with duct tape or preventing access to the area, provided the repair or removal is completed within 20 working days.
- 3.** If an exterior lead-based paint hazard is identified between November 1 and April 1, the property owner or the property owner's agent or employee shall control it or arrange for it to be controlled by a certified lead company by May 1.
- 4.** Repair or removal of a failing enclosure, encapsulation or covering, untested deteriorated paint, or any other potential lead-based paint hazard is not required when a certified lead risk assessor associated with a certified lead company using documented methodologies determines that neither a dust-lead hazard nor lead-based paint is present and issues a report.

(e) *Ensure appropriate certification.*

- 1.** When a property owner requests or allows an abatement or lead investigation activity to be conducted, the property owner shall ensure that persons conducting the abatement or lead investigation activity are appropriately certified under s. DHS 163.10 and are affiliated with a certified company under s. DHS 163.12.
- 2.** When a property owner requests or allows an interim control or renovation activity to be conducted, the property owner shall inform persons conducting the activity that the activity involves certified lead-safe property and shall ensure that persons conducting the activity are appropriately certified under s. DHS 163.10 and are affiliated with a certified company under s. DHS 163.12.
- 3.** When a lead investigation, abatement, interim control or renovation activity is conducted by a property owner or the property owner's agent or employee, the property owner shall ensure compliance with certification and work practice requirements under this chapter.

(f) *Follow work practice standards.* When a property owner requests or allows an interim control or renovation activity to be conducted, the property owner shall inform persons conducting the activity that they are required to comply

with lead-safe renovation certification requirements under s. DHS 163.10 (1) and the work practices under s. DHS 163.14 (11).

(g) Conduct clearance. When a property owner requests or allows an interim control or renovation activity to be conducted, the property owner shall ensure that clearance under s. DHS 163.14 (5) is conducted.

SECTION 302. DHS 163.42 (3m) is created to read:

DHS 163.42 (3m) RENEWAL OF LEAD-SAFE PROPERTY CERTIFICATION.

(a) Requirement for renewal of lead-safe property certification. Only a dwelling, dwelling unit, or premises with an unexpired certificate of lead-safe status in effect may be claimed to be registered lead-safe property.

(b) Conditions for renewal of lead-safe property certification. The department may renew a lead-safe property certification for a property that continues to meet the standards for certified lead-safe property as determined by a certified lead risk assessor associated with a certified lead company through the lead-safe re-evaluation protocol under s. DHS 163.40 (2s).

(c) Application for renewal of lead-safe property certification. To apply for renewal of a lead-safe property certification, a certified lead company shall complete and submit all of the following to the department electronically or by an alternative method approved by the department:

1. 'Lead-safe property renewal application form.' Except if the dwelling unit or premises applied for is occupied by only the property owner or the property owner's immediate family, an application form that names the individual to whom occupants should report any deteriorated paint and, if applicable, failure of encapsulation or enclosure, along with the mailing address, email address, and telephone number of the individual.

2. 'Updated lead-safe investigation reports.' A risk assessment re-evaluation report, any prior lead investigation reports relied upon for determining the presence of lead-based paint or lead-based paint hazards, as well as the clearance report, if conducted under s. DHS 163.40 (2s) (c), including all laboratory results and other attachments.

3. 'Fee.' A lead-safe property certification application fee of \$125.

(d) Action by the department. Within 15 working days after receipt of a fully and accurately completed application for renewal of lead-safe property certification, the department shall review the application and materials to determine if the property meets standards for certification under sub. (1), and shall grant or deny certification to the property owner.

1. If the department determines the dwelling unit, dwelling, or premises meets the standards for certified lead-safe property, the certificate shall be effective on the date the risk assessment re-evaluation was conducted under s. DHS 163.40 (2s), except if clearance was conducted, in which case the certificate shall be valid on the date clearance was successfully achieved, and shall expire three years after the effective

date. The face of the certificate shall indicate the effective date and the expiration date.

2. If certification is denied, the department shall give the applicant a written explanation for the denial and shall notify the applicant of the right to appeal that decision under s. DHS 163.33.

SECTION 303. DHS 163.42 (5) (b), (f) and (g) are amended to read:

DHS 163.42 (5) (b) The dwelling, dwelling unit, child-occupied facility, or other premises is not free of lead-based paint hazards, ~~as determined by sampling conducted using documented methodologies.~~

(f) The property owner or property owner's employee or agent violated another state, local, or federal statute, ordinance, rule, or regulation relating to lead-based paint at the ~~registered~~ certified lead-safe property.

(g) The lead-safe investigation does not support that the property meets the ~~registered~~ certified lead-safe property standards under sub. (1) because the lead-safe investigation protocol under ~~sub. (2)~~ s. DHS 163.40 (2m) was not followed in determining that the property met the ~~registered~~ certified lead-safe property standards ~~and a subsequent lead-safe investigation did not verify that the property met the lead-safe standards.~~

SECTION 304. DHS 163.42 (5) (h) is created to read:

DHS 163.42 (5) (h) The condition of the dwelling, dwelling unit, child-occupied facility, or other premises certified as lead-safe property changes significantly for any reason, including as a result of acts of nature or accidental or intentional damage, such that the property no longer meets the standards for lead-safe property certification.

SECTION 305. DHS 163.42 (5) (g) (Note) is repealed.

SECTION 306. INITIAL APPLICABILITY. This rule first applies to a certification, accreditation, or approval application that is submitted on the effective date of this rule.

SECTION 307. EFFECTIVE DATE: This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided in § 227.22 (2), Wis. Stats.

Comparison to Neighboring States: Fees for Certification, Accreditations and Approval, Annualized

Table 1. Comparison to Neighboring States: Fees for Certification, Accreditations and Approval

Discipline	IL	IA	MI	MN	EPA	WI Current	WI Proposed
Lead-Safe Renovator	N/A	\$60	N/A	N/A	N/A	\$37.50	\$45
Lead Worker	\$50	\$60	\$25	\$50	\$103.34	\$50	\$50
Lead Supervisor	\$100	\$60	\$50	\$50	\$136.67	\$125	\$137.50 ¹
Sampling/Clearance Technician	N/A	\$60	\$50	N/A	N/A	\$37.50	\$37.50
Lead Inspector	\$100	\$60	\$150	\$50	\$136.67	\$150	\$162.50
Lead Risk Assessor	\$100	\$60	\$300	\$100	\$136.67	\$175	\$187.50
Lead Project Designer	N/A	\$60	\$150	\$100	\$136.67	\$175	\$187.50
First-Time Lead/Renovation Company	\$500	\$0	\$320 ²	\$50	\$100/\$110	\$62.50	\$65
Renewal Lead/Renovation Company	\$500	\$0	\$220	\$50	\$100/\$110	\$62.50	\$65
First-Time Accreditation - Initial Course	\$500	\$66.67	\$575 ³	\$250	\$140-\$217.5	\$100-150 ²	\$150-350
First-Time Accreditation - Refresher Course	\$250	\$66.67	\$575 ³	\$250	\$100-172.5	\$56.25-81.25 ²	\$68.75- \$156.25 ⁴
Renewal Accreditation - Initial Course	\$500	\$66.67	\$265	\$125	\$85-155	\$100-200 ⁴	\$100-300 ⁴
Renewal Accreditation - Refresher Course	\$250	\$66.67	\$265	\$62.50	\$77.50-145	\$50-100 ⁴	\$37.50-125 ⁴
First-Time Lead Hazard Investigation/Reduction Instructor Approval	N/A	N/A	N/A	N/A	N/A	\$50	\$58.34 ³
First-Time Lead Project Design Instructor Approval	N/A	N/A	N/A	N/A	N/A	\$25	\$58.34 ³
Renewal Lead Hazard Investigation/Reduction Instructor Approval	N/A	N/A	N/A	N/A	N/A	\$25	\$33.50
Renewal Lead Project Design Instructor Approval	N/A	N/A	N/A	N/A	N/A	\$12.50	\$33.50

¹ In Wisconsin, this certification also includes lead-safe renovator privileges.

² Amount includes annual distribution of application fee.

³ Amount includes application fee.

⁴ Varies by discipline.