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Rebecca McDowell Cook

**Secretary of State**

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Title	CSR	Division	Chapter	Rule
1	<i>Code of State Regulations</i>	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

And should be cited in this manner: 1 CSR 10-1.010

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

They are properly cited by using the full citation, for example, 1 CSR 10-1.010. NOT Rule 10-1.010.

### RSMo

Cite material in the RSMo by date of legislative action. The asterisked note gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives *Code* and *Register* users a concise legislative history.

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**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo Supp. 1998. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

## Title 2—DEPARTMENT OF AGRICULTURE Division 10—Market Development Chapter 5—Price Reporting

### EMERGENCY RULE

#### 2 CSR 10-5.005 Price Reporting Requirements for Livestock Purchases by Packers

*PURPOSE:* This rule specifies the requirements of section 277.200 through section 277.215 RSMo, which may be confusing or subject to differing interpretations by interested members of the public.

*EMERGENCY STATEMENT:* The director of agriculture has determined that emergency procedures should be implemented to establish rules for mandatory price reporting. Senate Bill 310 requires that meat packers report all prices paid for livestock purchased in the state of Missouri. That law also mandates that packers shall not discriminate in prices paid or offered to be paid to sellers of that livestock, except in certain instances packers may offer differential prices. Section 277.215 RSMo provides the Department of Agriculture shall promulgate rules necessary to implement the act.

Until this law is further defined by the rules process, uncertainty will exist that may allow some packers to interpret this law to the disadvantage of the state's producers. There is, therefore, a compelling governmental interest to clarify the statute to maintain

an even flow of livestock to market. Clearly, the packers' interpretation of this new law could pose a threat to public welfare in Missouri. The detrimental economic impact on Missouri citizens could be enormous. The agriculture industry, the largest in the state, derives more than half of all income from livestock sales. Cash receipts from livestock in 1998 totaled \$936.7 million. Packers must have the information contained in these rules to comply with the law.

The emergency rulemaking process will allow the Department of Agriculture to fulfill duties required by law while causing little or no disruption to daily commerce for the most economically significant segment of Missouri's economy.

The agency has weighed the compelling governmental interest against the due process rights of the public to notice and comment. In light of a potential threat to the public welfare, there is a compelling governmental interest to enact this rule through emergency rulemaking.

The scope of this rule is limited to the circumstances which created this emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this rule the agency has encouraged discussion with interested parties and provided them the opportunity to offer their comments. The agency believes this emergency rule to be fair to all persons and parties under the circumstances. This emergency rule was filed on September 3, 1999, effective September 13, 1999, and expires March 2, 2000.

(1) The following definitions shall apply to the interpretations and enforcement of section 277.200 through section 277.215 RSMo:

(A) Discrimination—defined as offering a different price for the same quality of livestock unless such price differential is based on—

1. Transportation and acquiring costs;
2. An agreement for delivery of livestock at a specified date or time; or
3. Historical data reflecting anticipated carcass merit or value so long as said data is made available to the seller along with applicable premiums and discounts;

(B) Missouri resident—defined as any—

1. Individual residing or domiciled in Missouri;
2. Missouri corporation;
3. Foreign corporation registered in Missouri and doing business in Missouri;
4. Missouri LLC;
5. Foreign LLC registered in Missouri and doing business in Missouri; or
6. Partnership doing business in Missouri;

(C) Direct purchases—shall include but shall not be limited to—

1. Cash;
2. Grade and yield;
3. Grid;
4. Formula pricing; or
5. Forward contracts.

(2) The nature of public auction insures that discrimination does not occur. The open bidding process on livestock already delivered to a specific place and occurring at a given time and with the stock present for all to view allows the final and successful bidder to meet the requirements specified in RSMo 277.203. Therefore section 277.200 RSMo through section 277.215 RSMo, shall not apply to a packer or packer's agent who purchases or solicits livestock at a public auction market.

(3) Reporting as required under section 277.200 RSMo through section 277.215 RSMo shall be made to the Department of Agriculture. Forms may be obtained from the Department of Agriculture.

*AUTHORITY: section 277.215, RSMo Supp. 1999. Emergency rule filed Sept. 3, 1999, effective Sept. 13, 1999, and expires March 2, 2000.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 23—Motor Vehicle**

**EMERGENCY RULE**

**12 CSR 10-23.446 Notice of Lien**

*PURPOSE: This rule outlines the requirements for the perfection of a lien on a motor vehicle, trailer, all terrain vehicle, boat or outboard motor and provides for a transition period which permits the current certificate of title and lien perfection procedure to continue.*

*EMERGENCY STATEMENT: The emergency rule outlines the requirements for the perfection of a lien on a motor vehicle, trailer, all terrain vehicle, boat or outboard motor and provides for a transition period which permits the current certificate of title and lien perfection procedure to continue. This emergency rule is necessary to preserve a compelling governmental interest in the sale of motor vehicles, trailers, all terrain vehicles, boats or outboard motors and the ability to perfect liens on such entities pursuant to House Bill 795 and Senate Bill 19, passed during the 90th General Assembly. The scope of this rule is limited to the circumstances which created the emergency and complies with the protections extended in the Missouri and United States Constitutions. In developing this rule the agency conferred with interested parties and provided them the opportunity to offer their comments. The agency believes this emergency rule to be fair to all persons and parties under the circumstances. The emergency rule was filed on Aug. 18, 1999, effective Aug. 28, 1999, expires Feb. 23, 2000.*

(1) A lien on a motor vehicle, trailer, all terrain vehicle, boat or outboard motor is perfected when a notice of lien meeting the requirements in section (2) is delivered to the director of revenue, whether or not the ownership thereof is being transferred. Delivery to the director of revenue may be physical delivery of the notice of lien to the director by mail or to the director or agent of the director in a Department of Revenue office. A received date stamp placed on the notice of lien by the director or his agent will be *prima facie* proof of the date of delivery. No title fee or ownership document is required to be submitted to the director of revenue by the lienholder with a notice of lien, and if the ownership is not being transferred, the lienholder may also submit the application for title, the ownership document and fee on behalf of the owner to have a new title produced reflecting the lien.

(2) A notice of lien for a motor vehicle, trailer, all terrain vehicle, boat or outboard motor may be either a form provided by the director of revenue entitled "Notice of Lien" or the lienholder's copy of the application for title and registration, and in either case containing the following information:

- (A) Name and address of owner(s);
- (B) Vehicle description, by make, model and vehicle identification number;
- (C) Purchase date; and
- (D) Name and address of lienholder(s).

(3) As used in this rule, the term "boat" includes all motorboats, vessels or watercraft as the terms are defined in section 306.010, RSMo.

*AUTHORITY: sections 301.600 and 306.400, RSMo Supp. 1999. Emergency rule filed Aug. 18, 1999, effective Aug. 28, 1999, expires Feb. 23, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 40—Division of Family Services  
Chapter 19—Energy Assistance**

**EMERGENCY AMENDMENT**

**13 CSR 40-19.020 Low Income Home Energy Assistance Program.** The Division of Family Services proposes to amend section (3) to reflect changes made in income levels based on federal poverty guidelines.

*PURPOSE: The emergency amendment to this rule is being made to adjust the monthly income amounts on the LIHEAP Income Ranges Chart.*

*EMERGENCY STATEMENT: The division finds that there exists an immediate danger to the public welfare which requires emergency action. This emergency amendment follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the emergency rule to the circumstances creating the emergency and requiring emergency procedure. An emergency amendment is necessary because of the planned implementation of the program in October, 1999. Postponing the date for acceptance of energy assistance applications will result in individuals having their utility service terminated. Termination of utility service can produce a health hazard, particularly to elderly and disabled individuals, since they are more susceptible to hypothermia.*

*The rule is necessary to preserve a compelling governmental interest requiring an early effective date in that the rule informs the public regarding income guidelines for receipt of assistance. The eligibility criteria for energy assistance changes each year based on poverty guidelines announced by the federal government. It is essential for persons potentially eligible for low income home energy assistance to have timely information related to the income guidelines prior to the need for assistance. The procedure employed is fair to all interested parties concerned inasmuch as it equitably allocates energy assistance benefits based on household size and available resources. Emergency amendment filed September 2, 1999, effective October 1, 1999, expires March 28, 2000.*

(3) Primary eligibility requirements for this program are as follows:

(D) Each household must have a monthly income no greater than the specific amounts based on household size as set forth in the Low Income Home Energy Assistance Program (LIHEAP) Income Ranges Chart. If the household size and composition of an LIHEAP applicant household can be matched against an active food stamp case reflecting the same household size and composition, monthly income for LIHEAP will be established by using the monthly income documented in the household's food stamp file.

*LIHEAP Income Ranges Chart*

*Monthly Income Amounts*

<i>Household Size</i>	<i>Income Range</i>				
1	\$0-168	\$169-336	\$337-504	\$505-672	\$673-839
2	\$0-226	\$227-452	\$453-678	\$679-904	\$905-1130
3	\$0-262	\$263-524	\$525-786	\$787-1048	\$1049-1308
4	\$0-315	\$316-630	\$631-945	\$946-1260	\$1261-1576
5	\$0-369	\$370-738	\$739-1107	\$1108-1476	\$1477-1845
6	\$0-423	\$424-846	\$847-1269	\$1270-1692	\$1693-2113
7	\$0-476	\$477-952	\$953-1428	\$1429-1904	\$1905-2381
8	\$0-530	\$531-1060	\$1061-1590	\$1591-2120	\$2121-2650
9	\$0-584	\$585-1168	\$1169-1752	\$1753-2336	\$2337-2918
10	\$0-637	\$638-1274	\$1275-1911	\$1912-2548	\$2549-3186
11	\$0-691	\$692-1382	\$1383-2073	\$2074-2764	\$2765-3455
12	\$0-745	\$746-1490	\$1491-2235	\$2236-2980	\$2981-3723
13	\$0-798	\$799-1596	\$1597-2394	\$2395-3192	\$3193-3991
14	\$0-852	\$853-1704	\$1705-2556	\$2557-3408	\$3409-4260
15	\$0-906	\$907-1812	\$1813-2718	\$2719-3624	\$3625-4531
16	\$0-959	\$960-1918	\$1919-2877	\$2878-3836	\$3837-4796
17	\$0-1013	\$1014-2026	\$2027-3039	\$3040-4052	\$4053-5065
18	\$0-1067	\$1068-2134	\$2135-3201	\$3202-4268	\$4269-5333
19	\$0-1120	\$1121-2240	\$2241-3360	\$3361-4480	\$4481-5601
20	\$0-1174	\$1175-2348	\$2349-3522	\$3523-4697	\$4698-5870

**LIHEAP INCOME RANGES CHART**

**Monthly Income Amounts**

<b>Household Size</b>	<b>Income Range</b>				
1	\$0-172	\$173-344	\$345-516	\$517-688	\$689-858
2	\$0-230	\$231-460	\$461-690	\$691-920	\$921-1152
3	\$0-266	\$267-532	\$533-798	\$799-1064	\$1065-1330
4	\$0-320	\$321-640	\$641-960	\$961-1280	\$1281-1600
5	\$0-374	\$375-748	\$749-1122	\$1123-1496	\$1497-1871
6	\$0-428	\$429-856	\$857-1284	\$1285-1712	\$1713-2141
7	\$0-482	\$483-964	\$965-1446	\$1447-1928	\$1929-2411
8	\$0-536	\$537-1072	\$1073-1608	\$1609-2144	\$2145-2681
9	\$0-590	\$591-1180	\$1181-1770	\$1771-2360	\$2361-2952
10	\$0-644	\$645-1288	\$1289-1932	\$1933-2576	\$2577-3222
11	\$0-698	\$699-1396	\$1397-2094	\$2095-2792	\$2793-3492
12	\$0-752	\$753-1504	\$1505-2256	\$2257-3008	\$3009-3762
13	\$0-807	\$808-1614	\$1615-2421	\$2422-3228	\$3229-4033
14	\$0-861	\$862-1722	\$1723-2583	\$2584-3444	\$3445-4303
15	\$0-915	\$916-1830	\$1831-2745	\$2746-3660	\$3661-4573
16	\$0-969	\$970-1938	\$1939-2907	\$2908-3876	\$3877-4843
17	\$0-1023	\$1024-2046	\$2047-3069	\$3070-4092	\$4093-5114
18	\$0-1077	\$1078-2154	\$2155-3231	\$3232-4308	\$4309-5384
19	\$0-1131	\$1132-2262	\$2263-3393	\$3394-4524	\$4525-5654
20	\$0-1185	\$1186-2370	\$2371-3555	\$3556-4740	\$4741-5924

*AUTHORITY: section 207.020, RSMo 1994. Emergency rule filed Nov. 26, 1980, effective Dec. 6, 1980, expired March 11, 1981. Original rule filed Nov. 26, 1980, effective March 12, 1981. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Sept. 2, 1999, effective Oct. 1, 1999, expires March 28, 2000. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

**Title 15—ELECTED OFFICIALS**  
**Division 50—Treasurer**  
**Chapter 4—Missouri Higher Education Savings Program**

**EMERGENCY RULE**

**15 CSR 50-4.020 Missouri Higher Education Savings Board**

*PURPOSE: This rule establishes procedures for the operation of the Missouri Higher Education Savings Program (the "savings program"), specifies responsibilities of the Missouri Higher Education Savings Program Board (the "board") in administering and monitoring the savings program, describes the rights and responsibilities of the board and its staff, participants, beneficiaries and any third party designated by the board to carry out services under the savings program, and is intended to ensure that the savings program conforms with the federal and state statutes and regulations governing qualified state tuition programs.*

*EMERGENCY STATEMENT: The board files this emergency rule because it is necessary to protect the welfare of the citizens of*

Missouri and is necessary to preserve a compelling government interest that requires an early effective date for the savings program. The board finds this emergency rule necessary to implement the provisions of sections 166.400 to 166.455, RSMo (the "statute"), which establish the savings program and authorize the board to implement the savings program and promulgate the rules and regulations necessary for the savings program to qualify as a "qualified state tuition program" pursuant to section 529 of the *Internal Revenue Code* of 1986, for tax years commencing January 1, 1999 and thereafter. This rule is proposed as an emergency rule to satisfy the mandate of section 166.435.3, RSMo that the advantages provided by the savings program, including state income tax deductions for contributions to the savings program by participants, be available for tax years commencing January 1, 1999 and thereafter. Without this emergency rule, the savings program will not be in compliance with the *Internal Revenue Code* of 1986. To be in compliance or to fall within the safe harbors provided by section 529 and the proposed regulations related thereto, the savings program needs to clarify or supplement the statute, including without limitation with respect to the following:

(a) restrictions on the rights of the participants and beneficiaries to direct investment of savings program funds or to pledge assets in the accounts established under the savings program;

(b) requirements for the savings program to provide a separate accounting for the designated beneficiary for each such account;

(c) restrictions on withdrawals from accounts established under the savings program; and

(d) definition of "beneficiary" to include transferees or recipients of scholarships.

As a result, without this emergency rule, the benefits of the savings program to Missouri citizens would not be available for the tax year beginning January 1, 1999 as required by the Statute. The board finds that compelling governmental interests require adoption of this emergency rule.

This emergency rule is limited to the policies and procedures necessary for the immediate implementation of the saving program. This emergency rule is fair to all interested parties under the circumstances. The scope of this emergency rule is limited to the circumstances creating the emergency, and this emergency rule complies with the protections extended by the *Missouri and United States Constitutions*. The Missouri Higher Education Savings Program Board will file a proposed rule which may be effective prior to the expiration of this emergency rule. This emergency rule was filed August 30, 1999, will be effective September 14, 1999, and will expire March 12, 2000.

**PUBLISHER'S NOTE:** The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) Incorporation by Reference. The provisions of section 529 of the *Internal Revenue Code* and the Treasury regulations (or proposed regulations) promulgated thereunder are incorporated herein by reference with the same effect as if fully set forth herein.

(2) Definitions.

(A) Existing Missouri Definitions. The following terms, as used in this rule, are defined in section 166.410, RSMo: benefits, board, eligible educational institution, *Internal Revenue Code*, participation agreement, qualified higher education expenses, savings program.

(B) Existing Federal Definitions. The following terms, as used in this rule, are defined in section 529 of the *Internal Revenue Code* or the Treasury regulations (or proposed regulations) pro-

mulgated thereunder: contribution, distributee, distribution, earnings, investment in the account, member of the family, qualified state tuition program.

(C) Additional Definitions. The following definitions shall also apply to the following terms as they are used in this rule:

1. "501(c)(3) Organization" means an organization described in section 501(c)(3) of the *Internal Revenue Code* and exempt from taxation under section 501(a) of the *Internal Revenue Code*;

2. "Account" means the account in the savings program established by a participant and maintained for a beneficiary;

3. "Account balance" means the fair market value of an account on a particular date;

4. "Account owner" means (a) a participant or (b) the transferee of an account pursuant to subsection (5)(H) below;

5. "Beneficiary" means a "designated beneficiary" as defined in section 529 of the *Internal Revenue Code* and the Treasury regulations (or proposed regulations) promulgated thereunder;

6. "Cash" shall include but not be limited to checks drawn on a banking institution located in the continental United States in U.S. dollars (other than cashiers checks, travelers checks or third-party checks exceeding ten thousand dollars, (\$10,000)), money orders, payroll deduction, and electronic funds transfers. Cash does not include property;

7. "Disability" means, with respect to a beneficiary, any disability of such beneficiary that has been certified pursuant to subparagraph (6)(B)2. below;

8. "Member of the family" means an individual who is related to the beneficiary as listed in subparagraphs A. through I. of this definition, together with such changes to such list as may be included, from time to time, in the definition of "member of the family" pursuant to section 529 of the *Internal Revenue Code* or the Treasury regulations (or proposed regulations) thereunder;

A. A son or daughter, or a descendant of either;

B. A stepson or stepdaughter;

C. A brother, sister, stepbrother or stepsister;

D. The father or mother, or an ancestor of either;

E. A stepfather or stepmother;

F. A son or daughter of a brother or sister;

G. A brother or sister of the father or mother;

H. A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law; or

I. The spouse of the designated beneficiary or the spouse of any individual described in subparagraphs A. through H. of this definition.

For purposes of determining who is a member of the family hereunder, a legally adopted child of an individual shall be treated as the child of such individual by blood, and the terms brother and sister include a brother or sister by the halfblood;

9. "Non-qualified withdrawal" means a distribution from an account other than a qualified withdrawal, a withdrawal due to death, disability or scholarship of beneficiary, a rollover distribution, or a distribution from an account that is made after amounts are held in such account for the minimum length of time, if at all, permitted by section 529 of the *Internal Revenue Code* without the imposition of a penalty;

10. "Participant" means a person who has entered into a participation agreement pursuant to the statute and this rule for the payment of qualified higher education expenses on behalf of a beneficiary;

11. "Person" means any individual, estate, association, trust, partnership, limited liability company, corporation, the state of Missouri or any department thereof, or any political subdivision of the state of Missouri;

12. "Qualified withdrawal" means a distribution from an account established under the savings program used exclusively to pay qualified higher education expenses of the beneficiary;

13. "Rollover distribution" means a distribution or transfer from an account for a beneficiary that is transferred or deposited

within sixty (60) days of the distribution into an account for another beneficiary who is a member of the family of the current beneficiary, in each case to the extent permitted as a rollover distribution, as defined in section 529(c)(3)(C)(i) of the *Internal Revenue Code* and the Treasury regulations (or proposed regulations) promulgated thereunder. A distribution is not a rollover distribution unless there is a change of beneficiary. The account for such other beneficiary may be an account established under the savings program or an account established under a qualified state tuition program in another state;

14. "Scholarship" means any scholarship and any allowance or payment described in section 135(d)(1)(B) or (C) of the *Internal Revenue Code*;

15. "Scholarship account" means an account in the savings program established by a participant that is a scholarship sponsor and maintained for the benefit of one or more current and/or future beneficiaries;

16. "Scholarship sponsor" means the state of Missouri, an instrumentality of the state of Missouri, a political subdivision of the state of Missouri, or an organization described in section 501(c)(3) of the *Internal Revenue Code*, in each case who establishes one or more accounts as part of a scholarship program;

17. "Statute" means sections 166.400 to 166.455, RSMo, as amended from time to time; and

18. "Withdrawal due to death, disability or scholarship of beneficiary" means a distribution from an account established under the savings program (i) made because of death or disability of the beneficiary, or (ii) made because of the receipt of a scholarship by the beneficiary to the extent that such distribution does not exceed the amount of such scholarship.

(3) Purposes. The purposes of the savings program are (a) to encourage savings to enable students to continue their education by attending eligible educational institutions, and (b) to enable participants and beneficiaries to avail themselves of tax benefits provided for qualified state tuition programs under the *Internal Revenue Code*.

(4) Program administration and management. The savings program shall be administered and managed in compliance with the provisions of the *Internal Revenue Code* (including section 529, other applicable sections and implementing regulations and guidelines), the statute and this rule. Procedures and forms for use in the administration and management of the savings program shall be subject to the approval of the board. If the board designates a third party to assist or act for the board with respect to the administration and management of the savings program, the references herein to the board shall govern such a designee of the board.

(5) Savings Program Participation and Participation Agreements.

(A) Beneficiary Eligibility. A beneficiary may be any individual designated as such in a participation agreement.

(B) Participant Eligibility. A participant may be any person (i) who submits to the board a completed participation agreement, and an address for each of the participant and the beneficiary in the United States, and (ii) who otherwise meets the qualifications set forth in federal law, Missouri law and regulations governing the savings program. A participant that establishes a scholarship account shall provide the valid social security numbers or taxpayer identification numbers and addresses in the United States of each beneficiary of the applicable scholarship account prior to or in connection with a request for a distribution.

(C) Participation Agreements. To participate in the savings program, a prospective participant must submit a completed participation agreement with either an initial contribution or a selection of electronic funds transfer or payroll deduction as the method of initial contribution. The participation agreement will provide that the participant (and any successor account owner) will retain own-

ership of payments made under the program through the opening of an account in the name of the participant and for the benefit of the beneficiary designated by such participant (or the successor account owner). Only one account owner and one beneficiary is permitted per account, except that scholarship accounts may be established for the benefit of one or more present or future beneficiaries. One or more participants may establish accounts for a single beneficiary. Each participant agreement shall impose a penalty on the early distribution of funds in accordance with section 166.430 of the statute. Each participation agreement shall provide that the participation agreement may be canceled upon the terms and conditions set forth therein, subject to subsection (5)(I) below.

(D) Contributions. All contributions to accounts shall be in cash. The maximum amount which may be contributed annually by a participant with respect to a beneficiary shall be established by the board, from time to time, but in no event shall be more than the total contribution limit described in the succeeding sentence. The total contributions that may be held in an account shall be the amount established by the board from time to time, but in no event shall be more than the maximum amount permitted for the savings program to qualify as a "qualified state tuition program" pursuant to section 529 of the *Internal Revenue Code*.

(E) Excess Contributions and Balances. Contributions for any beneficiary shall be rejected (or, if accepted in error or resulting from a change of beneficiary, returned to the account owner with any earnings thereon and less any penalties applicable thereto) if the amount of the contributions in the account together with the contributions in other accounts established under the program for the benefit of the same beneficiary would cause the aggregate amount held for such beneficiary to exceed the maximum amount established by the board from time to time, but in no event more than the amount permitted under section 529 of the *Internal Revenue Code*. Any payment of such excess balances to the account owner shall be a non-qualified withdrawal subject to the penalties set forth in subsection (6)(d) below or such lesser amount as may be permitted by section 529 of the *Internal Revenue Code*.

(F) Changes to Beneficiary. An account owner may change the beneficiary designated for an account to any member of the family of the current beneficiary at any time, without penalty, by submitting a completed change of beneficiary form to the board in such form as the board may specify from time to time. Any change of beneficiary by an account owner other than as permitted in the foregoing sentence shall be a non-qualified withdrawal subject to the penalties set forth in subsection (6)(D) below.

(G) Rollover Distributions. An account owner may transfer, in a rollover distribution, all or part of the account balance to an account for another beneficiary who is a member of the family of the current beneficiary by submitting a completed request for transfer of account funds in such form as the board may specify from time to time.

(H) Changes of Account Ownership. An account owner may transfer ownership of an account to another person eligible to be a participant under the provisions of the statute and this rule, and upon receipt of a request for change of account owner that satisfies the criteria set forth in this subsection, the transferee shall be considered the account owner for all purposes related to the savings program, regardless of the source of subsequent contributions.

1. General rule. Any such change of account ownership shall be effective provided that the transfer (a) is irrevocable, (b) transfers all ownership, reversionary rights, and powers of appointments (i.e., power to change beneficiaries and to direct distributions from the account), and (c) is submitted to the board on a change of account owner form in such form as the board may specify from time to time and completed by the account owner (or, in the event of the death of the account owner, by the personal representative of his or her estate).

2. Designation of contingent account owners. Any account owner that is an individual person may designate a contingent account owner for its account, to become the owner of the account automatically upon the death of such account owner. Upon the death of an account owner who has made such a designation of contingent account owner, the assets of the account shall not be deemed assets of such person's estate for any reason. Prior to the initial action taken by the contingent account owner following the death of the deceased account owner, the contingent account owner shall provide a certified copy of a death certificate sufficiently identifying said deceased account owner by name and social security number or taxpayer identification number, or such other proof of death as is recognized under applicable law.

(I) Cancellation. A participant may cancel a participation agreement at any time by submitting to the board's designee a notice to terminate the participation agreement in such form as the board may specify from time to time. Except as provided in section 166.430 of the statute, any non-qualified withdrawal distributed as a result of such cancellation shall be subject to the penalty as provided in subsection (6)(D) below.

(J) Copy of Agreement to Account Owner. Upon request by an account owner, the board shall provide the account owner with a copy of the participation agreement executed by the account owner, or inform the account owner that the board does not have a copy thereof, mailed within ten (10) business days of receipt of the account owner's request.

(K) Separate Accounting. The board shall provide separate accounting (as provided in section 529 of the *Internal Revenue Code*) for each beneficiary for each account.

#### (6) Payment of Benefits; Withdrawals

(A) Qualified Withdrawals. An account owner may request a qualified withdrawal from its account by submitting a completed request for qualified withdrawal to the board in such form as the board may specify from time to time, provided that any such request for a qualified withdrawal may be made only after such account has been opened for a period of at least twelve (12) months.

(B) Withdrawals Due to Death, Disability or Scholarship of Beneficiary. An account owner may request a withdrawal due to death, disability or scholarship of beneficiary from its account by submitting a completed request for withdrawal due to death, disability or scholarship of beneficiary to the board in such form as the board may specify from time to time. Prior to a withdrawal due to death, disability or scholarship of beneficiary from an account due to the death or disability of the beneficiary of that account, or because the beneficiary has received a scholarship to be applied toward attendance at an eligible educational institution, the account owner shall certify the reason for the distribution and provide written confirmation from a third-party that the beneficiary has in fact died, become disabled with a disability, or received a scholarship for attendance at an eligible educational institution. A request to make a distribution due to the death or disability of, or a scholarship award to, the beneficiary shall not be considered complete until such third-party written confirmation is received by the board. For purposes of this subsection, third-party written confirmation shall consist of the following documentation:

1. For death of the beneficiary, a certified copy of a death certificate sufficiently identifying said beneficiary by name and social security number or taxpayer identification number, or such other proof of death as is recognized under applicable law.

2. For disability of the beneficiary, a certification by a physician who is a doctor of medicine or osteopathy that indicates that he or she is legally authorized to practice in a state of the United States and that the beneficiary is unable to attend any eligible educational institution because of an injury or illness that is expected to continue indefinitely or result in death. Such certification shall be on a form provided or approved by the board.

3. For a scholarship award to the beneficiary, a letter from the grantor of the scholarship or from the eligible educational institution receiving or administering the scholarship, that identifies the beneficiary by name and social security number or taxpayer identification number as recipient of the scholarship and states the amount of the scholarship, the period of time or number of credits or units to which it applies, the date of the scholarship, and, if applicable, the eligible educational institution to which the scholarship is to be applied.

(C) Other Withdrawals. An account owner may request a distribution from an account that is made after amounts are held in such account for the minimum length of time permitted if at all by section 529 of the *Internal Revenue Code* without the imposition of a penalty. Such account owner may request such distribution by submitting a completed request for a distribution to the board in such form as the board may specify from time to time.

(D) Non-Qualified Withdrawals; Penalties. An account owner may request a non-qualified withdrawal by submitting a completed non-qualified withdrawal request form to the board in such form as the board may specify from time to time. Any such non-qualified withdrawal shall be subject to the penalty described in this subsection (6)(D). A penalty shall be withheld, and paid to the board from an account with respect to each non-qualified withdrawal, in an amount equal to ten percent (10%) of the earnings portion of such withdrawal. Such penalty amount is a more than *de minimis* penalty for the purposes of section 529 of the *Internal Revenue Code*. If required, such penalty amount shall be increased to the minimum amount identified by the Internal Revenue Service as a "safe harbor" in order for it to be more than *de minimis* for the purposes of section 529 of the *Internal Revenue Code*. Penalties shall be imposed, collected and applied in a manner consistent with section 529 of the *Internal Revenue Code*.

(E) Distribution Limitations. No distributions may be made within thirty (30) days of receipt by the board of a completed change of account owner form or request to change the mailing address of the account owner, unless the current account owner's signature is signature guaranteed on the request.

(F) Security. An account owner or beneficiary may not use any account or other interest in the savings program or any portion thereof as security for a loan.

#### (7) Investments

(A) General (Investment Standards and Objectives). The board shall invest the funds received from participants, together with any income thereon, in such investments as the board shall reasonably determine will achieve a long-term total return through a combination of capital appreciation and current income. In exercising or delegating its investment powers and authority, the board shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. In accordance with the standards established herein and in the statute, the board may invest, through the board or any investment manager, funds received pursuant to the savings program. Any such investment shall be made solely in the interest of the account owners and beneficiaries and for the exclusive purposes of providing benefits to beneficiaries and defraying reasonable expenses of administering the program. An account owner or beneficiary may not directly or indirectly direct the investment of any contributions or earnings of the savings program.

(B) Delegation of investment discretion. The board may delegate to its duly appointed investment counselor authority to act in place of board in the investment or reinvestment of all or part of the funds, and may also delegate to such counselor the authority to act in place of the board in the holding, purchasing, selling, assigning, transferring or disposing of any or all of the securities and investments in which such funds shall have been invested, as well as the proceeds of such investments and such moneys. Such investment counselor shall be registered as an investment advisor with the United States Securities and Exchange Commission.

(8) Costs of Administration. All costs of administration of the savings program shall be borne by the account owners, from amounts paid as penalties on account of non-qualified withdrawals or early qualified withdrawals and from amounts on deposit in the accounts, as described in more detail in the participation agreements.

(9) Severability. If any provision of this rule, or the application of it to any person or circumstance, is determined to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions of this regulation which can be given effect without the invalid provision or application, and to that end, the provisions of this regulation are severable.

*AUTHORITY: section 166.415, RSMo Supp. 1998. Emergency rule filed Aug. 30, 1999; effective Sept. 14, 1999, expires March 12, 2000. A proposed rule covering substantially the same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH  
Division 20—Division of Environmental Health and  
Epidemiology  
Chapter 8—Lead Program**

**EMERGENCY RESCISSION**

**19 CSR 20-8.010 Accreditation of Lead Training Program.** This rule established the requirements for the accreditation of training programs for lead inspectors, lead abatement workers, and lead abatement contractors/supervisors.

*PURPOSE: This rule is being rescinded because new rules 19 CSR 30-70.110–19 CSR 30-70.640 have been developed to expand and clarify the minimum standards for the lead abatement licensure and accreditation program and to address technological trends and advances.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

*AUTHORITY: sections 701.314, RSMo 1994. Emergency rule filed Nov. 2, 1994, effective Nov. 12, 1994, expired March 11, 1995.*

*Emergency rule filed March 1, 1995, effective March 12, 1995, expired July 9, 1995. Original rule filed Nov. 2, 1994, effective June 30, 1995. Emergency rescission filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH**

**Division 20—Division of Environmental Health and  
Epidemiology**

**Chapter 8—Lead Program**

**EMERGENCY RESCISSION**

**19 CSR 20-8.020 Licensing of Lead Inspectors, Lead Abatement Workers and Lead Abatement Supervisors/Contractors.** This rule established the requirements for licensing lead inspectors, lead abatement workers, and lead abatement contractors/supervisors.

*PURPOSE: This rule is being rescinded because new rules 19 CSR 30-70.110–19 CSR 30-70.640 have been developed to expand and clarify the minimum standards for the lead abatement licensure and accreditation program and to address technological trends and advances.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires Feb. 25, 2000.*

*AUTHORITY: sections 701.314, RSMo 1994. Emergency rule filed Nov. 2, 1994, effective Nov. 12, 1994, expired March 11, 1995. Emergency rule filed March 1, 1995, effective March 11, 1995, expired July 9, 1995. Original rule filed Nov. 2, 1994, effective June 30, 1995. Emergency rescission filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH  
Division 30—Division of Health Standards and  
Licensure  
Chapter 70—Lead Abatement and Assessment  
Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.110 Definitions and Abbreviations for Lead Abatement and Assessment Licensing**

*PURPOSE:* This rule provides definitions and abbreviations to be used in the interpretation and enforcement of 19 CSR 30-70.110 through 19 CSR 30-70.200.

*EMERGENCY STATEMENT:* This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.

- (1) EPA, is the United States Environmental Protection Agency.
- (2) Large-scale abatement project, is a lead abatement project consisting of ten (10) or more dwellings.
- (3) Occupation, is one of the specific types or categories of lead-bearing substance activities identified in these regulations for which individuals may receive training from accredited training providers. This includes, but not limited to, lead inspector, risk assessor, lead abatement worker, lead abatement supervisor and/or project designer.
- (4) OLLA, is the Missouri Department of Health Office of Lead Licensing and Accreditation.
- (5) Passing score, is a grade of 70% or better on the state examination for a lead occupation license.
- (6) Reciprocity, is an agreement between OLLA and other states who have similar licensing provisions.
- (7) Refresher course, is the course of instruction established by these regulations which must be periodically completed to obtain or maintain an individual's licensure in a single occupation.

- (8) Renewal, is the re-issuance of a lead occupation license.
- (9) Training Course, is the course of instruction established by these regulations to prepare an individual for licensure in a single occupation.
- (10) Training Provider, is a person or entity providing training courses for the purpose of state licensure or licensure renewal in the occupations of lead inspector, risk assessor, lead abatement worker, lead abatement supervisor, and/or project designer.

*AUTHORITY:* sections 701.301 and 701.312, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

**Title 19—DEPARTMENT OF HEALTH  
Division 30—Division of Health Standards and  
Licensure  
Chapter 70—Lead Abatement and Assessment  
Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.120 General**

*PURPOSE:* This rule outlines specific responsibilities that apply to all applicants of a lead occupation license and all licensed individuals.

*EMERGENCY STATEMENT:* This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.

- (1) Waiver. Applicants for licensure and/or licensees may authorize others, such as their employer, to act on their behalf regarding their license application. Such authorization shall be indicated on the application form provided by OLLA. If at any time the applicant and/or licensee decides to change this authorization, the applicant and/or the licensee shall notify OLLA in writing of such change.

(2) Change of Address. Licensed individuals shall notify OLLA in writing of a change of mailing address no later than thirty (30) days following the change. Licensed contractors shall notify OLLA in writing of a change of business address no later than thirty (30) days following the change. Until a change of address is received, all correspondence will be mailed to the individual's mailing address and the contractor's business address indicated on the most recent application form.

(3) Reciprocity. OLLA may issue a lead occupation license to any person or entity who has made application and provided proof of certification or licensure from another state, provided that OLLA has entered into a reciprocity agreement with that state, and the necessary fees have been paid.

(4) Suspension, Revocation or Restriction of a Lead Occupation License.

(A) OLLA may restrict, suspend or revoke a license issued under sections 701.300 through 701.338, RSMo, for any one or any combination of the following causes:

1. Providing any false information in the application;
2. Violations of 29 CFR part 1926.62 or 29 CFR part 1926.59;
3. History of citations or violations of existing lead abatement regulations or standards;
4. Fraud or failure to disclose facts relevant to his or her application and/or license;
5. Performing work requiring licensure at the job site without having proof of licensure;
6. Conviction of a felony under any state or federal law or having entered a plea of guilty or *nolo contendere* in a criminal prosecution under the laws of any state or of the United States;
7. Permitting the duplication or use of the individual's own training certificate, license, or license identification by another;
8. Performing work requiring licensure at a job site without being licensed;
9. Failure to comply with any state or federal law or regulation, including, but not limited to, any part of sections 701.300 through 701.338, RSMo, or any rules promulgated pursuant to these sections;
10. Other information which may affect the licensee's ability to appropriately perform lead-bearing substance activities; or
11. Final disciplinary action against a licensee by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or restricting the license while subject to investigation or while actually under investigation by another state, territory, or federal agency or country.

(B) Prior to restricting, suspending, or revoking a license, the licensee will be given written notice of the reasons for the suspension, revocation and/or restriction. The licensee may appeal the determination of OLLA by requesting a hearing before the Administrative Hearing Commission as provided by section 621.045 RSMo.

(5) Replacement fee. A fifteen dollar (\$15) fee will be assessed for duplicate and/or replacement license certificates or identification badges.

*AUTHORITY: sections 701.301, 701.312 and 701.316, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH  
Division 30—Division of Health Standards and  
Licensure  
Chapter 70—Lead Abatement and Assessment  
Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.130 Application Process and Requirements for the Licensure of Lead Inspectors**

*PURPOSE: This rule provides the requirements to be licensed as a lead inspector.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

(1) Application for a Lead Inspector License.

(A) An applicant for a Lead Inspector license must submit a completed application to OLLA prior to consideration for license issuance. All applications for licensure must be received by OLLA at least thirty (30) days prior to the date of the state lead examination; provided, however, OLLA may waive the time for the filing of applications as particular circumstances justify. Completed applications shall be mailed to the Missouri Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102-0570.

(B) The application shall include the following:

1. Completed lead occupation license application form provided by OLLA which shall include:
  - A. The applicant's full legal name, home address, and telephone number;
  - B. The name, address, and telephone number of the applicant's current employer;
  - C. The applicant's social security number;
  - D. The county or counties in which the applicant is employed;
  - E. The location where the applicant would like to receive correspondence regarding his or her application or license;
  - F. The occupation the applicant wishes to be licensed for;

G. Licensure for lead occupations in other states, including name of other states, type of license, license expiration date, and license number, and copies of other states' license/certificate;

H. Certification by the EPA, including EPA region number, type of certification, certification expiration date, certification number, and a copy of the EPA certificate;

I. Type of training completed, including name of training provider, certificate identification number and dates of course completion;

J. Employment history and/or education which meets the experience and/or education requirements in section (3)(B)1 of this regulation; and

K. Signature of the applicant which certifies that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations.

2. A copy of the OLLA- or EPA-accredited Lead Inspector training program completion certificate, and any required refresher completion certificates;

3. Two (2) recent passport-size color photographs of the applicant's face without a hat or sunglasses (computer generated or photocopied photographs are not acceptable);

4. Documentation pursuant to section (3)(B)2 of this regulation as evidence of meeting the education and/or experience requirements for Lead Inspectors; and

5. A check or money order made payable to the Missouri Department of Health for the nonrefundable fee of one hundred dollars (\$100).

(C) An applicant for a Lead Inspector license shall apply to OLLA within one (1) year of the applicant's successful completion of an OLLA- or EPA-accredited Lead Inspector training course, as indicated on the certificate of completion. Applicants failing to apply within one (1) year from the date on the training course completion certificate shall, before making application for license, successfully complete the eight (8) hour Lead Inspector refresher training course accredited by OLLA or the EPA.

(D) Applicants failing to apply within three (3) years of the Lead Inspector training and who have not successfully completed annual refresher training, shall successfully complete the OLLA- or EPA-accredited Lead Inspector training course again before submitting application for a Lead Inspector license.

(2) Application for a Lead Inspector License under Reciprocity.

(A) An applicant for a Lead Inspector license by reciprocity must submit a completed application to OLLA prior to consideration for license issuance. Completed applications shall be mailed to the Missouri Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102-0570.

(B) The application shall include the following:

1. Completed lead occupation license application form provided by OLLA which shall include:

A. The applicant's full legal name, home address, and telephone number;

B. The name, address, and telephone number of the applicant's current employer;

C. The applicant's social security number;

D. The location where the applicant would like to receive correspondence regarding his or her application or license;

E. The occupation the applicant wishes to be licensed for;

F. Licensure for lead occupations in other states, including name of other states, type of license, license expiration date, and license number, and copies of other states' license/certificate;

G. Certification by the EPA, including EPA region number, type of certification, certification expiration date, certification number, and a copy of the EPA certificate; and

H. Signature of the applicant which certifies that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations.

2. Two (2) recent passport-size color photographs of the applicant's face without a hat or sunglasses (computer generated or photocopied photographs are not acceptable); and

3. A check or money order made payable to the Missouri Department of Health for the nonrefundable fee of one hundred dollars (\$100).

(3) Training, Education and Experience Requirements for Lead Inspector License.

(A) An applicant for a license as a lead inspector shall complete an OLLA- or EPA-accredited Lead Inspector training program (see 19 CSR 30-70.330) and pass the course examination with a score of seventy percent (70%) or more.

(B) An applicant for a license as a lead inspector shall meet minimum education and/or experience requirements for a licensed lead inspector.

1. The minimum education and/or experience requirements for licensed Lead Inspector includes at least one (1) of the following:

A. A Bachelor's degree;

B. An Associate's degree and one (1) year experience in a related field such as lead, asbestos, housing repair or inspection, and/or environmental hazard remediation work; or

C. A high school diploma or certificate of high school equivalency (GED) and two (2) years of experience in a related field such as lead, asbestos, housing repair or inspection, and/or environmental hazard remediation work.

2. The following documents will be recognized by OLLA as evidence of meeting the requirements listed in section (3)(B) of this regulation:

A. Official academic transcripts or diploma as evidence of meeting the education requirements.

B. Resumes, letters of reference, or documentation of work experience, which, at a minimum, includes dates (month and year) of employment, employer's name, address and telephone number, and specific job duties, as evidence of meeting the work experience requirements.

C. Course completion certificates issued by the OLLA- or EPA-accredited training program as evidence of meeting the training requirements.

(4) Procedure for Issuance or Denial of Lead Inspector License.

(A) OLLA will inform the applicant in writing that the application is either approved, incomplete, or denied.

1. If an application is incomplete, the notice will include a list of additional information or documentation required to complete the application.

A. Within thirty (30) calendar days after the issuance date of the notice, the applicant shall submit to OLLA in writing, the information requested in the written notice.

B. Failure to submit the information requested in the written notice within thirty (30) calendar days shall result in OLLA's denial of the applicant's application for a lead inspector license.

C. After receipt of the information requested in the written notice, OLLA will inform the applicant in writing that the application is either approved or denied.

2. When an application for a Lead Inspector license is denied, the written notice of denial to the applicant will specify the reasons for the denial. OLLA may deny a Lead Inspector license for any one or any combination of the following reasons:

A. Failure to satisfy the education and/or experience requirements;

B. Type and amount of training;

C. False or misleading statements in the application;

D. Failure to achieve a passing score on the state examination after three (3) attempts;

E. Failure to submit a complete application;

F. History of citations or violations of existing lead abatement regulations or standards;

G. Violations of 29 CFR part 1926.62 or 29 CFR part 1926.59;

H. Fraud or failure to disclose facts relevant to his or her application;

I. Conviction of a felony under any state or federal law or having entered a plea of guilty or *nolo contendere* in a criminal prosecution under the laws of any state or of the United States;

J. Permitting the duplication or use by another of the individual's training certificate;

K. Other information which may affect the applicant's ability to appropriately perform lead inspections;

L. Failure to comply with any state or federal law or regulation, including, but not limited to, any part of sections 701.300 through 701.338, RSMo, or any rules promulgated pursuant to those sections; or

M. Final disciplinary action against a licensee by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or restricting the license while subject to investigation or while actually under investigation by another state, territory, or federal agency or country.

3. If an application is denied, the applicant may reapply to OLLA for a lead inspector license by submitting a complete lead occupation license application form with another nonrefundable fee of one hundred dollars (\$100).

4. If an applicant is aggrieved by a determination to deny licensure, the applicant may appeal OLLA's denial to the Administrative Hearing Commission as provided by section 621.045, RSMo.

(B) Within one hundred and eighty (180) calendar days of application approval, the applicant shall attain a passing score on the state Lead Inspector examination.

1. An applicant cannot sit for the state lead inspector examination more than three (3) times within one hundred and eighty (180) calendar days after the issuance date of the notice of an approved application.

2. The applicant's failure to attain a passing score on the state lead inspector examination within the one hundred eighty (180) day period following the notice of an approved application for a license shall result in OLLA's denial of the applicant's application for a license. The individual may reapply to OLLA pursuant to this regulation but only after retaking an OLLA- or EPA-accredited lead inspector training course.

(C) After the applicant passes the state lead inspector examination, OLLA will issue a two (2)-year lead inspector license certificate and photo identification badge.

(D) Restricted licenses may be issued pursuant to an agreement between the applicant or licensee and OLLA.

*AUTHORITY: sections 701.301, 701.312 and 701.316, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH  
Division 30—Division of Health Standards and  
Licensure  
Chapter 70—Lead Abatement and Assessment  
Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.140 Application Process and Requirements for the Licensure of Risk Assessors**

*PURPOSE: This rule provides the requirements to be licensed as a risk assessor.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

(1) Application for a Risk Assessor License.

(A) An applicant for a Risk Assessor license must submit a completed application to OLLA prior to consideration for license issuance. All applications for licensure must be received by OLLA at least thirty (30) days prior to the date of the state lead examination; provided, however, OLLA may waive the time for the filing of applications as particular circumstances justify. Completed applications shall be mailed to the Missouri Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102-0570.

(B) The application shall include the following:

1. Completed lead occupation license application form provided by OLLA which shall include:

A. The applicant's full legal name, home address, and telephone number;

B. The name, address, and telephone number of the applicant's current employer;

C. The applicant's social security number;

D. The county or counties in which the applicant is employed;

E. The location where the applicant would like to receive correspondence regarding his or her application or license;

F. The occupation the applicant wishes to be licensed for;

G. Type of training completed, including name of training provider, certificate identification number and dates of course completion;

H. Licensure for lead occupations in other states, including name of other states, type of license, license expiration date, and license number, and copies of other states' license/certificate;

I. Certification by the EPA, including EPA region number, type of certification, certification expiration date, certification number, and a copy of the EPA certificate;

J. Employment history and/or education which meets the experience and/or education requirements in section (3)(B)1 of this regulation; and

K. Signature of the applicant which certifies that all information in the application is complete and true to the best of the

applicant's knowledge and that the applicant will comply with applicable state statutes and regulations.

2. A copy of the OLLA- or EPA-accredited Lead Inspector and Risk Assessor training program completion certificates and any required refresher completion certificates;

3. Two (2) recent passport-size color photographs of the applicant's face without a hat or sunglasses (computer generated or photocopied photographs are not acceptable);

4. Documentation pursuant to section (3)(B)2 of this regulation as evidence of meeting the education and/or experience requirements for Risk Assessors; and

5. A check or money order made payable to the Missouri Department of Health for the nonrefundable fee of one hundred dollars (\$100).

(C) An applicant for a Risk Assessor license shall apply to OLLA within one (1) year of the applicant's successful completion of an OLLA- or EPA-accredited Risk Assessor training course, as indicated on the certificate of completion. Applicants failing to apply within one (1) year from the date on the training program completion certificates shall, before making application for license, successfully complete the eight (8) hour Risk Assessor refresher training course accredited by OLLA or the EPA.

(D) Applicants failing to apply within three (3) years of the Risk Assessor training and who have not successfully completed annual refresher training, shall successfully complete the OLLA- or EPA-accredited Risk Assessor training course again before submitting application for a Risk Assessor License.

#### (2) Application for a Risk Assessor License under Reciprocity.

(A) An applicant for a Risk Assessor license by reciprocity must submit a completed application to OLLA prior to consideration for license issuance. Completed applications shall be mailed to the Missouri Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102-0570.

(B) The application shall include the following:

1. Completed lead occupation license application form provided by OLLA which shall include:

A. The applicant's full legal name, home address, and telephone number;

B. The name, address, and telephone number of the applicant's current employer;

C. The applicant's social security number;

D. The location where the applicant would like to receive correspondence regarding his or her application or license;

E. The occupation the applicant wishes to be licensed for;

F. Licensure for lead occupations in other states, including name of other states, type of license, license expiration date, and license number, and copies of other states' license/certificate;

G. Certification by the EPA, including EPA region number, type of certification, certification expiration date, certification number, and a copy of the EPA certificate; and

H. Signature of the applicant which certifies that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations.

2. Two (2) recent passport-size color photographs of the applicant's face without a hat or sunglasses (computer generated or photocopied photographs are not acceptable); and

3. A check or money order made payable to the Missouri Department of Health for the nonrefundable fee of one hundred dollars (\$100).

#### (3) Training, Education and Experience Requirements for Risk Assessor License.

(A) An applicant for a license as a Risk Assessor shall complete an OLLA- or EPA-accredited Lead Inspector training program and an OLLA- or EPA-accredited Risk Assessor training program (see

19 CSR 30-70.340) and pass both of the course examinations with a score of seventy percent (70%) or more.

(B) An applicant for a license as a Risk Assessor shall meet minimum education and/or experience requirements for a licensed risk assessor.

1. The minimum education and/or experience requirements for a licensed Risk Assessor includes at least one (1) of the following:

A. A Bachelor's degree and at least one (1) year of experience in a related field such as lead, asbestos, housing repair or inspection, and/or environmental hazard remediation work;

B. An Associates degree and two (2) years experience in a related field such as lead, asbestos, housing repair or inspection, and/or environmental hazard remediation work;

C. Certification as an industrial hygienist, professional engineer, registered architect and/or certification in a related engineering/health/environmental field such as safety professional or environmental scientist; or

D. A high school diploma or certificate of high school equivalency (GED) and three (3) years of experience in a related field such as lead, asbestos, housing repair or inspection, and/or environmental hazard remediation work.

2. The following documents will be recognized by OLLA as evidence of meeting the requirements listed in section (3)(B)1 of this regulation:

A. Official academic transcripts or diploma, as evidence of meeting the education requirements.

B. Resumes, letters of reference, or documentation of work experience, which includes dates (month and year) of employment, employer's name, address and telephone number, and specific job duties, as evidence of meeting the work experience requirements.

C. Course completion certificates issued by the OLLA- or EPA-accredited training program, as evidence of meeting the training requirements.

D. Appropriate documentation of certifications or registrations.

#### (4) Procedure for Issuance or Denial of Risk Assessor License.

(A) OLLA will inform the applicant in writing that the application is either approved, incomplete, or denied.

1. If an application is incomplete, the notice will include a list of additional information or documentation required to complete the application.

A. Within thirty (30) calendar days after the issuance date of the notice of incomplete application, the applicant shall submit to OLLA in writing the information requested in the written notice.

B. Failure to submit the information requested in the written notice within thirty (30) calendar days shall result in OLLA's denial of the applicant's application for a Risk Assessor license.

C. After receipt of the information requested in the written notice, OLLA will inform the applicant in writing that the application is either approved or denied.

2. When an application for a Risk Assessor license is denied, the written notice of denial to the applicant will specify the reasons for the denial. OLLA may deny a Risk Assessor license for any one or any combination of the following reasons:

A. Failure to satisfy the education and/or experience requirements;

B. Type and amount of training;

C. False or misleading statements in the application;

D. Failure to achieve a passing score on the state examination after three (3) attempts;

E. Failure to submit a complete application;

F. History of citations or violations of existing lead abatement regulations or standards;

G. Violations of 29 CFR part 1926.62 or 29 CFR part 1926.59;

H. Fraud or failure to disclose facts relevant to his or her application;

I. Conviction of a felony under any state or federal law or having entered a plea of guilty or *nolo contendere* in a criminal prosecution under the laws of any state or of the United States;

J. Permitting the duplication or use by another of the individual's training certificate;

K. Other information which may affect the applicant's ability to appropriately perform risk assessments;

L. Failure to comply with any state or federal law or regulation, including, but not limited to, any part of sections 701.300 through 701.338, RSMo, or any rules promulgated pursuant to these sections; or

M. Final disciplinary action against a licensee by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or restricting the license while subject to investigation or while actually under investigation by another state, territory, or federal agency or country.

3. If an application is denied, the applicant may reapply to OLLA for a Risk Assessor, by submitting a complete lead occupation license application form and another nonrefundable fee of one hundred dollars (\$100).

4. If an applicant is aggrieved by a determination to deny licensure, the applicant may appeal OLLA's denial to the Administrative Hearing Commission as provided by section 621.045, RSMo.

(B) Within one hundred and eighty (180) calendar days after the issuance date of application approval, the applicant shall attain a passing score on the state Risk Assessor examination.

1. An applicant cannot sit for the state Risk Assessor examination more than three times within one hundred and eighty (180) calendar days after the issuance date of the notice of an approved application.

2. The applicant's failure to attain a passing score on the state Risk Assessor exam within the one hundred eighty (180) day period following the notice of an approved application for a license shall result in OLLA's denial of the applicant's application for a license. The individual may reapply to OLLA pursuant to this regulation but only after retaking an OLLA- or EPA-accredited Risk Assessor training course.

(C) After the applicant passes the state Risk Assessor examination, OLLA will issue a two (2)-year Risk Assessor license certificate and photo identification badge.

(D) Restricted licenses may be issued pursuant to an agreement between the applicant or licensee and OLLA.

*AUTHORITY: sections 701.301, 701.312 and 701.316, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH**  
**Division 30—Division of Health Standards and Licensure**  
**Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.150 Application Process and Requirements for the Licensure of Lead Abatement Workers**

*PURPOSE: This rule provides the requirements to be licensed as a Lead Abatement Worker.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

(1) Application for a Lead Abatement Worker License.

(A) An applicant for a Lead Abatement Worker license must submit a completed application to OLLA prior to consideration for license issuance. All applications for licensure must be received by OLLA at least thirty (30) days prior to the date of the lead abatement project; provided, however, OLLA may waive the time for the filing of applications as particular circumstances justify. Completed applications shall be mailed to the Missouri Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102-0570.

(B) The application shall include the following:

1. Completed lead occupation license application form provided by OLLA which shall include:

A. The applicant's full legal name, home address, and telephone number;

B. The name, address, and telephone number of the applicant's current employer;

C. The applicant's social security number;

D. The county or counties in which the applicant is employed;

E. The location where the applicant would like to receive correspondence regarding his or her application or license;

F. The occupation the applicant wishes to be licensed for;

G. Licensure for lead occupations in other states, including name of other states, type of license, license expiration date, and license number, and copies of other states' license/certificate;

H. Certification by the EPA, including EPA region number, type of certification, certification expiration date, certification number, and a copy of the EPA certificate;

I. Type of training completed, including name of training provider, certificate identification number and dates of course completion; and

J. Signature of the applicant which certifies that all information in the application is complete and true to the best of the

applicant's knowledge and that the applicant will comply with applicable state statutes and regulations.

2. A copy of the OLLA- or EPA-accredited Lead Abatement Worker training program completion certificate, and any required refresher completion certificates;

3. Two (2) recent passport-size color photographs of the applicant's face without a hat or sunglasses (computer generated or photocopied photographs are not acceptable); and

4. A check or money order made payable to the Missouri Department of Health for the nonrefundable fee of one hundred dollars (\$100).

(C) An applicant for a Lead Abatement Worker license shall apply to OLLA within one (1) year of the applicant's successful completion of an OLLA- or EPA-accredited Lead Abatement Worker training course, as indicated on the certificate of completion. Applicants failing to apply within one (1) year from the date on the training program completion certificate shall, before making application for license, successfully complete the eight (8) hour Lead Abatement Worker refresher training course accredited by OLLA or the EPA.

(D) Applicants failing to apply within three (3) years of the Lead Abatement Worker training and who have not successfully completed annual refresher training, shall successfully complete the OLLA- or EPA-accredited Lead Abatement Worker training course again before submitting application for a Lead Abatement Worker license.

(2) Application for Lead a Abatement Worker License Under Reciprocity.

(A) An applicant for a Lead Abatement Worker license by reciprocity must submit a completed application to OLLA prior to consideration for license issuance. Completed applications shall be mailed to the Missouri Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102-0570.

(B) The application shall include the following:

1. Completed lead occupation license application form provided by OLLA which shall include:

A. The applicant's full legal name, home address, and telephone number;

B. The name, address, and telephone number of the applicant's current employer;

C. The applicant's social security number;

D. The location where the applicant would like to receive correspondence regarding his or her application or license;

E. The occupation the applicant wishes to be licensed for;

F. Licensure for lead occupations in other states, including name of other states, type of license, license expiration date, and license number, and copies of other states' license/certificate;

G. Certification by the EPA, including EPA region number, type of certification, certification expiration date, certification number, and a copy of the EPA certificate; and

H. Signature of the applicant which certifies that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations.

2. Two (2) recent passport-size color photographs of the applicant's face without a hat or sunglasses (computer generated or photocopied photographs are not acceptable); and

3. A check or money order made payable to the Missouri Department of Health for the nonrefundable fee of one hundred dollars (\$100).

(3) Training Requirements for Lead Abatement Worker License. An applicant for a license as a Lead Abatement Worker shall complete an OLLA- or EPA-accredited Lead Abatement Worker training program (see 19 CSR 30-70.350) and pass the course examination with a score of seventy percent (70%) or more. The docu-

ment that will be recognized by OLLA as evidence of meeting the requirement is listed in section (1)(C) of this regulation.

(4) Procedure for Issuance or Denial of Lead Abatement Worker License.

(A) OLLA will inform the applicant in writing that the application is either approved, incomplete, or denied.

1. If an application is incomplete, the notice will include a list of additional information or documentation required to complete the application.

A. Within thirty (30) calendar days after the issuance date of the notice of incomplete application, the applicant shall submit to OLLA in writing, the information requested in the written notice.

B. Failure to submit the information requested in the written notice within thirty (30) calendar days shall result in OLLA's denial of the applicant's application for a lead abatement worker.

C. After receipt of the information requested in the written notice, OLLA will inform the applicant in writing that the application is either approved or denied.

2. When an application for a Lead Abatement Worker license is denied, the written notice of denial to the applicant will specify the reasons for the denial. OLLA may deny a Lead Abatement Worker license for any one or any combination of the following reasons:

A. Type and amount of training;

B. False or misleading statements in the application;

C. Failure to submit a complete application;

D. History of citations or violations of existing lead abatement regulations or standards;

E. Violations of 29 CFR part 1926.62 or 29 CFR part 1926.59;

F. Fraud or failure to disclose facts relevant to his or her application;

G. Conviction of a felony under any state or federal law or having entered a plea of guilty or *nolo contendere* in a criminal prosecution under the laws of any state or of the United States;

H. Permitting the duplication or use by another of the individual's training certificate;

I. Other information which may affect the applicant's ability to appropriately perform lead abatement work;

J. Failure to comply with any state or federal law or regulation, including, but not limited to, any part of sections 701.300 through 701.338, RSMo, or any rules promulgated pursuant to these sections; or

K. Final disciplinary action against a licensee by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or restricting the license while subject to investigation or while actually under investigation by another state, territory, or federal agency or country.

3. If an application is denied, the applicant may reapply to OLLA by submitting a complete lead occupation license application form with another nonrefundable fee of one hundred dollars (\$100).

4. If an applicant is aggrieved by a determination to deny licensure, the applicant may appeal OLLA's denial to the Administrative Hearing Commission as provided by section 621.045, RSMo.

(B) After notice of complete application, OLLA will issue a two (2)-year license certificate and photo identification badge.

(C) Restricted licenses may be issued pursuant to an agreement between the applicant or licensee and OLLA.

*AUTHORITY: sections 701.301, 701.312 and 701.316, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30,*

1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

**Title 19—DEPARTMENT OF HEALTH**  
**Division 30—Division of Health Standards and Licensure**  
**Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.160 Application Process and Requirements for the Licensure of Lead Abatement Supervisors**

*PURPOSE:* This rule provides the requirements to be licensed as a Lead Abatement Supervisor.

*EMERGENCY STATEMENT:* This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.

(1) Application for a Lead Abatement Supervisor License.

(A) An applicant for a Lead Abatement Supervisor license must submit a completed application to OLLA prior to consideration for license issuance. All applications for licensure must be received by OLLA at least thirty (30) days prior to the date of the state lead examination; provided, however, OLLA may waive the time for the filing of applications as particular circumstances justify. Completed applications shall be mailed to the Missouri Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102-0570.

(B) The application shall include the following:

1. Completed lead occupation license application form provided by OLLA which shall include:
  - A. The applicant's full legal name, home address, and telephone number;
  - B. The name, address, and telephone number of the applicant's current employer;
  - C. The applicant's social security number;
  - D. The county or counties in which the applicant is employed;

E. The location where the applicant would like to receive correspondence regarding his or her application or license;

F. The occupation the applicant wishes to be licensed for;

G. Type of training completed, including name of training provider, certificate identification number and dates of course completion;

H. Licensure for lead occupations in other states, including name of other states, type of license, license expiration date, and license number, and copies of other states' license/certificate;

I. Certification by the EPA, including EPA region number, type of certification, certification expiration date, certification number, and a copy of the EPA certificate;

J. Employment history which meets the experience requirements in section (3)(B)1 of this regulation; and

K. Signature of the applicant which certifies that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations.

2. A copy of the OLLA- or EPA-accredited Lead Abatement Supervisor training program completion certificate, and any required refresher completion certificates;

3. Two (2) recent passport-size color photographs of the applicant's face without a hat or sunglasses (computer generated or photocopied photographs are not acceptable);

4. Documentation pursuant to section (3)(B)2 of this regulation as evidence of meeting the experience requirements for Lead Abatement Supervisors; and

5. A check or money order made payable to the Missouri Department of Health for the nonrefundable fee of one hundred dollars (\$100).

(C) An applicant for a Lead Abatement Supervisor license shall apply to OLLA within one (1) year of the applicant's successful completion of an OLLA- or EPA-accredited Lead Abatement Supervisor training course, as indicated on the certificate of completion. Applicants failing to apply within one (1) year from the date on the training program completion certificate shall, before making application for license, successfully complete the eight (8) hour Lead Abatement Supervisor refresher training course accredited by OLLA or the EPA.

(D) Applicants failing to apply within three (3) years of completing the Lead Abatement Supervisor training and who have not successfully completed annual refresher training, shall successfully complete the OLLA- or EPA-accredited Lead Abatement Supervisor training course again before submitting application for a Lead Abatement Supervisor license.

(2) Application for a Lead Abatement Supervisor License Under Reciprocity.

(A) An applicant for a Lead Abatement Supervisor license by reciprocity must submit a completed application to OLLA prior to consideration for license issuance. Completed applications shall be mailed to the Missouri Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102-0570.

(B) The application shall include the following:

1. Completed lead occupation license application form provided by OLLA which shall include:

A. The applicant's full legal name, home address, and telephone number;

B. The name, address, and telephone number of the applicant's current employer;

C. The applicant's social security number;

D. The location where the applicant would like to receive correspondence regarding his or her application or license;

E. The occupation the applicant wishes to be licensed for;

F. Licensure for lead occupations in other states, including name of other states, type of license, license expiration date, and license number, and copies of other states' license/certificate;

G. Certification by the EPA, including EPA region number, type of certification, certification expiration date, certification number, and a copy of the EPA certificate; and

H. Signature of the applicant which certifies that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations.

2. Two (2) recent passport-size color photographs of the applicant's face without a hat or sunglasses (computer generated or photocopied photographs are not acceptable); and

3. A check or money order made payable to the Missouri Department of Health for the nonrefundable fee of one hundred dollars (\$100).

(3) Training and Experience Requirements for Lead Abatement Supervisor License.

(A) An applicant for a license as a Lead Abatement Supervisor shall complete an OLLA- or EPA-accredited Lead Abatement Supervisor training program (see 19 CSR 30-70.360) and pass the course examination with a score of seventy percent (70%) or more.

(B) An applicant for a license as a Lead Abatement Supervisor shall meet minimum experience requirements for a licensed lead abatement supervisor.

1. The minimum experience requirements for a licensed Lead Abatement Supervisor licensure includes at least one (1) of the following:

A. At least one (1) year of experience as a licensed lead abatement worker (by Missouri, EPA or EPA-approved state);

B. At least two (2) years of experience in asbestos abatement work or as a construction manager or superintendent; or

C. At least two (2) years of experience as a manager for environmental hazard remediation projects.

2. The following documents shall be recognized by OLLA as evidence of meeting the requirements listed in section (3)(B) of this regulation:

A. Resumes, letters of reference, or documentation of work experience, which includes dates (month and year) of employment, employer's name, address and telephone number, and specific job duties, as evidence of meeting the work experience requirements.

B. Course completion certificates issued by the OLLA- or EPA-accredited training program as evidence of meeting the training requirements.

C. A copy of the Lead Abatement Worker certificate or identification badge as evidence of having been a licensed Lead Abatement Worker.

(4) Procedure for Issuance or Denial of Lead Abatement Supervisor License.

(A) OLLA will inform the applicant in writing that the application is either approved, incomplete, or denied.

1. If an application is incomplete, the notice will include a list of additional information or documentation required to complete the application.

A. Within thirty (30) calendar days after the issuance date of the notice of incomplete application, the applicant shall submit to OLLA in writing, the information requested in the written notice.

B. Failure to submit the information requested in the written notice shall result in OLLA's denial of the applicant's application for a lead abatement supervisor license.

C. After receipt of the information requested in the written notice, OLLA will inform the applicant in writing that the application is either approved or denied.

2. When an application for a Lead Abatement Supervisor license is denied, the written notice of denial to the applicant will specify the reasons for the denial. OLLA may deny a Lead Abatement Supervisor license for any one or any combination of the following reasons:

A. Failure to satisfy the experience requirements;

B. Type and amount of training;

C. False or misleading statements in the application;

D. Failure to achieve a passing score on the state examination after three (3) attempts;

E. Failure to submit a complete application.

F. History of citations or violations of existing lead abatement regulations or standards;

G. Violations of 29 CFR part 1926.62 or 29 CFR part 1926.59;

H. Fraud or failure to disclose facts relevant to his or her application;

I. Conviction of a felony under any state or federal law or having entered a plea of guilty or *nolo contendere* in a criminal prosecution under the laws of any state or of the United States;

J. Permitting the duplication or use by another of the individual's training certificate;

K. Other information which may affect the applicant's ability to appropriately supervise lead abatement work;

L. Failure to comply with any state or federal law or regulation, including, but not limited to, any part of sections 701.300 through 701.338, RSMo, or any rules promulgated pursuant to these sections; or

M. Final disciplinary action against a licensee by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or restricting the license while subject to investigation or while actually under investigation by another state, territory, or federal agency or country.

3. If an application is denied, the applicant may reapply to OLLA by submitting a complete lead occupation license application form and another nonrefundable fee of one hundred dollars (\$100).

4. If an applicant is aggrieved by a determination to deny licensure, the applicant may appeal OLLA's denial to the Administrative Hearing Commission as provided by section 621.045, RSMo.

(B) Within one hundred and eighty (180) calendar days after the issuance date of application approval, the applicant shall attain a passing score on the state Lead Abatement Supervisor examination.

1. An applicant cannot sit for the state Lead Abatement Supervisor examination more than three times within one hundred and eighty (180) calendar days from the date of issuance of the notice of an approved application.

2. The applicant's failure to attain a passing score on the state Lead Abatement Supervisor exam within the one hundred eighty (180) day period following the notice of an approved application for a license shall result in OLLA's denial of the applicant's application for license. The individual may reapply to OLLA pursuant to this regulation but only after retaking an OLLA- or EPA-accredited Lead Abatement Supervisor training course.

(C) After the applicant passes the state Lead Abatement Supervisor examination, OLLA will issue a two (2)-year lead abatement supervisor license certificate and photo identification badge.

(D) Restricted licenses may be issued pursuant to an agreement between the applicant or licensee and OLLA.

*AUTHORITY: sections 701.301, 701.312 and 701.316, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH**  
**Division 30—Division of Health Standards and Licensure**  
**Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.170 Application Process and Requirements for the Licensure of Project Designers**

*PURPOSE: This rule provides the requirements to be licensed as a Project Designer.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

(1) Application for a Project Designer License.

(A) An applicant for a Project Designer license must submit a completed application to OLLA prior to consideration for license issuance. All applications for licensure must be received by OLLA at least thirty (30) days prior to the date of the lead abatement project design; provided, however, OLLA may waive the time for the filing of applications as particular circumstances justify. Completed applications shall be mailed to the Missouri Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102-0570.

(B) The application shall include the following:

1. Completed lead occupation license application form provided by OLLA which shall include:
  - A. The applicant's full legal name, home address, and telephone number;
  - B. The name, address, and telephone number of the applicant's current employer;
  - C. The applicant's social security number;
  - D. The county or counties in which the applicant is employed;
  - E. The location where the applicant would like to receive correspondence regarding his or her application or license;
  - F. The occupation the applicant wishes to be licensed for;

G. Type of training completed, including name of training provider, certificate, identification number and dates of course completion;

H. Licensure for lead occupations in other states, including name of other states, type of license, license expiration date, and license number, and copies of other states' license/certificate;

I. Certification by the EPA, including EPA region number, type of certification, certification expiration date, certification number, and a copy of the EPA certificate;

J. Employment history and/or education which meets the experience and/or education requirements in section (3)(B)1 of this regulation; and

K. Signature of the applicant which certifies that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations.

2. A copy of the OLLA- or EPA-accredited Lead Abatement Supervisor and Project Designer training program completion certificates, and any required refresher completion certificates;

3. Two (2) recent passport-size color photographs of the applicant's face without a hat or sunglasses (computer generated or photocopied photographs are not acceptable);

4. Documentation pursuant to section (3)(B)2 of this regulation as evidence of meeting the education and/or experience requirements for Project Designers; and

5. A check or money order made payable to the Missouri Department of Health for the nonrefundable fee of one hundred dollars (\$100).

(C) An applicant for a Project Designer license shall apply to the OLLA within one (1) year of the applicant's successful completion of an OLLA- or EPA-accredited Project Designer training course, as indicated on the certificate of completion. Applicants failing to apply within one (1) year from the date on the training provider completion certificates shall, before making application for license, successfully complete the four (4) hour Project Designer refresher training course accredited by OLLA or the EPA.

(D) Applicants failing to apply within three (3) years of Lead Abatement Supervisor and Project Designer training and who have not successfully completed annual refresher training, shall successfully complete the OLLA- or EPA-accredited Project Designer training course again before submitting application for a Project Designer license.

(2) Application for a Project Designer License Under Reciprocity.

(A) An applicant for a Project Designer license by reciprocity must submit a completed application to OLLA prior to consideration for license issuance. Completed applications shall be mailed to the Missouri Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102-0570.

(B) The application shall include the following:

1. Completed lead occupation license application form provided by OLLA which shall include:
  - A. The applicant's full legal name, home address, and telephone number;
  - B. The name, address, and telephone number of the applicant's current employer;
  - C. The applicant's social security number;
  - D. The location where the applicant would like to receive correspondence regarding his or her application or license;
  - E. The occupation the applicant wishes to be licensed for;
  - F. Licensure for lead occupations in other states, including name of other states, type of license, license expiration date, and license number, and copies of other states' license/certificate;
  - G. Certification by the EPA, including EPA region number, type of certification, certification expiration date, certification number, and a copy of the EPA certificate; and

H. Signature of the applicant which certifies that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations.

2. Two (2) recent passport-size color photographs of the applicant's face without a hat or sunglasses (computer generated or photocopied photographs are not acceptable); and

3. A check or money order made payable to the Missouri Department of Health for the nonrefundable fee of one hundred dollars (\$100).

(3) Training, Education and Experience Requirements for Project Designer License.

(A) An applicant for a license as a Project Designer shall complete an OLLA- or EPA-accredited Lead Abatement Supervisor training course and an OLLA- or EPA-accredited Project Designer training program (see 19 CSR 30-70.370) and pass both of the course examinations with a score of seventy percent (70%) or more.

(B) An applicant for a license as a project designer shall meet minimum education and/or experience requirements for a licensed project designer.

1. The minimum education and/or experience requirements for a licensed Project Designer include at least one (1) of the following:

A. Bachelor's degree in engineering, architecture, or a related profession, and one (1) year of experience in building construction and design;

B. At least one (1) year of experience as a licensed lead abatement supervisor (by Missouri, EPA or an EPA-approved state) and at least two (2) years experience in building construction and design; or

C. At least four (4) years of experience in building construction and design.

2. The following documents may be recognized by OLLA as evidence of meeting the requirements listed in section (3)(B)1 of this regulation:

A. Official academic transcripts or diploma, as evidence of meeting the education requirements.

B. Resumes, letters of reference, or documentation of work experience, which includes dates (month and year) of employment, employer's name, address and telephone number, and specific job duties, as evidence of meeting the work experience requirements.

C. Course completion certificates issued by the OLLA- or EPA-accredited training program as evidence of meeting the training requirements.

D. A copy of the Lead Abatement Supervisor certificate or identification badge as evidence of having been a licensed Lead Abatement Supervisor.

(4) Procedure for Issuance or Denial of Project Designer License.

(A) OLLA will inform the applicant in writing that the application is either approved, incomplete, or denied.

1. If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.

A. Within thirty (30) calendar days after the issuance date of the notice of incomplete application, the applicant shall submit to OLLA in writing, the information requested in the written notice.

B. Failure to submit the information requested in the written notice shall result in OLLA's denial of the applicant's application for a project designer license.

C. After receipt of the information requested in the written notice, OLLA will inform the applicant in writing that the application is either approved or denied.

2. When an application for a Project Designer license is denied, the written notice of denial to the applicant will specify the reasons for the denial. OLLA may deny a Project Designer license for any one or any combination of the following reasons:

A. Failure to satisfy the education and/or experience requirements;

B. Type and amount of training;

C. False or misleading statements in the application;

D. Failure to submit a complete application;

E. History of citations or violations of existing lead abatement regulations or standards;

F. Violations of 29 CFR part 1926.62 or 29 CFR part 1926.59;

G. Fraud or failure to disclose facts relevant to his or her application;

H. Conviction of a felony under any state or federal law or having entered a plea of guilty or *nolo contendere* in a criminal prosecution under the laws of any state or of the United States;

I. Permitting the duplication or use by another of the individual's training certificate;

J. Other information which may affect the applicant's ability to appropriately perform lead abatement project design;

K. Failure to comply with any state or federal law or regulation, including, but not limited to, any part of sections 701.300 through 701.338, RSMo, or any rules promulgated pursuant to these sections; or

L. Final disciplinary action against a licensee by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or restricting the license while subject to investigation or while actually under investigation by another state, territory, or federal agency or country.

3. If an application is denied, the applicant may reapply to OLLA by submitting a complete lead occupation license application form and another nonrefundable fee of one hundred dollars (\$100).

4. If an applicant is aggrieved by a determination to deny licensure, the applicant may appeal OLLA's denial to the Administrative Hearing Commission as provided by section 621.045, RSMo.

(B) After notice of complete application, OLLA will issue a two (2)-year license certificate and photo identification badge.

(C) Restricted licenses may be issued pursuant to an agreement between the applicant or licensee and OLLA.

*AUTHORITY: sections 701.301, 701.312 and 701.316, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH  
Division 30—Division of Health Standards and  
Licensure  
Chapter 70—Lead Abatement and Assessment  
Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.180 Application Process and Licensure Renewal Requirements for Lead Abatement Contractors**

*PURPOSE: This rule provides the requirements to be licensed and renewal requirements as a Lead Abatement Contractor.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to*

*administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

(1) Application for a Lead Abatement Contractor License.

(A) An applicant for a Lead Abatement Contractor license must submit a completed application to OLLA prior to consideration for license issuance. All applications for licensure must be received by OLLA at least thirty (30) days prior to the date of the lead abatement activity; provided, however, OLLA may waive the time for the filing of applications as particular circumstances justify. Completed applications shall be mailed to the Missouri Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102-0570.

(B) The application shall include:

1. A completed lead abatement contractor form provided by OLLA which shall include:

- A. The applicant's name, address and telephone number;
- B. If the applicant is a sole proprietorship, the applicant's social security number;
- C. The county or counties in which the applicant is located;

D. Lead-bearing substance activities the applicant will be conducting (i.e., lead inspection, risk assessments, lead abatement projects, and/or project design);

E. A certification that the Lead Abatement Contractor shall only employ appropriately Missouri licensed individuals to conduct lead-bearing substance activities; and

F. A certification that the Lead Abatement Contractor and its employees shall follow the Missouri Work Practice Standards for Lead-Bearing Substances Activities in 19 CSR 30-70.600 through 19 CSR 30-70.650.

2. If the applicant is a corporation, a copy of its registration with the Missouri Secretary of State's Office. Every corporation desiring a license as a lead abatement contractor under sections 701.300 through 701.338, RSMo, must be registered and in good standing with the Missouri Secretary of State's Office;

3. Every corporation desiring a license which conducts business under a fictitious name must have the fictitious name registered with the Missouri Secretary of State's Office, and must submit a copy of its fictitious name registration with its application to OLLA; and

4. A check or money order made payable to the Missouri Department of Health for the nonrefundable fee of two hundred

and fifty dollars (\$250); provided, however, that lead abatement contractors who are a state, federally recognized Indian tribe, local government or nonprofit organization shall be exempt from payment of such fee.

(2) Application for a Lead Abatement Contractor License Under Reciprocity.

(A) An applicant for a Lead Abatement Contractor license by reciprocity shall apply to OLLA. Completed applications shall be mailed to the Missouri Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102-0570.

(B) The application shall include:

1. A completed lead abatement contractor form provided by OLLA which shall include:

- A. The applicant's name, address and telephone number;
- B. If the applicant is a sole proprietorship, the applicant's social security number;
- C. The county or counties in which the applicant is located;

D. Lead-bearing substance activities the applicant will be conducting (i.e., lead inspection, risk assessments, lead abatement projects, and/or project design);

E. A certification that the Lead Abatement Contractor shall only employ appropriately Missouri licensed individuals to conduct lead-bearing substance activities; and

F. A certification that the Lead Abatement Contractor and its employees shall comply with the Work Practice Standards 19 CSR 30-70.600 through 19 CSR 30-70.650.

2. A check or money order made payable to the Missouri Department of Health for the nonrefundable fee of two hundred and fifty dollars (\$250); provided, however, that lead abatement contractors who are a state, federally recognized Indian tribe, local government or nonprofit organization shall be exempt from payment of such fee.

(3) Procedure for Issuance or Denial of a Lead Abatement Contractor License.

(A) OLLA will inform the applicant in writing that the application is either approved, incomplete, or denied.

1. If an application is incomplete, the notice will include a list of additional information or documentation required to complete the application.

A. Within thirty (30) calendar days after the issuance date of the notice of incomplete application, the applicant shall submit to OLLA in writing, the information requested in the written notice.

B. Failure to submit the information requested in the written notice shall result in OLLA's denial of the applicant's application for a lead abatement supervisor license.

C. After receipt of the information requested in the written notice, OLLA will inform the applicant in writing that the application is either approved or denied.

2. When an application for a Lead Abatement Contractor license is denied, the written notice of denial to the applicant will specify the reasons for the denial. OLLA may deny a Lead Abatement Contractor license for any one or any combination of the following reasons:

A. History of citations or violations of existing local, state and federal lead abatement or other environmental regulations or standards;

B. Past felony convictions under any state or federal law designed to protect human health or the environment. Any plea of guilty or *nolo contendere* shall be considered a conviction for the purposes of this subsection;

C. False or misleading statements in the application;

D. Failure to submit a complete application;

E. Other information which may affect the applicant's ability to appropriately perform lead-bearing substance activities;

F. Violations of 29 CFR part 1926.62 or 29 CFR part 1926.59;

G. Fraud or failure to disclose facts relevant the lead abatement contractor application;

H. Failure to comply with any state or federal law or regulation, including, but not limited to, any part of sections 701.300 through 701.338, RSMo, or any rules promulgated pursuant to these sections; or

I. Final disciplinary action against a licensee by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or restricting the license while subject to investigation or while actually under investigation by another state, territory, or federal agency or country.

3. When an application is denied, the applicant may reapply to OLLA by submitting a complete lead abatement contractor application form along with the applicable fee.

4. If an applicant is aggrieved by a determination to deny licensure, the applicant may appeal OLLA's denial to the Administrative Hearing Commission as provided by section 621.045, RSMo.

(B) After notice of complete application, OLLA will issue a two (2)-year license Lead Abatement Contractor license.

(C) Restricted licenses may be issued pursuant to an agreement between the applicant or licensee and OLLA.

(4) Change of Ownership. If a licensed Lead Abatement Contractor changes ownership, the new owner shall notify OLLA in writing no later than thirty (30) calendar days prior to the change of ownership becoming effective. The notification shall include a new Lead Abatement Contractor license application, the appropriate fee, and the date that the change of ownership will become effective. The new Lead Abatement Contractor application shall be processed in the same manner pursuant to 19 CSR 30-70.180(3). The current Lead Abatement Contractor's license shall expire on the effective date set forth in the notification of the change of ownership.

(5) Renewal Application for Lead Abatement Contractor License. An application for Lead Abatement Contractor license renewal shall be mailed at least sixty (60) days prior to the expiration date on the license accompanied by a nonrefundable renewal fee of two hundred and fifty dollars (\$250) (provided, however, that lead abatement contractors who are a state, federally recognized Indian tribe, local government or nonprofit organization shall be exempt from payment of such fee) with a completed application form to the Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102. If the licensee fails to apply at least sixty (60) days prior to the expiration date on the license, OLLA cannot guarantee that the license will be renewed before the end of the licensing period.

*AUTHORITY: sections 701.301, 701.312 and 701.316, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH**  
**Division 30—Division of Health Standards and Licensure**  
**Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.190 Renewal of Lead Occupation Licenses**

*PURPOSE: This rule provides the requirements for renewal licensure of Lead Inspector, Risk Assessor, Lead Abatement Worker, Lead Abatement Supervisor and Project Designer.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

(1) Renewal Application for Lead Inspector, Risk Assessor, Lead Abatement Worker, Lead Abatement Supervisor and Project Designer Licenses.

(A) A completed application for renewal of license, including required supporting documentation, shall be submitted to the Missouri Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102-0570, at least sixty (60) days prior to the license expiration date indicated on the license. Failure of the licensee to submit an application at least sixty (60) days prior to the current license's expiration date may result in the license not being renewed before the current license expires.

(B) The licensee applying for license renewal shall complete the eight (8) hour OLLA- or EPA-accredited refresher training course for the appropriate occupation.

(C) The renewal application shall include the following:

1. A completed lead occupation renewal license application form provided by OLLA which shall include:

A. The licensee's full legal name, home address, and telephone number;

B. The name, address, and telephone number of the licensee's current employer;

C. The licensee's social security number;

D. The county or counties in which the licensee is employed;

E. The location where the licensee would like to receive correspondence regarding his or her renewal application or license;

F. The license occupation the licensee wishes to have renewed;

G. Type of refresher training completed, including name of training provider, certificate identification number and dates of course completion; and

H. Signature of the licensee which certifies that all information in the application is complete and true to the best of the

licensee's knowledge and that the licensee will comply with applicable state statutes and regulations.

2. A copy of the OLLA- or EPA-accredited refresher training course completion certificate for the appropriate occupation;

3. Two (2) recent passport-size color photographs of the licensee's face without a hat or sunglasses (computer generated or photocopied photographs are not acceptable); and

4. A check or money order made payable to the Missouri Department of Health for the nonrefundable fee of fifty dollars (\$50).

(2) Procedure for Issuance or Denial of a Renewal License.

(A) OLLA will inform the licensee in writing that the renewal application is either approved, incomplete or denied.

1. If a renewal application is incomplete, the notice will include a list of additional information or documentation required to complete the renewal application.

A. Within thirty (30) calendar days after the issuance date of the notice of incomplete application, the licensee shall submit to OLLA the information requested in the written notice.

B. Failure to submit the information requested in the written notice to OLLA in writing shall result in OLLA's denial of the licensee's renewal application for the appropriate occupation.

C. After receipt of the information requested in the written notice, OLLA will inform the licensee in writing that the application is either approved or denied.

2. When a renewal application for a lead license is denied, the written notice of denial to the applicant will specify the reasons for the denial. OLLA may deny a renewal license for any one or any combination of the following reasons:

A. Type and amount of training;

B. False or misleading statements in the application;

C. Failure to submit a complete application;

D. History of citations or violations of existing lead abatement regulations or standards;

E. Violations of 29 CFR part 1926.62 or 29 CFR part 1926.59;

F. Fraud or failure to disclose facts relevant to his or her application;

G. Conviction of a felony under any state or federal law or having entered a plea of guilty or *nolo contendere* in a criminal prosecution under the laws of any state or of the United States;

H. Permitting the duplication or use by another of the individual's training certificate;

I. Other information which may affect the licensee's ability to appropriately perform lead-bearing substance activities;

J. Failure to comply with any state or federal law or regulation, including, but not limited to, any part of sections 701.300 through 701.338, RSMo, or any rules promulgated pursuant to these sections; or

K. Final disciplinary action against a licensee by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or restricting the license while subject to investigation or while actually under investigation by another state, territory, or federal agency or country.

3. If a renewal application is denied, the applicant may reapply to OLLA by submitting a completed lead occupation license renewal application form and another nonrefundable renewal fee of fifty dollars (\$50).

4. If a licensee is aggrieved by a determination to deny renewal licensure, the applicant may appeal OLLA's denial to the Administrative Hearing Commission as provided by section 621.045, RSMo.

(B) After notice of complete renewal application, OLLA will issue a two (2) year license certificate and photo identification badge.

(C) Restricted licenses may issued pursuant to an agreement between the applicant or licensee and OLLA.

*AUTHORITY: sections 701.301, 701.312 and 701.316, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH  
Division 30—Division of Health Standards and  
Licensure**

**Chapter 70—Lead Abatement and Assessment  
Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.195 Application Process and Requirements for  
Re-application after License Expiration**

*PURPOSE: This rule provides the requirements for re-application of a Lead Inspector, Risk Assessor, Lead Abatement Worker, Lead Abatement Supervisor and Project Designer after a license has expired.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

(A) Unless sooner renewed or revoked, a license shall expire within two (2) years from its effective date indicated on the current license. If a licensee allows the license to expire before renewal, the licensee must reapply to OLLA. Completed applications shall be mailed to the Missouri Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102-0570.

(B) The application shall include the following:

1. A completed lead occupation license application form provided by OLLA which shall include:

A. The applicant's full legal name, home address, and telephone number;

B. The name, address, and telephone number of the applicant's current employer;

C. The applicant's social security number;

D. The county or counties in which the applicant is employed;

E. The location where the applicant would like to receive correspondence regarding his or her application or license;

F. The license occupation the applicant wishes to be licensed for;

G. Type of training completed, including name of training provider, certificate identification number and dates of course completion;

H. Licensure for lead occupations in other states including, name of other states, type of license, license expiration date, and license number, and copies of other states' license/certificate;

I. Certification by the EPA, including EPA region number, type of certification, certification expiration date, certification number, and a copy of the EPA certificate; and

J. Signature of the applicant which certifies that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations.

2. A copy of the OLLA- or EPA-accredited refresher (and/or initial, if applicable—see 19 CSR 30-70.195(D)) training course completion certificate for the appropriate occupation;

3. Two (2) recent passport-size color photographs of the applicant's face without a hat or sunglasses (computer generated or photocopied photographs are not acceptable); and

4. A check or money order made payable to the Missouri Department of Health for the nonrefundable fee of one hundred dollars (\$100).

(C) An applicant re-applying for a lead occupation license within one (1) year from the license expiration date shall complete the appropriate eight (8) hour refresher training course accredited by OLLA or the EPA.

(D) Applicants failing to re-apply within three (3) years of the license expiration date and who have not successfully completed annual refresher training, shall successfully complete the appropriate OLLA- or EPA-accredited initial training course again.

(E) Any licensed Lead Inspector, Risk Assessor, or Lead Abatement Supervisor, that allows his or her license to expire before renewal shall re-take the state lead examination for the appropriate occupation.

(F) OLLA will use the procedure for issuance or denial of a license pursuant to 19 CSR 30-70.130(4), 19 CSR 30-70.140(3), 19 CSR 30-70.150(4), 19 CSR 30-70.160(4), 19 CSR 30-70.170(4) as applicable.

*AUTHORITY: sections 701.301, 701.312 and 701.316, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH**  
**Division 30—Division of Health Standards and Licensure**  
**Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.200 Application Process and Requirements for the Licensure of Risk Assessors Who Possessed a Valid Missouri Lead Inspector License on August 28, 1998**

*PURPOSE: This rule provides the requirements for a temporary Risk Assessor license.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

(1) Only individuals possessing a valid Missouri Lead Inspector license on August 28, 1998, may apply for a Risk Assessor license pursuant to this rule. All other Risk Assessor applicants must apply pursuant to 19 CSR 30-70.140. No person may apply for a Risk Assessor License pursuant to this rule after December 1, 2000.

(2) Completed applications shall be mailed to the Missouri Department of Health, P.O. Box 570, Jefferson City, MO 65102-0570.

(3) The application shall include the following:

(A) A completed lead occupation license application form provided by OLLA which shall include:

1. The applicant's full legal name, home address, and telephone number;

2. The name, address, and telephone number of the applicant's current employer;

3. The applicant's social security number;

4. The county or counties in which the applicant is employed;

5. The location where the applicant would like to receive correspondence regarding his or her application or license;

6. Name of training provider, certificate identification number and dates of course completion; and

7. Signature of the applicant which certifies that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations.

(B) A copy of the OLLA- or EPA-accredited Risk Assessor Refresher training course completion certificate; and

(C) Two (2) recent passport-size color photographs of the applicant's face without a hat or sunglasses (computer generated or photocopied photographs are not acceptable).

(4) An applicant for a temporary Risk Assessor license shall apply to OLLA within one (1) year from the date on the completion certificate from an OLLA- or EPA-accredited Risk Assessor Refresher

training provider. Applicants failing to apply within these restrictions shall apply pursuant to 19 CSR 30-70.140.

(5) Training Requirements for a Temporary Risk Assessor License. An applicant for a license as a Risk Assessor shall complete an OLLA- or EPA-accredited Risk Assessor Refresher training course (see 19 CSR 30-70.380) and pass the course examination with a score of seventy percent (70%) or more.

(6) Procedure for Issuance or Denial of a Temporary Risk Assessor License.

(A) OLLA will inform the applicant in writing that the application is either approved, incomplete, or denied.

1. If an application is incomplete, the notice will include a list of additional information or documentation required to complete the application.

A. Within thirty (30) calendar days after the issuance date of the notice of incomplete application, the applicant shall submit to OLLA in writing the information requested in the written notice.

B. Failure to submit the information requested in the written notice within thirty (30) calendar days shall result in OLLA's denial of the applicant's application for a Risk Assessor license.

C. After receipt of the information requested in the written notice, OLLA will inform the applicant in writing that the application is either approved or denied.

2. When an application for a Risk Assessor license is denied, the written notice of denial to the applicant will specify the reasons for the denial. OLLA may deny a temporary Risk Assessor license for any one or any combination of the following reasons:

A. Type and amount of training;

B. False or misleading statements in the application;

C. Failure to pass the state examination after two (2) attempts;

D. Failure to submit a complete application;

E. History of citations or violations of existing lead abatement regulations or standards;

F. Violations of 29 CFR part 1926.62 or 29 CFR part 1926.59;

G. Fraud or failure to disclose facts relevant to his or her application;

H. Conviction of a felony under any state or federal law or having entered a plea of guilty or *nolo contendere* in a criminal prosecution under the laws of any state or of the United States;

I. Permitting the duplication or use by another of the individual's training certificate;

J. Other information which may affect the applicant's ability to appropriately perform lead-bearing substance activities;

K. Failure to comply with any state or federal law or regulation, including, but not limited to, any part of sections 701.300 through 701.338, RSMo, or any rules promulgated pursuant to these sections; or

L. Final disciplinary action against a licensee by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or restricting the license while subject to investigation or while actually under investigation by another state, territory, or federal agency or country.

3. If an application is denied, the applicant may reapply to OLLA for a Risk Assessor license, by submitting a complete lead occupation license application form pursuant to 19 CSR 30-70.140.

4. If an applicant is aggrieved by a determination to deny licensure, the applicant may appeal OLLA's denial to the Administrative Hearing Commission as provided by section 621.045, RSMo.

(B) Within thirty (30) days after the issuance date of application approval, the applicant shall attain a passing score on the state Risk Assessor examination.

1. An applicant cannot sit for the state examination more than twice within thirty (30) calendar days after the issuance date of the notice of an approved application.

2. If an applicant fails to pass the state examination on the second attempt, the applicant's application for a Risk Assessor is considered denied. The individual may reapply to OLLA pursuant to 19 CSR 30-70.140 but only after retaking the OLLA- or EPA-accredited Risk Assessor training course.

(C) After the applicant passes the state Risk Assessor examination, OLLA will issue a Risk Assessor license certificate and photo identification badge. This license will expire on the same date as the Lead Inspector license used to fulfill the requirement of section (1) of this regulation.

*AUTHORITY: sections 701.301 and 701.312, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH  
Division 30—Division of Health Standards and  
Licensure  
Chapter 70—Lead Abatement and Assessment  
Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.310 Definitions and Abbreviations for the Accreditation of Training Providers**

*PURPOSE: This rule provides definitions and abbreviations to be used in the interpretation and enforcement of 19 CSR 30-70.310 through 19 CSR 30-70.400.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

- (1) Accreditation, is approval by OLLA of a training provider for a training course to train individuals for lead-bearing substance activities.
- (2) Audit, is the monitoring by OLLA of a training provider for a training course to ensure compliance with state statutes and regulations.
- (3) Classroom training, is training devoted to lecture, learning activities, small group activities, demonstrations, and/or evaluations.
- (4) Course Agenda, is an outline of the key topics to be covered during a training course, including the time allotted to teach each topic.
- (5) Course Exam Blueprint, is written documentation identifying the proportion of course exam questions devoted to each major topic in the course curriculum.
- (6) EPA, is the United States Environmental Protection Agency.
- (7) Guest Instructor, is an individual designated by the training manager to provide instruction specific to the lecture, hands-on training, or work practice components of a course.
- (8) Hands-On Skills Assessment, is an evaluation of the effectiveness of the hands-on training which shall test the ability of the trainees to demonstrate satisfactory performance of work practices and procedures as well as any other skills demonstrated in the course.
- (9) Hands-On Training, is training which involves the actual practice of a procedure and/or use of equipment.
- (10) Large-scale abatement project, is a lead abatement project consisting of ten (10) or more dwellings.
- (11) Occupation, is one of the specific types or categories of lead-bearing substance activities identified in these regulations for which individuals may receive training from accredited training providers, including, but not limited to, lead inspector, risk assessor, lead abatement worker, lead abatement supervisor and/or project designer.
- (12) OLLA, is the Missouri Department of Health Office of Lead Licensing and Accreditation.
- (13) Oral Exam, is equivalent to the written exam in content, but is read to the student by the principal instructor. The student is required to provide his or her answers to the exam in writing.
- (14) Principal instructor, is any qualified individual designated by the training manager that has the primary responsibility for organizing and teaching a particular course.
- (15) Re-Accreditation, is the renewal of accreditation of a training provider for a training course subsequent to initial accreditation expiration.
- (16) Reciprocity, an agreement between OLLA and other states who have similar accreditation provisions.
- (17) Refresher course, is the course of instruction established by these regulations which must be periodically completed to obtain or maintain an individual's licensure in a single occupation.

(18) Training Course, is the course of instruction established by these regulations to prepare an individual for licensure in a single occupation.

(19) Training Provider, is any person or entity providing training courses for the purpose of state licensure or licensure renewal in an occupation.

(20) Training curriculum, is an established set of course topics for instruction by an accredited training provider for a particular occupation designed to provide specialized knowledge and skills.

(21) Training hour, is at least 50 minutes of actual instruction, including but not limited to time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on training. A Training hour shall not include a break.

(22) Training manager, is any individual responsible for administering the training courses and monitoring the performance of principal instructors and guest instructors.

*AUTHORITY: sections 701.301 and 701.314, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH  
Division 30—Division of Health Standards and  
Licensure  
Chapter 70—Lead Abatement and Assessment  
Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.320 Accreditation of Training Providers for Training Courses**

*PURPOSE: This rule provides the procedures and requirements for the Accreditation of Training providers for training courses.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circum-*

stances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.

(1) Reciprocity. OLLA may issue an accreditation certificate to any person or entity that has made application, paid the necessary fees, and provided proof of accreditation from another state, provided that OLLA has entered into a reciprocity agreement with that state.

(2) Good Standing. Every corporation desiring accreditation of the lead inspector, risk assessor, lead abatement worker, lead abatement supervisor and/or project designer training course under sections 701.300 through 701.338, RSMo, must be registered and in good standing with the Missouri Secretary of State's Office.

(3) Application for Accreditation of a Training Provider for a Training Course.

(A) Completed applications shall be mailed to the Missouri Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102-0570.

(B) The application shall include the following:

1. Completed training provider course accreditation application form provided by OLLA which shall include:

A. The training provider's name, address, and telephone number;

B. The name and date of birth of the training manager;

C. The name and date of birth of the principal instructor for each course;

D. A list of locations at which training will take place;

E. A list of courses for which the training provider is applying for accreditation; and

F. A statement signed by the training manager certifying that the information provided in the application for accreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with 19 CSR 30-70.310 through 19 CSR 30-70.400, and that the training provider will only conduct lead training in those occupations in which the training provider has received accreditation.

2. A copy of the student and instructor manuals;

3. Course agenda;

4. Course examination blueprint;

5. A copy of the quality control plan as described in section (6)(H) of this regulation;

6. A copy of a sample course certificate as described in section (6)(G) of this regulation;

7. A description of the facilities and equipment to be used for lecture and hands-on training;

8. A description of the activities and procedures that will be used for conducting the hands-on skills assessment for each course;

9. A check or money order for the nonrefundable fee of one thousand dollars (\$1000) per course made payable to the Missouri Department of Health; provided, however, that training providers who are a state, federally recognized Indian tribe, local government or nonprofit organization shall be exempt from payment of such fee; and

10. Supporting documentation of the Training Manager's and Principal Instructor's qualifications.

(4) Application for Accreditation of a Training Provider for a Training Course Under Reciprocity.

(A) Completed applications shall be mailed to the Missouri Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102-0570.

(B) The application shall include the following:

1. Completed training provider course accreditation application form provided by OLLA which shall include:

A. The training provider's name, address, and telephone number;

B. The name and date of birth of the training manager;

C. The name and date of birth of the principal instructor for each course;

D. A list of locations at which training will take place;

E. A list of courses for which the training provider is applying for accreditation; and

F. A statement signed by the training manager certifying that the information provided in the application for accreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with 19 CSR 30-70.310 through 19 CSR 30-70.400, and that the training provider will only conduct lead training in those occupations in which the training provider has received accreditation.

2. Course agenda;

3. Course examination blueprint;

4. A copy of the quality control plan as described in section (6)(H) of this regulation;

5. A copy of a sample course certificate as described in section (6)(G) of this regulation;

6. A description of the facilities and equipment to be used for lecture and hands-on training;

7. A description of the activities and procedures that will be used for conducting the hands-on skills assessment for each course;

8. A check or money order for the nonrefundable fee of one thousand dollars (\$1000) per course made payable to the Missouri Department of Health; provided, however, that training providers who are a state, federally recognized Indian tribe, local government or nonprofit organization shall be exempt from payment of such fee; and

9. Supporting documentation of the Training Manager's and Principal Instructor's qualifications.

(5) Procedure for Issuance or Denial of a Training Provider for a Training Course.

(A) OLLA will inform the applicant in writing that the application is either approved, incomplete, or denied.

1. If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.

A. Within thirty (30) calendar days after the issuance date of the notice of incomplete application, the applicant shall submit to OLLA in writing, the information requested in the written notice.

B. Failure to submit the information requested in the written notice within thirty (30) calendar days shall result in denial of the application for a training course accreditation.

C. After the information in the written notice is received, OLLA will inform the applicant in writing that the application is either approved or denied.

2. If an application is approved, OLLA shall issue a two (2)-year accreditation certificate.

3. If an application for training course accreditation is denied, OLLA shall state in the notice of denial to the applicant the specific reasons for the denial.

A. OLLA may deny training course accreditation for any one or any combination of the following reasons:

(I) Failure of the training manager and/or principal instructor to satisfy the experience requirements;

(II) History of citations or violations of existing local, state and federal regulations or standards;

(III) Persons listed in the application have been convicted of a felony under any state or federal law or have entered a plea

of guilty or *nolo contendere* in a criminal prosecution under the laws of any state or of the United States;

(IV) False or misleading statements in the application;

(V) False records, instructor qualifications, or other accreditation-related information or documentation;

(VI) Failure of the applicant to submit a complete application; or

(VII) Final disciplinary action against a training provider by another state, territory, federal agency or country, whether or not voluntarily agreed to by the training provider, including, but not limited to, the denial of accreditation, surrender of the accreditation, allowing the accreditation to expire or lapse, or discontinuing or restricting the accreditation while subject to investigation or while actually under investigation by another state, territory, or federal agency or country.

(B) If an application is denied, the applicant may reapply for accreditation at any time.

(C) If an applicant is aggrieved by a determination to deny accreditation, the applicant may request a hearing by the department according to Chapter 536 of the Administrative Procedures Act.

(6) Requirements for Accreditation of a Training Provider for a Training Course. For a training provider to maintain accreditation from OLLA to offer a training course, the training provider shall meet the following requirements:

(A) Training Manager. The training provider shall employ a training manager who meets the requirements in subsection (7)(A) of this regulation. The training manager shall be responsible for ensuring that the accredited training provider complies at all times with all of the requirements in these regulations. The training manager may designate guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.

(B) Principal Instructor. The training provider, in coordination with the training manager, shall designate a qualified principal instructor who meets the requirements in subsection (8)(A) of this regulation. The Principal instructor shall be responsible for the organization of the course and oversight of the teaching of all course materials.

(C) The training provider shall meet the requirements set forth in sections (D) through (N) of this regulation for each course contained in the application for accreditation of a training provider for a training course.

(D) Delivery of Course. The training provider shall ensure the availability of, and provide adequate facilities for, the delivery of the lecture, course exam, hands-on training, and assessment activities. This includes providing training equipment that reflects current work practice standards set forth in 19 CSR 30-70.600 through 19 CSR 30-70.650 and maintaining or updating the course materials, equipment and facilities as needed.

(E) Course Exam. For each course offered, the training provider shall conduct a monitored, written course exam at the completion of each course. An oral exam may be administered in lieu of a written course exam for the Lead Abatement Worker course only. If an oral examination is administered, the student is required to provide his or her answers to the exam in writing.

1. The course exam shall evaluate the trainee's competency and proficiency.

2. All individuals must pass the course exam in order to successfully complete any course and receive a course completion certificate. Seventy percent (70%) shall be considered the passing score on the course exam.

3. The training provider and the training manager are responsible for maintaining the validity and integrity of the course exam to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics.

(F) Hands-On Skills Assessment. For each course offered, except for project designers, the training provider shall conduct a

hands-on skills assessment. The training manager is responsible for maintaining the validity and integrity of the hands-on skills assessment to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with the course topics.

(G) Course Completion Certificate. The training provider shall issue unique course completion certificates to each individual who passes the training course. The course completion certificate shall include:

1. The name, a unique identification number, and address of the individual.

2. The name of the particular course that the individual completed.

3. Dates of course completion/exam passage.

4. The name, address and telephone number of the training provider.

(H) Quality Control Plan. The training manager shall develop and implement a quality control plan. The plan shall be used to maintain or improve the quality of the accredited training provider over time.

1. This plan shall contain at least the following elements:

A. Procedures for periodic revision of training materials and the course exam to reflect innovations in the field.

B. Procedures for the training manager's annual review of principal instructor competency.

C. A review to ensure the adequacy of the facilities and equipment.

2. An annual report discussing the results of the quality control plan shall be submitted to OLLA one (1) year following accreditation and at renewal.

(I) Access by OLLA. The accredited training provider shall allow OLLA to conduct audits as needed in order for OLLA to evaluate the provider's compliance with OLLA accreditation requirements. During this audit, the provider shall make available to OLLA information necessary to complete the evaluation. At OLLA's request, the provider shall also make documents available for photocopying.

(J) Recording Keeping. The accredited training provider shall maintain at its principal place of business, for at least five (5) years, the following records:

1. All documents specified in sections (7)(B) and (8)(B) of this regulation that demonstrate the qualifications listed in section (7)(A) of this regulation for the training manager, and section (8)(A) of this regulation for the principal instructor.

2. Curriculum/course materials and documents reflecting any changes made to these materials.

3. The course examination and blueprint.

4. Information regarding how the hands-on skills assessment is conducted including, but not limited to:

A. Who conducts the assessment.

B. How the skills are graded.

C. What facilities are used.

D. The pass/fail rate.

E. The quality control plan as described in section (6)(H) of this regulation.

5. Results of the students' hands-on skills assessments and course exams, and a record of each student's course completion certificate.

6. Any other material not listed in section (J)4. of this regulation that was submitted to OLLA as part of the training provider's application for accreditation.

(K) Course Notification. The accredited training provider shall notify OLLA in writing fourteen (14) calendar days prior to conducting an accredited training course.

1. The notification shall include:

A. The location of the course if it will be conducted at a location other than the provider's training facility.

B. The dates and times of the course.

C. The name of the course.

D. The name of the principal instructor and any guest instructors conducting the course.

2. If the scheduled training course has been changed or canceled, the accredited training provider shall notify OLLA in writing twenty-four (24) hours prior to the scheduled training course.

(L) Changes of a Training course. Once a training course has been accredited, any changes in any one of the items listed below must be submitted in writing to OLLA for review and approval prior to the continuation of the training course:

1. Course curriculum;
2. Course examination;
3. Course materials;
4. Training manager and/or principal instructors; and/or
5. Certificate of completion.

Within sixty (60) calendar days of receipt of a change of a training course, OLLA shall inform the provider in writing that the change is either approved or disapproved. If the change is approved, the accredited training provider shall include the change in the training course. If the change is disapproved, the accredited training provider shall not include the change in the training course.

(M) Change of ownership. If an accredited training provider changes ownership, the new owner shall notify OLLA in writing at least thirty (30) calendar days prior to the change of ownership becoming effective. The notification shall include a new training course provider accreditation application, the appropriate fee(s), and the date that the change of ownership will become effective. The new training course provider accreditation application shall be processed pursuant to 19 CSR 30-70.320. The current Training Provider's accreditation shall expire on the effective date set forth in the notification of the change of ownership.

(N) Change of address. The accredited training provider shall notify OLLA in writing of the accredited training provider's new address, telephone number and description of the new training facility, and shall submit such notification to OLLA not later than thirty (30) days prior to relocating its business or transferring its records.

(7) Training, Education and Experience Requirements for the Training Manager.

(A) The education and/or experience requirements for the Training Manager shall include one (1) year of experience in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene; and at least one of the following:

1. A minimum of two (2) years of experience teaching or training adults;
2. A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, business administration, education; or
3. A minimum of two (2) years experience in managing a training program specializing in environmental hazards.

(B) The following records of experience and education shall be recognized by OLLA as evidence that the individual meets or exceeds OLLA requirements for a Training Manager:

1. Resumes, letters of reference from past employers, or documentation to evidence past experience, which includes dates (month/year) of employment, employer's name, address, telephone number, and specific job duties, as evidence of meeting the experience requirements.
2. Official academic transcripts or diploma, as evidence of meeting the education requirements.

(8) Training, Education and Experience Requirements for the Principal Instructor.

(A) The training, education and experience requirements for the Principal Instructor of a Training Course includes all of the following:

1. Successfully completed at least twenty-four (24) hours of any OLLA- or EPA-accredited lead-specific training;

2. A minimum of one (1) year of experience in teaching or training adults; and

3. A minimum of one (1) year of experience in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene, or an Associate degree or higher from a post-secondary educational institution in building construction technology, engineering, safety, public health, or industrial hygiene.

(B) The following records of experience and education shall be recognized by OLLA as evidence that the individual meets or exceeds OLLA requirements for a Principal Instructor:

1. Course completion certificates issued by the OLLA- or EPA-accredited training provider as evidence of meeting the training requirements.
2. Official academic transcripts or diploma, as evidence of meeting the education requirements.
3. Resumes, letters of reference from past employers, or documentation to evidence past experience, which includes dates (month/year) of employment, employer's name, address, telephone number, and specific job duties, as evidence of meeting the experience requirements.

*AUTHORITY: sections 701.301 and 701.314, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH  
Division 30—Division of Health Standards and  
Licensure  
Chapter 70—Lead Abatement and Assessment  
Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.330 Requirements for a Training Provider of a Lead Inspector Training Course**

*PURPOSE: This rule delineates the curriculum requirements for a Lead Inspector Training Course.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circum-*

stances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.

(1) A Training Provider of a Lead Inspector Training Course must ensure that their Lead Inspector Training Course curriculum includes, at a minimum, sixteen (16) training hours of classroom training and eight (8) training hours of hands-on training.

(2) A lead inspector training course shall include, at a minimum, the following course topics. Requirements ending in an asterisk (\*) indicate areas that require hands-on training as an integral component of the course.

(A) Role and responsibilities of an inspector;

(B) Background information on lead: history of lead use and sources of environmental lead contamination;

(C) Health effects of lead: how lead enters and affects the body; levels of concern; and symptoms, diagnosis and treatments;

(D) Regulatory background and overview of lead in applicable state and federal guidance or regulations pertaining to lead-bearing substances including: 40 CFR part 745; U.S. HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (and its most recent revisions), 29 CFR part 1910.1200; 29 CFR part 1926.62; Title X: Residential Lead-Based Paint Hazard Reduction Act of 1992;

(E) Sections 701.300 to 701.338, RSMo, Missouri regulations pertaining to lead licensure, and Missouri Work Practice Standards for Lead-Bearing Substances specific to lead inspection activities;

(F) Lead-based paint inspection methods, including selection of rooms and components for sampling or testing;\*

(G) Pre-inspection planning and review including: developing a schematic site plan, determining inspection criteria and locations to collect samples in single and multi-family housing;\*

(H) Paint, dust, and soil sampling methodologies including:\*

1. Lead-based paint testing or X-ray fluorescence paint analyzer (XRF) use: types of XRF units and basic operation and interpretation of XRF results, including substrate correction.

2. Soil sample collection including soil sampling techniques, number and location of soil samples, and interpretation of soil sampling results;

3. Dust sample collection techniques including number and location of wipe samples, and interpretation of test results;

(I) Quality control and assurance procedures in testing analysis;

(J) Legal liabilities and obligations;

(K) Clearance standards and testing, including random sampling;\*

(L) Record keeping; and

(M) Preparation of the final inspection report.\*

*AUTHORITY: sections 701.301 and 701.314, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH**  
**Division 30—Division of Health Standards and**  
**Licensure**  
**Chapter 70—Lead Abatement and Assessment**  
**Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.340 Requirements for a Training Provider of a Risk Assessor Training Course**

*PURPOSE: This rule delineates the curriculum requirements for a Risk Assessor Training Course.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

(1) A Training Provider of a Risk Assessor Training Course must ensure that their Risk Assessor Training Course curriculum includes, at a minimum, twelve (12) training hours of classroom training and four (4) training hours of hands-on training—

(2) A lead risk assessor training course shall include, at a minimum, the following course topics. Requirements ending in an asterisk (\*) indicate areas that require hands-on training as an integral component of the course.

(A) Role and responsibilities of a risk assessor;

(B) Collection of background information to perform a risk assessment, including information on the age and history of the housing and occupancy by children under six (6) years of age and women of child-bearing age;

(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 hazards;\*

(E) Lead hazard screen protocol;\*

(F) Sampling for other sources of lead exposure, including drinking water;\*

(G) Interpretation of lead-based paint and other lead sampling results related to Missouri clearance standards;\*

(H) Sections 701.300 to 701.338, RSMo, Missouri regulations pertaining to lead licensure, and Missouri Work Practice Standards for Lead-Bearing Substances specific to risk assessment activities;

(I) Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-bearing substance hazards;

(J) Legal liabilities and obligations specific to a risk assessor; and

(K) Preparation of a final risk assessment report.\*

*AUTHORITY: sections 701.301 and 701.314, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH  
Division 30—Division of Health Standards and  
Licensure  
Chapter 70—Lead Abatement and Assessment  
Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.350 Requirements for a Training Provider of a Lead Abatement Worker Training Course**

*PURPOSE: This rule delineates the curriculum requirements for a Lead Abatement Worker Training Course.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

(1) A Training Provider of a Lead Abatement Worker Course must ensure that their Lead Abatement Worker Training Course curriculum includes, at a minimum, sixteen (16) training hours of classroom training and eight (8) training hours of hands-on training.

(2) A lead abatement worker training course shall include, at a minimum, the following course topics. Requirements ending in an asterisk (\*) indicate areas that require hands-on training as an integral component of the course.

- (A) Role and responsibilities of an abatement worker;
- (B) Background information on lead: history of lead use and sources of environmental lead contamination;
- (C) Health effects of lead: how lead enters and affects the body; levels of concern; and symptoms, diagnosis and treatments;
- (D) Regulatory background and overview of lead in applicable state and federal guidance or regulations pertaining to lead-bearing substances including: 40 CFR part 745; U.S. HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (and its most recent revisions), 29 CFR part 1910.1200; 29 CFR part 1926.62; Title X: Residential Lead-Based Paint Hazard Reduction Act of 1992;
- (E) Personal protective equipment information, including respiratory equipment selection, air-purifying respirators, care and

cleaning of respirators, respiratory program, protective clothing and equipment, and hygienic practices.\*

(F) Lead hazard recognition and control; site characterization, exposure measurements, medical surveillance, and engineering controls;\*

(G) Pre-abatement set-up procedures, including containments for residential and commercial building, and superstructures;\*

(H) Lead abatement and lead hazard reduction methods for residential and commercial buildings, and superstructures, including prohibited practices;\*

(I) Sections 701.300 to 701.338, RSMo, Missouri regulations pertaining to lead licensure, Missouri Work Practice Standards for Lead-Bearing Substances specific to lead abatement activities;

(J) Interior dust abatement methods and cleanup techniques;\*

(K) Soil and exterior dust abatement methods;\* and

(L) Waste disposal techniques.

*AUTHORITY: sections 701.301 and 701.314, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH  
Division 30—Division of Health Standards and  
Licensure  
Chapter 70—Lead Abatement and Assessment  
Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.360 Requirements for a Training Provider of a Lead Abatement Supervisor Training Course**

*PURPOSE: This rule delineates the curriculum requirements for a Lead Abatement Supervisor Training Course.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

(1) A Training Provider of a Lead Abatement Supervisor Training Course must ensure that their Lead Abatement Supervisor

Training Course curriculum includes, at a minimum, twenty-eight (28) training hours of classroom training and twelve (12) training hours of hands-on training.

(2) A lead abatement supervisor training course shall include, at a minimum, the following course topics. Requirements ending in an asterisk (\*) indicate areas that require hands-on training as an integral component of the course.

- (A) Role and responsibilities of a supervisor;
- (B) Background information on lead: history of lead use and sources of environmental lead contamination;
- (C) Health effects of lead: how lead enters and affects the body, levels of concern, and symptoms, diagnosis and treatments;
- (D) Regulatory background and overview of lead in applicable state and federal guidance or regulations pertaining to lead-bearing substances including: 40 CFR part 745; U.S. HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (and its most recent revisions), 29 CFR part 1910.1200; 29 CFR part 1926.62; Title X: Residential Lead-Based Paint Hazard Reduction Act of 1992;
- (E) Liability and insurance issues relating to lead abatement;
- (F) Cost estimation;\*
- (G) Risk assessment and inspection report interpretation;\*
- (H) Development and implementation of an occupant protection plan and pre-abatement work plan, including containments for residential and commercial buildings, and superstructures;\*
- (I) Community relations process;
- (J) Lead hazard recognition and control;\*
- (K) Hazard recognition and control techniques: site characterization, exposure measurements, material identification, safety and health planning, medical surveillance, and engineering controls;
- (L) Personal protective equipment information regarding respiratory equipment selection, air-purifying respirators, care and cleaning of respirators, respiratory program, protective clothing and equipment, and hygienic practices;\*
- (M) Lead abatement and lead hazard reduction methods, including prohibited practices, for residential and commercial buildings and superstructures;\*
- (N) Sections 701.300 to 701.338, RSMo, Missouri regulations pertaining to lead licensure, Missouri Work Practice Standards for Lead-Bearing Substances specific to lead abatement activities;
- (O) Project management including supervisory techniques, contractor specifications; emergency response planning, and blueprint reading.\*
- (P) Interior dust abatement and cleanup techniques;\*
- (Q) Soil and exterior dust abatement methods;\*
- (R) Clearance standards and testing;
- (S) Cleanup and waste disposal;
- (T) Recordkeeping; and
- (U) Preparation of an abatement report.\*

*AUTHORITY: sections 701.301 and 701.314, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH  
Division 30—Division of Health Standards and  
Licensure  
Chapter 70—Lead Abatement and Assessment  
Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.370 Requirements for a Training Provider of a Project Designer Training Course**

*PURPOSE: This rule delineates the curriculum requirements for a Project Designer Training Course.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

(1) A Training Provider of a Project Designer Training Course must ensure that their Project Designer Training Course curriculum includes, at a minimum, eight (8) training hours of classroom training.

(2) A project designer training course shall include, at a minimum, the following course topics.

- (A) Role and responsibilities of a Project Designer;
- (B) Development and implementation of an occupant protection plan for large scale abatement projects;
- (C) Lead abatement and lead hazard reduction methods, including prohibited practices, for large-scale abatement projects;
- (D) Interior dust abatement/cleanup or lead hazard control and reduction methods for large-scale abatement projects;
- (E) Soil and exterior dust abatement methods for large scale abatement projects;
- (F) Clearance standards and testing for large scale abatement projects; and
- (G) Integration of lead abatement methods with modernization and rehabilitation projects for large scale abatement projects.

*AUTHORITY: sections 701.301 and 701.314, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH  
Division 30—Division of Health Standards and  
Licensure  
Chapter 70—Lead Abatement and Assessment  
Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.380 Requirements for the Accreditation of Refresher Courses**

**PURPOSE:** *This rule delineates the requirements for Lead Inspector, Risk Assessor, Lead Abatement Worker, Lead Abatement Supervisor and/or Project Designer Refresher Training Courses.*

**EMERGENCY STATEMENT:** *This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

(1) Application for Accreditation of a Training Provider for a Refresher Training Course. A training provider may seek accreditation to offer refresher courses in any occupation. To obtain OLLA accreditation to offer refresher training, a training provider must meet the following minimum requirements:

(A) Each refresher course shall review the curriculum topics of the full-length courses listed under 19 CSR 30-70.330 through 19 CSR 30-70.370 as appropriate. In addition, training providers shall ensure that their courses of study include, at a minimum, the following:

1. An overview of current safety practices relating to lead-bearing substance activities in general, as well as specific information pertaining to the appropriate occupation;

2. Current laws and regulations relating to lead-bearing substance activities in general, as well as specific information pertaining to the appropriate occupation; and

3. Current technologies relating to lead-bearing substance activities in general, as well as specific information pertaining to the appropriate occupation.

(B) Each refresher course, except for the project designer course, shall last a minimum of eight (8) training hours. The project designer refresher course shall last a minimum of four (4) training hours.

(C) For each course offered, the training program shall conduct a hands-on assessment (if applicable).

(D) For each refresher course offered, the training provider shall conduct a course exam at the completion of the course.

(2) A training provider may apply for accreditation of a refresher course concurrently with its application for accreditation of the corresponding training course as described in 19 CSR 30-70.320 as appropriate. If so, OLLA shall use the procedures and requirements described in 19 CSR 30-70.320 for accreditation of the refresher course and the corresponding training course.

(3) A training provider seeking accreditation to offer refresher courses only, shall submit a written application to OLLA.

(A) Completed applications shall be mailed to the Missouri Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102-0570.

(B) The application shall include the following:

1. Completed training course accreditation application form provided by OLLA which shall include:

A. The training provider's name, address, and telephone number;

B. The name and date of birth of the training manager;

C. The name and date of birth of the principal instructor for each course;

D. A list of locations at which training will take place;

E. A list of courses for which the training provider is applying for accreditation; and

F. A statement signed by the training manager certifying that the information provided in the application for accreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with 19 CSR 30-70.310 through 19 CSR 30-70.400, and that the training provider will only conduct lead training in those occupations in which the training provider has received accreditation.

2. A copy of the student and instructor manuals;

3. Course agenda;

4. Course examination blueprint;

5. A copy of the quality control plan as described in 19 CSR 30-70.320(6)(H);

6. A copy of a sample course completion certificate as described in paragraph 19 CSR 30-70.320(6)(G);

7. A description of the facilities and equipment to be used for lecture and hands-on training;

8. A check or money order for the nonrefundable fee of two hundred fifty dollars (\$250); provided, however, that training providers who are a state, federally recognized Indian tribe, local government or nonprofit organization shall be exempt from payment of such fee; and

9. The Training Manager's and Principal Instructor's qualifications.

(4) The procedures for issuance or denial in 19 CSR 30-70.320(5), and the requirements for accreditation of a training provider for a training course in 19 CSR 30-70.320(6) through 19 CSR 30-70.320(8), shall apply to all training providers applying for the accreditation of refresher training courses.

(5) Application for Accreditation of a Training Provider for a Refresher Training Course under Reciprocity. To obtain OLLA accreditation by reciprocity to offer refresher training in any occupation, a training provider shall submit a completed application to OLLA. Completed applications shall be mailed to the Missouri Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102-0570.

(A) The application shall include the following:

1. Completed training course accreditation application form provided by OLLA which shall include:

A. The training provider's name, address, and telephone number;

B. The name and date of birth of the training manager;

C. The name and date of birth of the principal instructor for each course;

D. A list of locations at which training will take place;

E. A list of courses for which the training provider is applying for accreditation; and

F. A statement signed by the training manager certifying that the information provided in the application for accreditation, and any additional information included with the application, is

true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with 19 CSR 30-70.310 through 19 CSR 30-70.400, and that the training provider will only conduct lead training in those occupation in which the training provider has received accreditation.

2. Course agenda;
3. Course examination blueprint;
4. A copy of the quality control plan as described in 19 CSR 30-70.320(6)(H);
5. A copy of a sample course completion certificate as described in paragraph 19 CSR 30-70.320(6)(G);
6. A description of the facilities and equipment to be used for lecture and hands-on training;
7. A check or money order for the nonrefundable fee of two hundred fifty dollars (\$250); provided, however, that training providers who are a state, federally recognized Indian tribe, local government or nonprofit organization shall be exempt from payment of such fee; and
8. The Training Manager's and Principal Instructor's qualifications.

(B) The procedures for issuance or denial in 19 CSR 30-70.320(5), and the requirements for accreditation of a training provider for a training course in 19 CSR 30-70.320(6) through 19 CSR 30-70.320(8), shall apply to all training providers applying for accreditation by reciprocity of refresher training courses as applicable.

*AUTHORITY: sections 701.301 and 701.314, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH**  
**Division 30—Division of Health Standards and Licensure**  
**Chapter 70—Lead Abatement and Assessment Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.390 Re-accreditation of a Training Course or Refresher Course**

*PURPOSE: This rule provides the processes and requirements for the re-accreditation of a Training Course or Refresher Course.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the*

*public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

(1) Unless sooner revoked, a training provider's accreditation (including refresher training accreditation) shall expire two (2) years after the date of issuance. If a training provider meets the requirements of this section, the training provider shall be re-accredited.

(2) A training provider seeking re-accreditation shall submit an application to OLLA at least sixty (60) calendar days before its accreditation expires. If a training provider does not submit its application for re-accreditation by that date, OLLA cannot guarantee that the provider will be re-accredited before the end of the accreditation period.

(3) The training provider's application for re-accreditation shall contain:

(A) Completed training provider course accreditation application form provided by OLLA which shall include:

1. The training provider's name, address, and telephone number;
2. The name and date of birth of the training manager;
3. The name and date of birth of the principal instructor for each course;
4. A list of locations at which training will take place;
5. A list of courses for which the training provider is applying for re-accreditation; and
6. A statement signed by the training manager certifying that the information provided in the application for re-accreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with 19 CSR 30-70.310 through 19 CSR 30-70.400, and that the training provider will only conduct lead training only in those occupations in which the training provider has received accreditation.

(B) A list of courses for which it is applying for re-accreditation.

(C) A description of any changes to the training facility, equipment or course materials since its last application was approved that adversely affects the students ability to learn.

(D) A check or money order made payable to the Missouri Department of Health for the nonrefundable fee of one thousand dollars (\$1000) for the training course and two hundred fifty dollars (\$250) for the refresher training course; provided, however that training providers who are a state, federally recognized Indian tribe, local government or nonprofit organization shall be exempt from payment of such fee.

(4) The training provider shall comply with all requirements in 19 CSR 30-70.320 through 19 CSR 30-70.380, as applicable.

(5) If the training provider has allowed its accreditation to expire, and the provider desires to be accredited, it must reapply pursuant to 19 CSR 30-70.320.

*AUTHORITY: sections 701.301 and 701.314, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH  
Division 30—Division of Health Standards and  
Licensure  
Chapter 70—Lead Abatement and Assessment  
Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.400 Suspension, Revocation, and Restriction of Accredited Training Providers**

*PURPOSE:* This rule provides the processes and reasons for suspension, revocation and restriction of an accredited training provider.

*EMERGENCY STATEMENT:* This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.

(1) OLLA may restrict, suspend or revoke training provider accreditation if a training provider, training manager, or other person with supervisory authority over the training provider does any one or any combination of the following:

- (A) Provides, offers to provide, or claims to provide OLLA-accredited training courses without such accreditation;
- (B) Presents inaccurate information in a training course;
- (C) Fails to submit required information or notifications to OLLA in a timely manner;
- (D) Falsifies accreditation records, instructor qualifications, or other accreditation-related information or documentation;
- (E) Fails to comply with the training standards and requirements in 19 CSR 30-70.320;
- (F) Has history of citations or violations of existing local, state and federal regulations or standards;
- (G) Has been convicted of a felony under any state or federal law or has entered a plea of guilty or *nolo contendere* in a criminal prosecution under the laws of any state or of the United States;
- (H) Fails to comply with federal, state or local lead statutes or regulations;
- (I) Makes false or misleading statements to OLLA in its application for accreditation or re-accreditation which OLLA relied upon in approving the application; or

(J) Final disciplinary action against a training provider by another state, territory, federal agency or country, whether or not voluntarily agreed to by the training provider, including, but not limited to, the denial of accreditation, surrender of the accreditation, allowing the accreditation to expire or lapse, or discontinuing or restricting the accreditation while subject to investigation or while actually under investigation by another state, territory, or federal agency or country.

(2) Prior to restricting, suspending, or revoking a training provider's accreditation, a training provider shall be given written notice of the reasons for the restriction, suspension and/or revocation. The training provider may request a hearing by the department according to Chapter 536 of Administrative Procedures Act.

*AUTHORITY:* sections 701.301 and 701.314, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH  
Division 30—Division of Health Standards and  
Licensure  
Chapter 70—Lead Abatement and Assessment  
Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.510 Standard of Professional Conduct**

*PURPOSE:* This rule establishes a professional standard of conduct for licensed lead abatement workers, licensed lead abatement supervisors, licensed project designers, licensed lead inspectors, licensed risk assessors, licensed lead abatement contractors and training instructors and training managers of accredited lead training providers.

*EMERGENCY STATEMENT:* This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.

(1) In performing lead-bearing substance activities, licensees shall act with reasonable care and competence in applying the technical

knowledge and skill as required by sections 701.300 through 701.338, RSMo, and 19 CSR 30-70.600 through 19 CSR 30-70.630 for the conduct of lead-bearing substance activities.

(2) In performing lead-bearing substance activities and training, licensees and accredited entities shall be cognizant that their primary responsibility is to conduct these activities safely, reliably, and effectively to protect human health and the environment. This shall not be compromised by any self-interest of the client, licensee or accredited entity.

(3) In performing lead-bearing substance activities and training, licensees and accredited entities shall not knowingly violate any local, state or federal laws. Licensees and accredited entities shall comply with state laws and regulations governing their practice.

(4) In instances where a licensee's or an accredited entity's professional judgment is overruled to the extent that it may endanger the health or welfare of the public or the environment, they shall notify their employer or client, OLLA, and/or other authority, as may be appropriate.

(5) Licensees and accredited entities shall not misrepresent or exaggerate the scope or the purpose for which they are licensed or accredited.

(6) Professional responsibility.

(A) The licensee or accredited training provider shall, upon request or demand, produce to OLLA, or any of its representatives, any plan, document, book, record or copy thereof concerning a transaction covered by these regulations, and shall cooperate in the investigation of a complaint filed with OLLA.

(B) A licensee shall not use the design, plans or work of another person without that person's knowledge and consent. After consent, the licensee shall conduct a thorough review to the extent that he or she assumes full responsibility for the use of such design, plan or work of the other person.

(7) Good standing in other jurisdictions.

(A) Persons licensed to design lead abatement projects, supervise lead abatement projects, conduct lead inspections and/or lead risk assessments, perform lead abatement work and training providers accredited to provide lead training in other jurisdictions shall be in good standing in every jurisdiction where licensed, certified, or accredited and shall not have had a license, certification or accreditation suspended, revoked or surrendered in connection with a disciplinary action.

(B) Licensees and accredited lead training providers shall notify OLLA in writing no later than 10 days after the final disciplinary action taken by another jurisdiction against their license or certification to conduct lead-bearing substance activities or against their accreditation to provide lead training.

*AUTHORITY: sections 701.301, 701.312 and 701.314 RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH  
Division 30—Division of Health Standards and  
Licensure  
Chapter 70—Lead Abatement and Assessment  
Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.520 Public Complaint Handling and Disposition Procedure**

*PURPOSE: This rule establishes procedures for the handling and disposition of public complaints received by the Office of Lead Licensing and Accreditation concerning alleged violations of sections 701.300 through 701.338, RSMo.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

(1) Public complaints concerning alleged violations of sections 701.300 through 701.338, RSMo, shall be handled as follows:

(A) Any person may make a complaint alleging acts or practices which may constitute a violation of any provision of sections 701.300 through 701.338, RSMo, or 19 CSR 30-70.600 through 19 CSR 30-70.630 with OLLA based upon personal knowledge or upon information received from other sources. The complaint may be made against a licensed or unlicensed individual, against an accredited or non-accredited training provider or against an owner of a dwelling or child-occupied facility.

(B) Complaints may be oral or written. Written complaints shall be mailed to: Missouri Department of Health, Office of Lead Licensing and Accreditation, P.O. Box 570, Jefferson City, MO 65102-0570.

*AUTHORITY: sections 701.301, 701.312 and 701.314, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH  
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Chapter 70—Lead Abatement and Assessment  
Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.600 Definitions Pertaining to the Work Practice Standards for Conducting Lead-Bearing Substance Activities**

*PURPOSE: This rule provides definitions and acronyms to be used in the interpretation and enforcement of 19 CSR 30-70.600 through 19 CSR 30-70.640.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

- (1) Adequate Quality Control—a plan or design which ensures the authenticity, integrity, and accuracy of samples, including dust, soil, and paint chip or paint film samples. Adequate quality control also includes provisions for representative sampling.
- (2) Authorized personnel—licensed lead workers, licensed lead risk assessors, licensed lead supervisors, licensed lead contractors, licensed project designers, representatives of the department and any persons authorized by the department to enter regulated areas.
- (3) Bare Soil Area—any continuous three (3) square foot area or more of soil that has no or little plant growth or other covering, and that may be accessible to a child or may provide a source of airborne lead-bearing dust, including the sand in sandboxes.
- (4) Clearance Level—values that indicate the maximum concentration of lead allowed in surface dust, soil or water following an abatement activity.
- (5) Common Area—a portion of a building that is generally accessible to all occupants including, but not limited to, hallways, garages, laundry rooms, community centers, boundary fences, stairways, playgrounds and recreational rooms.
- (6) Component or Building Component—a specific design, structural element or fixture of a building, dwelling or child-occupied facility that can be distinguished from each other by form, function and location.
- (7) Containment—the structural system for protecting residents, the general public and the environment by controlling exposure to lead dust and debris created during a lead abatement project.
- (8) Critical Barrier Containment—two or more layers of 6-mil poly, or thicker, sealed over the entrance into a work area to pre-

vent lead dust and debris from migrating outside of a regulated area.

- (9) Disposal—the depositing or placing of lead-bearing components or a lead-bearing substance as waste.
- (10) Distinct Painting History—the application history, as indicated by its visual appearance or a record of application, over time, of paint or other surface coatings to a component or room.
- (11) Documented Methodologies—are methods or protocols used to sample for the presence of lead in paint, dust, soil and water while incorporating adequate quality control.
- (12) Elevated Blood Lead Level (EBL)—is an excessive absorption of lead that is a confirmed concentration of lead in whole blood of greater than or equal to ten micrograms per deciliter ( $\geq 10\mu\text{g}/\text{dl}$ ) in persons under age eighteen ( $< 18$ ).
- (13) Emergency Situation—any lead abatement project that results from a sudden, unexpected event which poses an immediate threat to human health or the environment.
- (14) EPA—United States Environmental Protection Agency.
- (15) Hazardous Waste—any waste designated as hazardous by 10 CSR 25-4.261 and/or 40 CFR 261.
- (16) High Efficiency Particulate Air (HEPA) Filter—a filter capable of removing particles of 0.3 microns or larger from air at 99.97 percent or greater efficiency.
- (17) HUD—United States Department of Housing and Urban Development.
- (18) HUD Guidelines—the most recent version of the “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing,” published by HUD.
- (19) Industrial Lead Abatement—a lead abatement project performed on a structure not defined as a dwelling or child-occupied facility which includes, but is not limited to, bridges, water towers, holding tanks and other superstructures.
- (20) Intact Paint Surface—any painted surface that is not chipped, chalked, peeled, flaked or otherwise separated from its substrate or that is not attached to a damaged substrate.
- (21) Lead Hazard Screen—a risk assessment activity that involves limited paint and dust sampling as described in 19 CSR 30-70.620(7).
- (22) Living Area—any area of a residential dwelling used by one or more children age 6 and under, including, but not limited to, living rooms, kitchen areas, dens, play rooms and children's bedrooms.
- (23) Multi-Family Dwelling—a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.
- (24) NLLAP—National Lead Laboratory Accreditation Program.
- (25) OLLA—Missouri Department of Health, Office of Lead Licensing and Accreditation, or subsequent designations of such office.

(26) Permanent—an activity that is designed to eliminate exposure to lead hazards for at least 20 years, under typical conditions, from the date of application.

(27) Poly—polyethylene sheeting.

(28) RCRA—Resource Conservation and Recovery Act.

(29) Regulated Area—an area where a lead-bearing substance activity is being conducted.

(30) Room Equivalent—an identifiable part of a residence, such as a room, a house exterior, a foyer, staircase, hallway or an exterior area (i.e., play areas, painted swing sets, painted sandboxes, etc.).

(31) Structural Integrity—a professional judgment as to the condition of a substrate, component or structure itself.

(32) Substrate—a surface to which a surface coating has been or may be applied. Examples of substrates are wood, metal, plaster, gypsum, concrete and brick.

(33) Surface Coating Integrity—a professional judgment as to whether a surface coating is cracked, chipped, peeling, blistering, flaking or otherwise deteriorated in any way.

(34) Surface Coatings—include, but are not limited to, paints, stains, lacquers, varnishes and shellacs.

(35) Target Housing—a dwelling built prior to 1978.

(36) Testing Combination—a unique combination of a room equivalent, building component type and substrate.

(37) TSCA—Toxic Substances Control Act.

*AUTHORITY: sections 701.301 and 701.312, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH  
Division 30—Division of Health Standards and  
Licensure  
Chapter 70—Lead Abatement and Assessment  
Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.610 Work Practice Standards for a Lead Inspection**

*PURPOSE: This rule delineates the standards to be followed by licensed lead inspectors and licensed risk assessors to conduct lead inspections in accordance with standards set forth in sections 701.300 through 701.338, RSMo, and 19 CSR 30-70.600 through 19 CSR 30-70.630.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as pro-*

*TECTIVE as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

(1) Licensure. All persons conducting lead inspections shall be licensed by OLLA as set forth in sections 701.300 through 701.338, RSMo, and 19 CSR 30-70.110 through 19 CSR 30-70.200 as a lead inspector or risk assessor. Licensed lead inspectors and risk assessors shall present, upon request, proof of licensure in the form of the photo identification badge issued by OLLA.

(2) Conflict of interest. OLLA recommends that licensed lead inspectors and risk assessors conducting lead inspection activities should avoid potential conflicts of interest by not being contracted, subcontracted or employed by a lead abatement contractor performing lead abatement activities on the same lead abatement project.

(3) Documented Methodologies for Conducting Lead Inspections.

(A) Licensed lead inspectors and risk assessors shall use the following documented methodologies as referenced in this regulation for conducting lead inspections:

1. The US Department of Housing and Urban Development publication entitled, "Guidelines for the Evaluation and Control of Lead-based Paint Hazards in Housing" (HUD Guidelines); and

2. The US Environmental Protection Agency publications entitled "EPA Lead-Based Paint Inspector Model Curriculum"; "Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-Contaminated Soil"; and "Residential Sampling for Lead: Protocols for Dust and Soil Sampling".

(B) Where a conflict exists between any of the aforementioned methodologies and any federal or state statute or regulation, or any city or county ordinance, the most stringent of these shall be adhered to by the licensed lead inspector or risk assessor.

(4) Sample Forms and Questionnaires. Sample forms and questionnaires may be found within the documented methodologies listed in section (3) of this regulation. These sample forms and questionnaires may be used as a guide by licensed lead inspectors or risk assessors.

(5) Any paint chip, dust, or soil samples collected pursuant to these work practice standards shall be:

(A) Collected by persons licensed by OLLA as a lead inspector or risk assessor; and

(B) Analyzed by an NLLAP-accredited laboratory.

(6) Lead Inspection.

(A) When conducting a lead inspection, the following locations shall be selected according to the documented methodologies referenced in section (3) of this regulation and tested for the presence of lead-bearing substances:

1. In dwellings and child-occupied facilities, surface-by-surface sampling by paint chip collection and/or X-Ray Fluorescence (XRF) analysis shall be conducted on components with distinct painting histories, including those components that are stained, shellacked, varnished or covered with wallpaper.

2. For multi-family dwellings and child-occupied facilities, the samples required in paragraph (6)(A)(1) of this regulation shall be taken. In addition, surface-by-surface sampling by paint chip collection and/or XRF analysis shall be conducted in common areas on components with distinct painting histories, including those components that are stained, shellacked, varnished or covered with wallpaper.

(B) Paint and other surface coatings shall be sampled according to the documented methodologies referenced in section (3) of this regulation.

(7) Lead Inspection Report. The inspection report shall be prepared by the OLLA-licensed lead inspector or risk assessor that performed the lead inspection and shall include the following:

- (A) Date of inspection;
- (B) Address of dwelling or child-occupied facility;
- (C) Date dwelling or child-occupied was constructed;
- (D) Apartment numbers (if applicable);
- (E) Name, address and telephone number of the owner or owners of each residential dwelling or child-occupied facility;
- (F) Name, signature and license number of each licensed inspector and/or risk assessor conducting lead inspection;
- (G) Name, address and telephone number of the firm employing each inspector and/or risk assessor;
- (H) XRF results including the following (if applicable):
  - 1. XRF manufacturer and model;
  - 2. Serial number of XRF device used during the inspection;
  - 3. Calibration verification from the beginning and end of each dwelling unit;
  - 4. A copy of the XRF device user's certificate of training provided by the equipment manufacturer;
  - 5. License or registration number of the instrument;
  - 6. A summary that categorizes the XRF results into one of three categories: positive, negative or inconclusive; and
  - 7. Recommendations for addressing inconclusive XRF results.

(M) A summary of laboratory results categorized as positive or negative and the name of each accredited laboratory that conducted the analysis (if applicable);

(I) Floor plans or sketches of the units inspected showing approximate test locations and any identifying number systems;

(J) A summary of the substrates tested including identification of component, component integrity, paint condition and color, and test identification numbers associated with the results; and

(K) The results of the inspection expressed in terms appropriate to the sampling method used.

(8) Time Frame for Submission of Reports. The inspection report shall be provided to the owner of the property within twenty (20) business days of lead inspection completion.

(9) Report Records Retention. All lead inspection reports shall be maintained by the licensed lead inspector or risk assessor who prepared the report for no fewer than three (3) years. The licensed lead inspector or risk assessor shall make copies of lead inspection reports available to OLLA upon request.

*AUTHORITY: sections 701.301, 701.312 and 701.316, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH**  
**Division 30—Division of Health Standards and**  
**Licensure**  
**Chapter 70—Lead Abatement and Assessment**  
**Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.620 Work Practice Standards for a Lead Risk Assessment**

*PURPOSE: This rule delineates the standards to be followed by licensed risk assessors to conduct risk assessments in accordance with standards set forth in sections 701.300 through 701.338, RSMo, and 19 CSR 30-70.600 through 19 CSR 30-70.630.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

(1) Licensure. All persons conducting risk assessments shall be licensed by OLLA as set forth in sections 701.300 through 701.338, RSMo, and 19 CSR 30-70.110 through 19 CSR 30-70.200. Licensed risk assessors must present, upon request, proof of licensure in the form of the photo identification badges issued by OLLA.

(2) Conflict of Interest. OLLA recommends that licensed risk assessors conducting risk assessments for dwellings or child-occupied facilities should avoid potential conflicts of interest by not being contracted, subcontracted, or employed by a lead abatement contractor performing abatement activities on the same lead abatement project.

(3) Documented Methodologies for Conducting Risk Assessments.

(A) Licensed risk assessors shall use the following documented methodologies as referenced in this regulation for conducting risk assessments:

1. The U.S. Department of Housing and Urban Development publication entitled, "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing" (HUD Guidelines); and

2. The U.S. Environmental Protection Agency publications entitled, "EPA Lead-Based Paint Risk Assessment Model Curriculum" (EPA Model Training); "Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-Contaminated Soil"; and "Residential Sampling for Lead: Protocols for Dust and Soil Sampling".

(B) Where a conflict exists between any of the aforementioned methodologies and any federal or state statute or regulation, or any city or county ordinance, the most stringent of these shall be adhered to by the licensed risk assessor.

(4) Collection and Laboratory Analysis of Samples. Any paint chip, dust, or soil samples collected pursuant to these work practice standards shall be:

(A) Collected by persons licensed by OLLA as a lead inspector or risk assessor.

(B) Analyzed by an NLLAP-accredited laboratory.

(5) Sample Forms and Questionnaires. Sample forms and questionnaires may be found within the documented methodologies referenced in section (3) of this regulation. These samples may be used as a guide by Missouri licensed risk assessors.

(6) Lead Risk Assessment.

(A) A visual inspection for risk assessment of the dwelling or child-occupied facility shall be conducted to locate the existence of deteriorated lead-bearing substances, assess the extent and causes of the deterioration, and other potential lead hazards.

(B) Background information regarding the physical characteristics of the dwelling or child-occupied facility and occupant use patterns that may cause lead-bearing substance exposure to one or more children age 6 years and under shall be collected.

(C) Each surface with deteriorated lead-bearing surface coatings, which is determined using documented methodologies referenced in section (3) of this regulation, and a distinct painting history, shall be tested for the presence of lead. Each other surface determined, using documented methodologies, to be a potential lead hazard and having a distinct painting history, shall also be tested for the presence of lead.

(D) In dwellings, dust samples (either composite or single-surface samples) from the window troughs, sills and floors near friction or impact spots or in areas with deteriorated surface coatings shall be collected in all living areas where one or more child age 6 and under is most likely to come into contact with dust (i.e., children's play room, kitchen, bedrooms and bathrooms).

(E) For multi-family dwellings and child-occupied facilities, the samples required in paragraph (6)(D) shall be taken. In addition, window and floor samples shall be collected in the following locations:

1. Common areas adjacent to the sampled residential dwelling or child-occupied facility; and

2. Other common areas in the building where the risk assessor determines that one or more child age 6 and under is likely to come into contact with dust.

(F) For child-occupied facilities, window and floor dust samples (either composite or single-surface samples) shall be collected in each room, hallway or stairwell utilized by one or more child age 6 and under and in other common areas in the child-occupied facility where the risk assessor determines that one or more child age 6 and under is likely to come into contact with dust.

(G) Soil samples shall be collected and analyzed for lead concentrations in exterior play areas where bare soil is present and at dripline/foundation areas where bare soil is present.

(H) Any paint, dust, or soil sampling or testing shall be conducted using the documented methodologies referenced in section (3) of this regulation.

(I) The risk assessor shall prepare a risk assessment report as described in section (11) of this regulation.

(7) Lead Hazard Screen Risk Assessments.

(A) Background information regarding the physical characteristics of the dwelling or child-occupied facility and occupant use patterns that may cause lead-bearing substance exposure to one or more child age 6 years and under shall be collected.

(B) A visual inspection of the dwelling or child-occupied facility shall be conducted to:

1. Determine if any deteriorated lead-bearing substance is present; and

2. Locate at least two dust sampling locations.

(C) If deteriorated paint is present, each surface with deteriorated paint and a distinct painting history shall be tested for the presence of lead.

(D) In dwellings, two composite dust samples shall be collected, one from the floors and the other from the windows in rooms, hallways or stairwells where one or more child age 6 and under is most likely to come in contact with dust.

(E) In multi-family dwellings and child-occupied facilities, in addition to the floor and window samples required in (7)(D), the risk assessor shall also collect composite dust samples from common areas where one or more child age 6 and under is most likely to come into contact with dust.

(F) Dust, paint and soil sampling shall be conducted using the documented methodologies referenced in section (3) of this regulation.

(G) The risk assessor shall prepare a risk assessment report as required in section (11) of this regulation.

(8) Elevated Blood Lead Level (EBL) Investigation Risk Assessments.

(A) The risk assessor shall have the parents or guardians of the EBL child fill out a questionnaire (see HUD guidelines Table 16.2) prior to sampling. Environmental testing should be linked to the child's history and may include a prior residence or other areas frequented by the child.

(B) Background information regarding the physical characteristics of the dwelling or child-occupied facility and occupant use patterns that may cause lead-bearing substance exposure to one or more child age 6 years and under shall be collected.

(C) Each surface on the dwelling itself, furniture or play structures frequented by the child that has deteriorated surface coatings shall be tested for the presence of lead.

(D) Each chewable, impact and friction surface shall be tested for the presence of lead-bearing substances.

(E) Dust samples from areas frequented by the child, including play areas, porches, kitchens, bedrooms, and living and dining rooms shall be collected. Dust samples shall also be collected from automobiles, work shoes, and laundry rooms if occupational lead exposure is a possibility.

(F) Soil samples shall be collected from bare soil areas of play areas, areas near the foundation of the house, and areas from the yard. If the child spends significant time at a park or other public play area, samples should be collected from these areas, unless the area has already been sampled and documented.

(G) If necessary, water samples of the first-drawn water from the tap most commonly used for drinking water, infant formula, or food preparation shall be collected.

(H) All paint, dust, or soil collection and testing shall be conducted using the documented methodologies referenced in section (3) of this regulation.

(I) The risk assessor shall prepare a risk assessment report as required in section (11) of this regulation.

(9) Composite Dust Sampling. Composite dust sampling may only be conducted in the situations specified in sections (6) and (7) of this regulation. If such sampling is conducted, the following conditions shall apply:

(A) Composite dust samples shall consist of at least two (2) samples;

(B) Every component that is being tested shall be included in the sampling; and

(C) Composite dust samples shall not consist of subsamples from more than one type of component.

(10) Sampling Results. Analytical sampling results which are received as a result of having conducted a risk assessment, an EBL investigation risk assessment, or lead hazard screen risk assessment shall be interpreted in accordance with the following for the matrices indicated:

(A) Paint. A paint chip sample which has a lead concentration that exceeds the values indicated below is considered to be a lead-bearing substance.

XRF—1.0 milligrams per square centimeter (mg/cm <sup>2</sup> )
Laboratory—1.0 mg/cm <sup>2</sup> or 0.5% by weight (or 5000 parts per million [PPM])

(B) Dust. A dust sample which has a lead concentration that exceeds the values indicated below is considered to be a lead-bearing substance.

Floors—50 micrograms per square foot (µg/ft <sup>2</sup> )
Window Sills—250 µg/ft <sup>2</sup>
Window Troughs—800 µg/ft <sup>2</sup>

(C) Soil. A soil sample which has a lead concentration that exceeds the values indicated below is considered to be a lead-bearing substance.

Bare soil areas when children have access to the site, 400 PPM
Bare soil areas when children do not have access to the site, 2,000 PPM

(D) Water. A water sample which has a lead concentration that exceeds the value indicated below is considered to be a lead-bearing substance.

15 parts per billion (PPB) or 15µg/L
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(11) Reporting and Documentation. The licensed risk assessor shall prepare a risk assessment report which shall include the following information:

- (A) Date of risk assessment;
- (B) Address of each dwelling or child-occupied facility;
- (C) Date dwelling or child-occupied was constructed;
- (D) Apartment number, if applicable;
- (E) Name, address and telephone number of each owner of each dwelling or child-occupied facility;
- (F) Name, signature and license number of the licensed risk assessor conducting the assessment;
- (G) Name, address and telephone number of the firm employing each licensed risk assessor, if applicable;
- (H) Name, address and telephone number of each recognized laboratory conducting analysis of collected samples;
- (I) Results of the visual inspection;
- (J) Testing method and sampling procedure for paint analysis employed;
- (K) Specific locations of each painted component tested for the presence of lead;
- (L) All data collected from on-site testing, including quality control data;
- (M) XRF results, including the following (if applicable):
  - 1. XRF manufacturer and model;
  - 2. Serial number of XRF device used during the inspection;

3. Calibration verification from the beginning and end of each residential unit;

4. A copy of the XRF device user's certificate of training provided by the equipment manufacturer;

5. License or registration number of the XRF instrument;

6. A summary that categorizes the XRF results into one of three categories: positive, negative, or inconclusive; and

7. Recommendations for addressing inconclusive XRF results.

(N) All results of laboratory analysis on collected paint, soil and dust samples and the name of each accredited laboratory that conducted the analysis;

(O) Any other sampling results;

(P) Any background information collected pursuant to paragraphs (6)(B), (7)(A), and (8)(B) of this regulation;

(Q) To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-bearing substance hazards;

(R) A description of the location, type, and severity of identified lead-bearing substance hazard and any other potential lead hazards; and

(S) A description of interim controls and/or abatement options for each identified lead hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

(12) Time Frame for Submission of Reports. The risk assessment report shall be provided to the owner of the property within twenty (20) business days of risk assessment completion.

(13) Report Records Retention. All risk assessment reports shall be kept and maintained by the risk assessor who prepared the report for no fewer than three (3) years. The licensed risk assessor shall make copies of risk assessment reports available to OLLA upon request.

*AUTHORITY: sections 701.301, 701.312 and 701.316, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH  
Division 30—Division of Health Standards and  
Licensure  
Chapter 70—Lead Abatement and Assessment  
Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.630 Lead Abatement Work Practice Standards**

*PURPOSE: This rule delineates the criteria for conducting lead abatement projects in target housing and child-occupied facilities in accordance with standards set forth in sections 701.300 through 701.338, RSMo, and 19 CSR 30-70.600 through 19 CSR 30-70.630.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certifica-*

tion that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.

(1) Licensure. All persons conducting lead abatement shall be licensed as set forth in sections 701.300 through 701.338, RSMo, and 19 CSR 30-70.110 through 19 CSR 30-70.200. Licensed lead abatement professionals must present, upon request, proof of licensure in the form of the photo identification badge issued by OLLA.

(2) Conflict of Interest. OLLA recommends that any person or firm conducting a lead abatement project should avoid potential conflicts of interest by not providing clearance sampling services, inspection, or risk assessment services for that same abatement project.

(3) Documented Methodologies for Conducting Lead Abatement Projects.

(A) All licensed lead abatement workers and supervisors may use the following documented methodologies, but shall, at a minimum, follow the work practice standards presented in this regulation for conducting lead abatement projects:

1. The US Department of Housing and Urban Development publication entitled, "Guidelines for the Evaluation and Control of Lead-based Paint Hazards in Housing" (HUD Guidelines); and

2. The US Environmental Protection Agency publications entitled "Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead-Contaminated Soil"; and "Residential Sampling for Lead: Protocols for Dust and Soil Sampling".

(B) Where a conflict exists between any of the aforementioned informational resources and any federal or state statute or regulation, or any city or county ordinance, the most stringent of these shall be adhered to by licensed lead abatement workers and supervisors.

(4) Notification. Any person or lead abatement contractor conducting a lead abatement project in target housing or in any child-occupied facility shall submit a notification to the department at least ten (10) business days prior to the onset of the lead abatement project.

(A) The notification shall be mailed with a check or money order made payable to the Missouri Department of Health for the nonrefundable fee of twenty-five dollars (\$25) to the Missouri Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102-0570.

(B) The notification form provided by the department shall include the following:

1. The street address, city, state, zip code and county of each location where lead abatement will occur;

2. The name, address and telephone number of the property owner;

3. An indication of the type of structure being abated (i.e. single-family or multi-family dwelling and/or child-occupied facility);

4. The date of the onset of the abatement project;

5. The estimated completion date of the abatement project;

6. The work days and hours of operation that the abatement project will be conducted;

7. The name, address, telephone number and license number of the lead abatement contractor;

8. The name and license number of each lead abatement supervisor;

9. The name and license number of each lead abatement worker;

10. The type(s) of abatement strategy(ies) that will be utilized (i.e., encapsulation, replacement, and/or removal); and

11. The signature of each lead abatement supervisor which certifies that all information provided in the project notification is complete and true to the best of the supervisor's knowledge.

(5) Emergency notification. If the lead abatement contractor is unable to comply with the ten (10) day notification period in the event of an emergency situation as defined in 19 CSR 30-70.600, the lead abatement contractor shall:

(A) Notify OLLA by telephone, facsimile, or electronic mail within twenty-four (24) hours of the onset of the lead abatement project; and

(B) Submit the written notification and notification fee as prescribed in section (4) of this regulation no more than five (5) business days after the onset of the lead abatement project.

(6) Re-notification. A re-notification shall be submitted to OLLA at least twenty-four (24) hours prior to any changes from the original project notification.

(A) A re-notification form shall be mailed to the Missouri Department of Health, Office of Lead Licensing and Accreditation, P.O. Box 570, Jefferson City, MO 65102-0570.

(B) The re-notification form provided by the department shall include the following:

1. The street address, city, state, zip code and county of each location where abatement will occur;

2. The name, address and telephone number of the property owner;

3. An indication of the type of structure being abated (i.e. single-family or multi-family dwelling and/or child-occupied facility);

4. The name, address, telephone number and license number of the lead abatement contractor;

5. A list of changes to the original notification which may include the following:

A. The date of the onset of the abatement project;

B. The estimated completion date of the abatement project;

C. The work days and hours of operation that the abatement project will be conducted;

D. The name, address, telephone number and license number of the lead abatement contractor;

E. The name and license number of each lead abatement supervisor;

F. The name and license number of each lead abatement worker;

G. The type(s) of abatement strategy(ies) that will be utilized (i.e. encapsulation, replacement, and/or removal); and

6. The signature of the lead abatement supervisor which certifies that all information provided in the project re-notification is complete and true to the best of the supervisor's knowledge.

(7) Occupant Protection Plan.

(A) General Scope: Occupants of dwelling units undergoing lead abatement activities shall be protected from exposure to lead hazards while lead abatement work is being performed. If occupants remain in the dwelling during a lead abatement project, the lead abatement supervisor shall ensure that occupants have safe, uncontaminated access to non-regulated areas. To ensure occupant safety, a written occupant protection plan shall be developed for all abatement projects. The occupant protection plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead hazards. The purpose of occupant protection planning is to:

1. Evaluate the necessity of removing occupants from the residence during lead abatement activities;
2. Prevent uncontrolled release of dust and debris beyond the abatement work area;
3. Prevent entry of unlicensed individuals into the regulated area; and
4. Ensure that clearance levels have been met prior to re-occupancy by building residents.

(B) The occupant protection plan shall meet the following requirements:

1. Be unique to each lead abatement project;
2. Be developed and implemented prior to commencement of the lead abatement project;
3. Describe the work practices and strategies that will be taken during the lead abatement project to protect the building occupants from exposure to any lead hazards;
4. Be written by the licensed lead abatement supervisor responsible for the project;
5. Include the results of any lead inspections or risk assessments completed prior to the commencement of the lead abatement project;
6. The occupant protection plan shall be provided to an adult occupant of each dwelling or dwelling unit being abated, and the property owner, or property owner's designated representative, prior to the commencement of the lead abatement project; and
7. The occupant protection plan shall be submitted to OLLA with the lead abatement project notification.

(8) Post-Abatement Project Report. A post-abatement project report shall be prepared by a licensed lead abatement supervisor or licensed project designer and shall be provided to the property owner within twenty (20) business days of the abatement project completion. The licensed supervisor or project designer shall make copies of the report available to OLLA upon request. The report shall include the following information:

- (A) The project location and address;
- (B) The actual start and completion dates of the abatement project;
- (C) The name, address, telephone number and license number of the contractor conducting the lead abatement project;
- (D) The name and license number of each lead abatement supervisor and/or project designer;
- (E) The name and license number of each lead abatement worker;
- (F) The name and license number of each lead inspector or risk assessor responsible for clearance testing;
- (G) The date and the results of clearance testing, and the name of each NLLAP-accredited laboratory that conducted the analyses; and
- (H) A detailed written description of the lead abatement project, including abatement methods used, locations of rooms and or components where abatement occurred, reason for selecting particular abatement methods for each component, and any suggested monitoring of encapsulant or enclosure.

(9) Lead Abatement Project Requirements.

(A) General.

1. A licensed lead abatement supervisor is required for each abatement project and shall be onsite during all work site preparation, abatement activities and during post-abatement cleanup of work areas.

2. The lead abatement supervisor, as well as the lead abatement contractor employing that lead abatement supervisor, shall ensure that all abatement project activities are conducted according to the requirements of these work practice standards for conducting lead-bearing substance activities (19 CSR 30-70.600 through 19 CSR 30-70.630) and all federal, state and local laws, regulations or ordinances pertaining to lead-bearing substance activities.

3. The lead abatement supervisor shall have on site a list of all licensed lead abatement workers, which shall include their names and license numbers, working on the current project.

4. All abatement project activities shall be performed by persons currently licensed by OLLA as lead abatement workers and/or lead abatement supervisors. These people shall present, upon request, proof of licensure in the form of the photo identification badge issued by OLLA.

5. A written occupant protection plan shall be developed prior to all abatement projects according to section (7) of this regulation.

6. Access to the regulated area shall be limited to OLLA licensed lead professionals or department-authorized persons.

7. All waste generated from a lead-based paint abatement project shall be disposed of in accordance with the requirements of EPA, Missouri Department of Natural Resources and any other applicable federal, state and local laws.

(B) Prohibited Lead Abatement Project Strategies. The following lead abatement project strategies are prohibited:

1. Open-flame burning or torching of lead-bearing substances;
2. Machine sanding or grinding or abrasive blasting or sandblasting of lead-bearing substances without containment and HEPA-vacuum exhaust control;
3. Hydroblasting or pressurized water washing of lead-bearing substances without containment and water collection and filtering;
4. Heat guns operating above 1100°F;
5. Methylene chloride based chemical strippers;
6. Solvents that have flashpoints below 140°F;
7. Dry scraping strategies unless in conjunction with heat guns or around electrical outlets or when treating defective paint spots totaling no more than two (2) square feet in any one room, hallway or stairwell or totaling no more than twenty (20) square feet on exterior surfaces;
8. Enclosure strategies where the barrier is not warranted by the manufacturer to last at least twenty (20) years under normal conditions, or where the primary barrier is not a solid barrier;
9. Encapsulation strategies where the encapsulant is not warranted by the manufacturer to last at least twenty (20) years under normal conditions, or where the encapsulant has been improperly applied; and
10. Exterior abatement project activities when constant wind speeds are greater than ten (10) miles per hour.

(C) Permissible Lead Abatement Project Strategies. Strategies that are permissible for lead abatement projects are as follows: replacement, enclosure, encapsulation, or removal. Any abatement strategy not specified herein shall be submitted to the Missouri Department of Health, Office of Lead Licensing and Accreditation, P.O. Box 570, Jefferson City, Missouri, 65102-0570 for evaluation and approval prior to use.

1. Replacement. When conducting a lead abatement project using the replacement strategy, these minimum requirements shall be met:

- A. The site shall be prepared by first establishing a regu-

lated area using fencing, barrier tape or other appropriate barriers. The regulated area shall be defined to prevent unlicensed and/or unauthorized personnel from approaching closer than twenty (20) feet to the replacement operation.

B. Signs shall be posted at all entrances to the regulated area, and shall include the words "WARNING: LEAD AREA, POISON-NO SMOKING OR EATING" in bold lettering not smaller than two inches tall with additional language prohibiting entrance to the regulated area by unauthorized personnel.

C. Any heating and cooling systems within the regulated area shall be shut down and the vents sealed with 6-mil poly to prevent lead dust accumulation within the system.

D. All items shall be cleaned within the regulated area by HEPA vacuuming and/or wet wiping with a cleaning solution. Items shall then be removed from the area, or covered with 6-mil poly and sealed with duct tape.

E. At least one layer of 6-mil, or thicker, poly shall be placed on the floor at the base of the component and extend at least ten (10) feet beyond the perimeter of the component to be replaced.

F. The component, and the area immediately adjacent to the component, shall be thoroughly wetted using a garden sprayer, airless mister, or other appropriate means to reduce airborne dust.

G. After removal of the component, the surface behind the removed component shall be thoroughly wetted to reduce airborne dust.

H. The component shall be wrapped or bagged completely in 6-mil poly and sealed with duct tape to prevent loss of debris or dust.

I. Prior to installing a new component, the area of replacement shall be cleaned by HEPA vacuuming. After replacement is complete, the regulated area shall be cleaned by vacuuming with a HEPA vacuum, wiping down all surfaces with a cleaning solution, rinsing all surfaces, and then HEPA vacuuming the area again. Cleaning shall begin at the end of the work area farthest from the main entrance to the area and from the top to the bottom of the regulated area.

2. Enclosure. When conducting a lead abatement project using the enclosure strategy, these minimum requirements shall be met:

A. The site shall be prepared by first establishing a regulated area using fencing, barrier tape or other appropriate barriers. The regulated area shall be defined to prevent unlicensed and/or unauthorized personnel from approaching closer than twenty (20) feet to the enclosure operation.

B. Signs shall be posted at all entrances to the regulated area, and shall include the words "WARNING: LEAD AREA, POISON-NO SMOKING OR EATING" in bold lettering not smaller than two inches tall with additional language prohibiting entrance to the regulated area by unauthorized personnel.

C. Any heating and cooling systems within the regulated area shall be shut down and the vents sealed with 6-mil poly to prevent lead dust accumulation within the system.

D. All items shall be cleaned within the regulated area by HEPA vacuuming and/or wet wiping with a cleaning solution. Items shall then be removed from the area or covered with 6-mil poly and sealed with duct tape.

E. At least one layer of 6-mil, or thicker, poly shall be placed on the floor at the base of the component and extend at least ten (10) feet beyond the perimeter of the component to be enclosed.

F. The surface to be enclosed shall be labeled (behind the enclosure), horizontally and vertically, approximately every two (2) feet with a warning, "Danger: Lead-Based Paint", in permanent ink.

G. The enclosure material shall be applied directly onto the painted surface, or a frame shall be constructed of wood or metal, using nails, staples, or screws. Glue may be used in conjunction

with the aforementioned fasteners, but not alone.

H. The material used for the enclosure barrier shall be solid and rigid enough to provide adequate protection. Materials including, but not limited to, wall papers, contact paper, films, folding walls, and drapes do not meet this requirement.

I. Enclosure systems and their adhesives shall be designed to last at least twenty (20) years.

J. The substrate or building structure to which the enclosure is fastened shall be sufficient structurally to support the enclosure barrier for at least twenty (20) years. Deterioration such as mildew, water damage, dry rot, termite damage or any significant structural damage may impair the enclosure from remaining dust tight.

K. Pre-formed steel, aluminum, vinyl or other construction material may be used for window frames, exterior siding, trim casings, column enclosures, moldings, or other similar components if they can be sealed dust tight.

L. A material equivalent to 1/4" rubber or vinyl may be used to enclose stairs.

M. The seams, edges, and fastener holes shall be sealed with caulk or other sealant, providing a dust tight system.

N. All equipment used in the regulated area shall be thoroughly cleaned with a cleaning solution and/or vacuumed with a HEPA vacuum prior to removal from the regulated area.

O. Prior to clearance, the installed enclosure and surrounding regulated area shall be cleaned by vacuuming with a HEPA vacuum, wiping down all surfaces with a cleaning solution, rinsing all surfaces, and then HEPA vacuuming the area again. Cleaning shall begin at the end of the work area farthest from the main entrance to the area and from the top to the bottom of the regulated area.

P. It is recommended that a visual evaluation of the enclosure's integrity be conducted and documented by the building owner or the building owner's representative at least every year or immediately after any fire, water, or structural damage. In child-occupied facilities, it is recommended that a licensed risk assessor inspect all enclosures every three (3) years, or whenever the owner's visual evaluation indicates a potential for increased lead hazard exposure.

### 3. Encapsulation.

A. The encapsulation strategy of lead abatement shall not be used on the following:

1. Friction surfaces - such as window sashes and parting beads, door jambs and hinges, floors, and door thresholds.

2. Deteriorated components - including rotten wood, rusted metal, spalled or cracked plaster, or loose masonry.

3. Impact surfaces, such as doors stops, window wells and headers.

4. Deteriorated surface coatings such that the adhesion or cohesion of the surface coating is uncertain or indeterminable.

5. Incompatible coatings.

B. When conducting a lead abatement project using the encapsulation strategy, these minimum requirements shall be met:

1. Encapsulant selection shall be limited to those that are warranted by the manufacturer to last for at least twenty (20) years and comply with fire, health and environmental regulations.

2. Surfaces to be encapsulated shall have sound structural integrity with no loose, chipping, peeling, or chalking paint and no dust accumulation that can not be cleaned, and shall be prepared and applied according to the manufacturer's recommendations.

3. The site shall be prepared by first establishing a regulated area using fencing, barrier tape or other appropriate barriers. The regulated area shall be designated as to prevent unlicensed and/or unauthorized personnel from approaching closer than twenty (20) feet to the encapsulation operation.

4. Signs shall be posted at all entrances to the regulated area, and shall include the words "WARNING: LEAD AREA,

POISON-NO SMOKING OR EATING” in bold lettering not smaller than two inches tall with additional language prohibiting entrance to the regulated area by unauthorized personnel.

5. Any heating and cooling systems within the regulated area shall be shut down and the vents sealed with 6-mil poly to prevent lead dust accumulation within the system.

6. All items shall be cleaned within the regulated area by HEPA vacuuming and/or wet wiping with a cleaning solution. Items shall then be removed from the area, or covered with 6-mil poly sheeting and sealed with duct tape.

7. At least one layer of 6-mil, or thicker, poly shall be placed on the ground at the base of the component and extend at least ten (10) feet beyond the perimeter of the component to be encapsulated.

8. A patch test shall be conducted prior to general application to determine the adhesive and cohesive properties of the encapsulant on the surface to be encapsulated (See the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Chapter 13).

9. After the manufacturer’s recommended curing time, the entire encapsulated surface shall be inspected by a licensed lead abatement supervisor or a licensed project designer. Any unacceptable areas shall be evaluated to determine if a complete failure of the system is indicated, or whether the system can be patched or repaired. Unacceptable areas are evidenced by delamination, wrinkling, blistering, cracking, cratering, and bubbling of the encapsulant.

10. After the encapsulation is complete, the regulated area shall be cleaned by vacuuming with a HEPA vacuum, wiping down all surfaces with a cleaning solution, rinsing all surfaces, and then HEPA vacuuming the area again. Cleaning shall begin at the end of the work area farthest from the main entrance to the area and from the top to the bottom of the regulated area.

11. All equipment used in the regulated area shall be thoroughly cleaned with a cleaning solution and/or vacuumed with a HEPA vacuum prior to removal from the regulated area.

12. It is recommended that a visual evaluation of the encapsulant’s integrity be conducted and documented by the building owner or the building owner’s representative at least every year or immediately after any fire, water, or structural damage. In child-occupied facilities, it is recommended that a licensed risk assessor inspect all enclosures every three (3) years, or whenever the owner’s visual evaluation indicates a potential for increased lead hazard exposure.

4. Removal.

A. Acceptable removal strategies include:

1. Manual Wet Strategies - Manual wet scraping or manual wet sanding is acceptable for removal of lead surface coatings.

2. Mechanical Removal Strategies - Power tools that are HEPA-shrouded or locally exhausted are acceptable removal strategies for lead surface coatings. HEPA-shrouded or exhausted mechanical abrasion devices such as sanders, saws, drills, rot-peens, vacuum blasters, and needle guns are acceptable.

3. Chemical Removal Strategies - Chemical strippers shall be used in compliance with manufacturer’s recommendations.

4. Soil Abatement - When soil abatement is conducted, the lead-bearing soil shall be removed, tilled, or permanently covered in place as indicated in the following paragraphs.

(i) Removed soil shall be replaced with fill material containing no more than 100 ppm of total lead. If the fill material exceeds 100 ppm total lead, the fill material will be acceptable only if the lead solubility is less than 5 ppm. Soil that is removed shall not be reused as topsoil in another residential yard or child-occupied facility.

(ii) If tilling is selected, soil in a child-accessible area shall be tilled to a depth which results in no more than 400 ppm total lead of the homogenized soil, or other concentrations

approved by the department. Soil in an area not accessible to children shall be tilled to a depth which results in no more than 2000 ppm total lead of the homogenized soil or other concentrations approved by the department.

(iii) Permanent soil coverings include solid materials such as pavement or concrete, which separate the soil from human contact. Grass, mulch and other landscaping materials are not considered permanent soil covering.

(iv) Soil abatement shall be conducted to prevent lead contaminated soil from being blown from the site and/or from being carried away by water run-off or through percolation to ground water.

B. Interior Removal. When conducting a lead abatement project using the removal strategy on interior surfaces, these minimum requirements shall be met:

1. The site shall be prepared by first establishing a regulated area using fencing, barrier tape or other appropriate barriers. The regulated area shall be defined to prevent unlicensed and/or unauthorized personnel approaching closer than twenty (20) feet to the removal operation.

2. Signs shall be posted at all entrances to the regulated area, and shall include the words “WARNING: LEAD AREA, POISON-NO SMOKING OR EATING” in bold lettering not smaller than two inches tall with additional language prohibiting entrance to the regulated area by unauthorized personnel.

3. Any heating and cooling systems within the regulated area shall be shut down and the vents sealed with 6-mil poly to prevent lead dust accumulation within the system.

4. All items within the regulated area shall be cleaned by HEPA vacuuming and/or wet wiping with a cleaning solution. Items shall then be removed from the area, or covered with 6-mil poly and sealed with duct tape.

5. All windows below and within the regulated area shall be closed.

6. Critical barrier containment shall be constructed.

7. At least two layers of 6-mil, or thicker, poly shall be placed on the floor at the base of the component and extend at least ten (10) feet beyond the perimeter of the component being abated (removal by the chemical strategy may require chemical resistant floor cover; follow manufacturer’s recommendations).

8. All equipment used in the regulated area shall be thoroughly cleaned with a cleaning solution and/or vacuumed with a HEPA vacuum prior to removal from the regulated area.

9. At the end of each work shift, the top layer of 6-mil poly shall be removed and used to wrap and contain the debris generated by the shift. The 6-mil poly shall then be sealed with duct tape and kept in a secured area until final disposal. The second layer of 6-mil poly shall be HEPA-vacuumed, left in place and used during the next shift. A single layer of 6-mil poly shall be placed on this remaining poly before abatement resumes.

10. After the removal is complete, the regulated area shall be cleaned by vacuuming with a HEPA vacuum, wiping down all surfaces with a cleaning solution, rinsing all surfaces, and then HEPA vacuuming the area again. Cleaning shall begin at the end of the work area farthest from the entrance to the area and from the top to the bottom of the regulated area.

C. Exterior Removal. When conducting a lead abatement project using the removal strategy on exterior surfaces, these minimum requirements shall be met:

1. The site shall be prepared by first establishing a regulated area using fencing, barrier tape or other appropriate barriers. The regulated area shall be designated as to prevent unlicensed and/or unauthorized personnel from approaching closer than twenty (20) feet to the removal operation.

2. Signs shall be posted at all entrances to the regulated area, and shall include the words “WARNING: LEAD AREA, POISON-NO SMOKING OR EATING” in bold lettering not smaller than two inches tall with additional language prohibiting

entrance to the regulated area by unauthorized personnel.

3. All movable items shall be moved twenty (20) feet from working surfaces. Items that cannot be readily moved twenty (20) feet from working surfaces shall be covered with 6-mil poly and sealed with duct tape.

4. At least one layer of 6-mil, or thicker, poly shall be placed on the ground and extend at least ten (10) feet from the abated surface plus another five (5) feet out for each additional ten (10) feet in surface height over twenty (20) feet. In addition, the poly shall:

(i) Be securely attached to the side of the building with cover provided to all ground plants and shrubs in the regulated area;

(ii) Be protected from tearing or perforating;

(iii) Contain any water, including rainfall, which may accumulate during the abatement; and

(iv) Be weighted down to prevent disruption by wind gusts.

5. All windows in the regulated area and all windows below and within twenty (20) feet of working surfaces shall be closed. It is recommended that the windows of adjacent structures within twenty (20) feet also be closed.

6. Work shall cease if constant wind speeds are greater than ten (10) miles per hour.

7. Work shall cease and cleanup shall occur if rain begins.

8. All equipment used in the regulated area shall be thoroughly cleaned with a cleaning solution and/or vacuumed with a HEPA vacuum prior to removal from the regulated area.

9. The regulated area shall be HEPA vacuumed and cleaned of lead-based paint chips, poly and other debris generated by the abatement project work at the end of each workday. Debris shall be kept in a secured area until final disposal.

(10) Post-Abatement Clearance Procedures. The following post-abatement clearance procedures shall be performed only by a licensed lead inspector or risk assessor:

(A) Following abatement, a visual inspection shall be performed to determine if deteriorated painted surfaces and/or visible amounts of dust, debris or residue are still present. If deteriorated painted surfaces or visible amounts of dust, debris or residues are present, these conditions must be eliminated prior to the continuation of the clearance procedures.

(B) Following the visual inspection and any post-abatement cleanup required by paragraph (10)(A) of this regulation, clearance sampling for lead-contaminated dust and/or soil shall be conducted.

(C) Dust and soil sampling shall be conducted using the documented methodologies referenced in section (3) of this regulation.

(D) Dust samples for clearance purposes shall be taken a minimum of 1 hour after completion of final post-abatement cleanup activities.

(E) The licensed lead inspector or risk assessor shall compare the residual lead level from each dust and/or soil sample with clearance levels specified in section (11) of this regulation for lead in dust on floors, windows and soil.

(F) If the lead levels in a clearance dust sample exceed the clearance levels, all the components represented by the failed dust sample shall be recleaned and tested until clearance levels are met.

(G) If the lead levels in a soil clearance sample exceed the clearance levels, the soil shall be abated until a composite soil sample meets clearance levels.

(H) In a multi-family dwelling with similarly constructed and maintained residential dwellings, random sampling for the purposes of clearance may be conducted provided:

1. The licensed individuals who abate or clean the residential dwellings do not know which residential dwelling will be selected for the random sample.

2. A sufficient number of residential dwellings are selected for dust sampling to provide a 95 percent level of confidence that no more than 5 percent or 50 of the residential dwellings (whichever is smaller) in the randomly sampled population exceed the appropriate clearance levels.

3. The randomly selected residential dwellings shall be sampled and evaluated for clearance according to the procedures found in section (10)(A) through (10)(G) of this regulation.

(11) Clearance Levels. For each respective media, the following clearance levels shall be met for a lead-abatement project to be considered complete (if background lead levels are lower than the following clearance levels, clearance is not complete until background values are met):

(A) Dust samples

Media	Clearance Level
Floors	50 µg/ft <sup>2</sup>
Interior window sills	250 µg/ft <sup>2</sup>
Window troughs	800 µg/ft <sup>2</sup>

(B) Soil samples

Media	Clearance Level
Bare soil (dwelling perimeter and yard)	2000 ppm
Bare soil (small high contact areas, such as sandboxes and gardens)	400 ppm

*AUTHORITY: sections 701.301, 701.309, 701.312 and 701.316 RSMo Supp. 1998. Emergency rule filed August 19, 1999, effective August 30, 1999, expires February 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH  
Division 30—Division of Health Standards and  
Licensure  
Chapter 70—Lead Abatement and Assessment  
Licensing, Training Accreditation**

**EMERGENCY RULE**

**19 CSR 30-70.640 Project Notification for Industrial Lead Abatement Projects**

*PURPOSE: This rule delineates the procedure for filing an industrial lead abatement project notification with the Missouri Department of Health, Office of Lead Licensing and Accreditation.*

*EMERGENCY STATEMENT: This emergency rule is necessary in order for the Missouri Department of Health to continue to administer and enforce standards for lead-bearing substance activities to protect human health and the environment. Such rule has to be in effect in order for the Environmental Protection Agency to review and authorize the Missouri Department of Health to continue to administer and enforce the standards, regulations and other requirements for lead-bearing substance activities. Upon receipt of the Missouri Department of Health's application and certification that the state lead-bearing substance program is at least as protective as the federal program and provides adequate enforcement, the program shall be deemed authorized by the Environmental Protection Agency unless and until the Environmental Protection Agency disapproves the program application or withdraws the program authorization. The application*

*must contain regulations, statutes and other standards regarding the administration and enforcement of this state program. Without emergency promulgation of this rule, as of August 30, 1999, the Environmental Protection Agency will usurp the authority of the state as to the regulation of lead-bearing substance activities. The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed August 19, 1999, effective August 30, 1999, and expires February 25, 2000.*

(1) Notification. Any person or entity conducting an industrial lead abatement project shall submit a notification to the department at least ten (10) business days prior to the onset of the lead abatement project.

(A) The notification shall be mailed with a check or money order made payable to the Missouri Department of Health for the nonrefundable fee of twenty-five dollars (\$25) to the Missouri Department of Health, Attention: Fee Receipts, P.O. Box 570, Jefferson City, MO 65102-0570.

(B) The notification form provided by the department shall include the following:

1. The street address, city, state, zip code and county of each location where abatement will occur;
2. The name, address and telephone number of the property owner;
3. An indication of the type of structure being abated (i.e. bridge, superstructure or other structure that is not a dwelling or child-occupied facility);
4. The date of the onset of the abatement project;
5. The estimated completion date of the abatement project;
6. The work days and hours of operation that the abatement project will be conducted;
7. The name, address, telephone number and license number of the lead abatement contractor;
8. The name and license number of each lead abatement supervisor;
9. The name and license number of each lead abatement worker;
10. The type(s) of abatement strategy(ies) that will be utilized (i.e., encapsulation, replacement, and/or removal); and
11. The signature of each lead abatement supervisor which certifies that all information provided in the project notification is complete and true to the best of the supervisor's knowledge.

(2) Emergency notification. If the lead abatement contractor is unable to comply with the ten (10) day notification period in the event of an emergency situation as defined in 19 CSR 30-70.600, the lead abatement contractor shall:

(A) Notify OLLA by telephone, facsimile, or electronic mail within twenty-four (24) hours of the onset of the lead abatement project; and

(B) Submit the written notification and notification fee as prescribed in section (1) of this regulation no more than five (5) business days after the onset of the lead abatement project.

(3) Re-notification. A re-notification shall be submitted to OLLA at least twenty-four (24) hours prior to any changes from the original project notification.

(A) A re-notification form shall be mailed to the Missouri Department of Health, Office of Lead Licensing and Accreditation, P.O. Box 570, Jefferson City, MO 65102-0570.

(B) The re-notification form provided by the department shall include the following:

1. The street address, city, state, zip code and county of each location where abatement will occur;
2. The name, address and telephone number of the property owner;
3. An indication of the type of structure being abated (i.e. bridge, superstructure or other structure that is not a dwelling or child-occupied facility);
4. The license number of the lead abatement contractor;
5. A list of changes to the original notification which may include the following:
  - A. The date of the onset of the abatement project;
  - B. The estimated completion date of the abatement project;
  - C. The work days and hours of operation that the abatement project will be conducted;
  - D. The name, address, telephone number and license number of the lead abatement contractor;
  - E. The name and license number of each lead abatement supervisor;
  - F. The name and license number of each lead abatement worker;
  - G. The type(s) of abatement strategy(ies) that will be utilized (i.e. encapsulation, replacement, and/or removal); and
6. The signature of the lead abatement supervisor which certifies that all information provided in the project notification is complete and true to the best of the supervisor's knowledge.

*AUTHORITY: sections 701.301, 701.309 and 701.312, RSMo Supp. 1998. Emergency rule filed Aug. 19, 1999, effective Aug. 30, 1999, expires Feb. 25, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.*