

<p>FILED WITH LRC TIME: _____ <i>12:25 pm</i></p> <p>JUL 13 2021</p> <p><i>Emily B Caudill</i> REGULATIONS COMPILER</p>

1 CABINET FOR HEALTH AND FAMILY SERVICES
2 Department for Public Health
3 Division of Public Health Protection and Safety
4 (Amendment)

5 902 KAR 48:010. Definitions for 902 KAR Chapter 48.

6 RELATES TO: KRS 211.180, 211.900-211.905, 211.9061-211.9079, 211.994,
7 217.660, 217.801, 40 C.F.R. Part 745[, ~~15 U.S.C. 2601, sec. 405(b)~~]

8 STATUTORY AUTHORITY: KRS 211.090(3), 211.9065(4), 211.9067, 211.9071

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.9065(4) and 211.9067

10 authorize the Department for Public Health to promulgate administrative regulations
11 relating to the training, certification of persons, and standards and procedures for
12 activities related to conducting lead-hazard assessment and abatement activities in
13 target housing or child-occupied facilities. KRS 211.9071 requires the department to
14 comply with the applicable rules and regulations of all federal agencies having
15 jurisdiction over issues concerning lead-hazards. This administrative regulation
16 establishes definitions for 902 KAR Chapter 48.

17 Section 1. Definitions. (1) "Abatement permit" means a permit issued by the
18 department to a person who plans to conduct lead-hazard abatement in target housing
19 or child-occupied facilities.

20 (2) "Abatement permit holder" means a person who:

21 (a) Is certified by the department to conduct lead abatement activities; and

1 (b) Has been issued a permit by the department to conduct specific lead abatement
2 activities.

3 (3) "Abatement plan" means a detailed, written description of proposed planned
4 abatement activities for lead-hazard abatement, environmental lead-hazard control,
5 cleanup, and clearance.

6 (4) "Accredited training program" means a program for training individuals engaged
7 in lead-hazard detection and abatement activities, conducted by a training provider
8 accredited by the department.

9 (5) "Adequate quality control" is defined by 40 C.F.R. 745.223.

10 ~~(6)[means a plan or design that:~~

11 ~~(a) Ensures the authenticity, integrity, and accuracy of samples including:~~

12 ~~1. Dust;~~

13 ~~2. Soil; and~~

14 ~~3. Paint chips; and~~

15 ~~(b) Provides for representative sampling.~~

16 ~~(6) "Applicable work experience" means experience in a profession related to lead,~~
17 ~~asbestos, environmental remediation work, building renovation/remodeling, or building~~
18 ~~construction.~~

19 ~~(7)] "Approved course" means a training course:~~

20 ~~(a) Approved under the initial accreditation requirement of a training program; and~~

21 ~~(b) Conducted by a provider who has met the notification and reporting~~

22 ~~requirements of 902 KAR 48:030, Section 12[13].~~

1 ~~(7)~~~~(8)~~ "Certificate of accreditation" means the document issued by the department
2 to a training provider certifying that the ~~[training]~~ provider has been approved ~~[by the~~
3 ~~department]~~ to provide training courses for individuals who perform lead-hazard
4 detection and abatement activities.

5 ~~(8)~~~~(9)~~ "Chewable surface" is defined by 40 C.F.R. 745.63.

6 ~~(9)~~~~[means an interior or exterior painted surface that is accessible to children for~~
7 ~~mouthings or chewing.~~

8 ~~(10)~~ "Child" means a person six (6) years of age or younger.

9 ~~(10)~~~~(11)~~ "Child-occupied facility" is defined by KRS 211.9061(1).

10 ~~(11)~~~~(12)~~ "Clearance ~~[dust]~~ level" is defined by 40 C.F.R. 745.223.

11 ~~(12)~~~~[means the lead level permitted in dust on a surface following completion of an~~
12 ~~abatement or other activity which may have disturbed a lead paint hazard, as~~
13 ~~established in 902 KAR 48:040, Section 13.~~

14 ~~(13)~~ "Common area" is defined by 40 C.F.R. 745.223.

15 ~~(13)~~~~[means a portion of a building that is generally accessible to the occupants of~~
16 ~~multiresidential units.~~

17 ~~(14)~~ "Composite dust sample" means a sample of dust:

18 (a) Consisting of two (2) or more subsamples;

19 (b) Representing each component being tested; and

20 (c) Containing a subsample from only one (1) type of component.

21 ~~(14)~~~~(15)~~ "Containment" is defined by 40 C.F.R. 745.223.

22 ~~(15)~~~~[means a process to protect workers and the environment by controlling~~
23 ~~exposures to lead contaminated dust and debris created during a lead abatement~~

1 ~~project or activity.~~

2 ~~(16)] "Course test blue print" is defined by 40 CFR 745.223.~~

3 ~~(16)[blueprint" means written documentation identifying the percentage of course~~
4 ~~test questions devoted to each major topic in a course curriculum.~~

5 ~~(17)] "Department" is defined at KRS 211.9061(2).~~

6 ~~(17)[(18)] "Deteriorated paint" is defined by 40 C.F.R. 745.63.~~

7 ~~(18)[means an interior or exterior paint or other coating that is peeling, chipping,~~
8 ~~chalking or cracking, or is otherwise damaged or separated from the substrate.~~

9 ~~(19)] "Discipline" means a category of work performed by one (1) of the following~~
10 ~~persons:~~

11 ~~(a) Lead-hazard inspector;~~

12 ~~(b) Lead-hazard risk assessor;~~

13 ~~(c) Lead-hazard dust sampling technician;~~

14 ~~(d) Lead-hazard abatement worker;~~

15 ~~(e) Lead-hazard abatement supervisor;~~

16 ~~(f) Lead-hazard project designer; or~~

17 ~~(g) Lead-hazard abatement company.~~

18 ~~(19)[(20)] "Distinct painting history" is defined by 40 C.F.R. 745.223.~~

19 ~~(20)[means the application history of paint or other surface coatings to a component~~
20 ~~or building component, as indicated by:~~

21 ~~(a) Its visual appearance; or~~

22 ~~(b) A record of paint application over time.~~

23 ~~(21)] "Documented methodologies" is defined by 40 C.F.R. 745.223.~~

1 ~~(21) "Dripline" is defined by 40 C.F.R. 745.63.~~

2 ~~(22)[means methods or protocols used to sample for the presence of lead in paint,~~
3 ~~dust, and soil:~~

4 ~~(a) Established by administrative regulation; or~~

5 ~~(b) Recognized, as indicated in 902 KAR 48:040, Section 1, for acceptable use.~~

6 ~~(22) "Drip line" means the area within three (3) feet surrounding the perimeter of a~~
7 ~~building.~~

8 ~~(23)] "Dust-lead hazard" is defined by 40 C.F.R. 745.65(b).~~

9 ~~(23)[means surface dust in a residential dwelling or child-occupied facility that~~
10 ~~contains a specific area or mass concentration of lead exceeding the levels established~~
11 ~~in 902 KAR 48:040, Section 13.~~

12 ~~(24)] "Encapsulant" is defined by 40 C.F.R. 745.223.~~

13 ~~(24)[means a liquid-applied coating, or an adhesively-bonded covering material, that~~
14 ~~forms a barrier between lead-containing paint and the environment.~~

15 ~~(25)] "Encapsulation" is defined by 40 C.F.R. 745.223.~~

16 ~~(25)[means the application of an encapsulant.~~

17 ~~(26)] "Enclosure" is defined by 40 C.F.R. 745.223.~~

18 ~~(26)[means a rigid, durable construction material mechanically fastened to the~~
19 ~~substrate as a barrier between the underlying lead-containing paint and the~~
20 ~~environment.~~

21 ~~(27)] "Equivalent method" means a method demonstrated to the department by a~~
22 ~~certified person that:~~

23 ~~(a) Is equally protective as documented methodologies;~~

1 (b) Ensures adequate quality control; and

2 (c) Protects the environment.

3 ~~(27)~~[(28)] "EPA" means the U.S. Environmental Protection Agency.

4 ~~(28)~~ "Friction surface" is defined by 40 C.F.R. 745.63.

5 ~~(29)~~ "Guest instructor" is defined by 40 C.F.R. 745.223.

6 ~~(30)~~ "Hands-on skills assessment" is defined by 40 C.F.R. 745.223[means an
7 evaluation of a trainee's ability to perform activities that test the trainee's performance of
8 practice standards and procedures established in 902 KAR 48:040.

9 ~~(30)~~ "Friction surface" means an interior or exterior surface subject to abrasion or
10 friction, including window, floor and stair surfaces].

11 (31) "Impact surface" is defined by 40 C.F.R. 745.63.

12 ~~(32)~~ "Interim control" is defined by 40 C.F.R. 745.223.

13 ~~(33)~~[means an interior or exterior surface subject damage by repeated sudden
14 force, such as parts of a doorframe.

15 ~~(32)~~ "Interior window sill" is defined by 40 C.F.R. 745.63.

16 ~~(34)~~[means the portion of the horizontal window ledge that protrudes into the interior
17 of the room.

18 ~~(33)~~ "Guest instructor" means a person designated by training manager to provide:

19 ~~(a)~~ Instructions specific to the lecture;

20 ~~(b)~~ Hands-on activities; or

21 ~~(c)~~ Work practice standards and procedures.

22 ~~(34)~~ "Interim control" means a measure designed to temporarily reduce human
23 exposure, actual or potential, to a lead hazard, including:

- 1 ~~(a) Specialized cleaning;~~
- 2 ~~(b) Repairs;~~
- 3 ~~(c) Maintenance;~~
- 4 ~~(d) Painting;~~
- 5 ~~(e) Temporary containment;~~
- 6 ~~(f) Ongoing monitoring of lead hazards or potential hazards; or~~
- 7 ~~(g) The establishment and operation of management and resident educational~~
- 8 ~~programs.~~

9 ~~(35)]~~ "Large-scale" means an abatement project with ten (10) or more residential
10 dwellings.

11 ~~(35)]~~~~(36)]~~ "Lead-hazard" means a hazard due to excessive amounts of lead in:

- 12 (a) Paint;
- 13 (b) Dust; or
- 14 (c) Soil.

15 ~~(36)]~~~~(37)]~~ "Lead-hazard abatement" is defined by KRS 211.9061(4).

16 ~~(37)]~~~~(38)]~~ "Lead-hazard abatement worker" means a person certified by the
17 department to perform physical lead-hazard abatement activities.

18 ~~(38)]~~~~(39)]~~ "Lead-hazard company" means a firm certified by the department to
19 perform lead-hazard assessment and abatement activities in target housing and child-
20 occupied facilities.

21 ~~(39)]~~~~(40)]~~ "Lead-hazard detection" is defined by KRS 211.9061(3).

1 ~~(40)~~~~(41)~~ "Lead-hazard dust sampling technician" means person who performs
2 clearance evaluation and sampling for nonabatement activities that may create a lead
3 dust hazard.

4 ~~(41)~~~~(42)~~ "Lead-hazard inspection" means an~~a(n)~~ examination of painted surfaces
5 within the interior or exterior of a residential structure or child-occupied facility, to
6 determine if hazardous levels of lead are present.

7 ~~(42)~~~~(43)~~ "Lead-hazard inspector" means a person certified by the department to
8 conduct:

- 9 (a) Lead-hazard inspections;
- 10 (b) Sample collection; and
- 11 (c) Lead-hazard dust clearance.

12 ~~(43)~~~~(44)~~ "Lead-hazard project designer" means a person certified by the
13 department to prepare the following items for a lead-hazard abatement project, in
14 accordance with 902 KAR 48:040, Section 7:

- 15 (a) Abatement project plans;
- 16 (b) Abatement reports; and
- 17 (c) Occupant protection plans.

18 ~~(44)~~~~(45)~~ "Lead-hazard risk assessment" means an on-site investigation to
19 determine the existence, nature, severity, location of lead hazards.

20 ~~(45)~~~~(46)~~ "Lead-hazard risk assessor" means a person certified by the department
21 to conduct:

- 22 (a) Lead-hazard inspections;
- 23 (b) Risk assessments;

- 1 (c) Lead-hazard screens;
- 2 (d) Sample collection; and
- 3 (e) Lead-hazard dust clearance.

4 ~~(46)~~~~(47)~~ "Lead-hazard screen" means a risk-assessment activity requiring reduced
5 sampling.

6 ~~(47)~~~~(48)~~ "Lead-hazard supervisor" means a person certified by the department to:

- 7 (a) Supervise lead-hazard abatement activities; and
- 8 (b) Prepare, in accordance with 902 KAR 48:040, Section 7:
 - 9 1. Abatement plans;
 - 10 2. Abatement reports; and
 - 11 3. Occupant protection plans.

12 ~~(48)~~~~(49)~~ "~~Lead paint hazard~~" means a:

13 ~~(a) Lead-based paint on a friction surface with dust levels on the nearest horizontal~~
14 ~~surface beneath the friction surface equal to or greater than dust lead hazard levels;~~

15 ~~(b) Damaged or deteriorated lead-based paint on an impact surface;~~

16 ~~(c) Chewable lead-based painted surface on which there is evidence of teeth marks;~~

17 or

18 ~~(d) Deteriorated lead-based paint within a residential dwelling or child-occupied~~
19 ~~facility.~~

20 ~~(50)~~ "Living area" is defined by 40 C.F.R. 745.223.

21 ~~(49)~~~~[means an area of a residential dwelling used by one (1) or more child.~~

22 ~~(51) "Mid yard" means an area of a residential yard approximately midway between~~
23 ~~the drip line of a residential building and:~~

- 1 ~~(a) The nearest property boundary; or~~
- 2 ~~(b) Another building on the same property.~~
- 3 ~~(52)] "Permanently covered soil" is defined by 40 C.F.R. 745.223.~~
- 4 ~~(50)[means soil separated from human contact by the placement of a barrier~~
- 5 ~~consisting of a solid, impermeable material, such as pavement or concrete, not~~
- 6 ~~including permanent grass, mulch, or other landscaping material.~~
- 7 ~~(53)] "Person" is defined at KRS 217.660(3).~~
- 8 ~~(51)[(54)] "Play area" is defined by 40 C.F.R. 745.63.~~
- 9 ~~(52)[means an area where children contact soil frequently, as indicated by the~~
- 10 ~~following:~~
- 11 ~~(a) Presence of:~~
- 12 ~~1. Play equipment;~~
- 13 ~~2. Toys; or~~
- 14 ~~3. Other articles used by children;~~
- 15 ~~(b) Observations of play patterns; or~~
- 16 ~~(c) Information provided by a:~~
- 17 ~~1. Parent;~~
- 18 ~~2. Resident;~~
- 19 ~~3. Care giver; or~~
- 20 ~~4. Property owner.~~
- 21 ~~(55)] "Post-abatement report" means a report prepared at the conclusion of an~~
- 22 ~~abatement project, after clearance has been achieved, in accordance with 902 KAR~~
- 23 ~~48:040, Section 16.~~

1 ~~(53)~~~~(56)~~ "Quality assurance inspection" means an inspection conducted by the
2 department to determine whether a lead abatement activity complies with:

- 3 (a) Certification requirements;
4 (b) Work practices; and
5 (c) Performance standards.

6 ~~(54)~~~~(57)~~ "Quality control plan" means a written plan prepared by the training
7 manager describing in-house controls to assure that the program meets the
8 requirements in 902 KAR 48:030, Section 5.

9 ~~(55)~~~~(58)~~ "Recognized laboratory" is defined by 40 C.F.R. 745.223.

10 ~~(56)~~~~[means an environmental laboratory accredited pursuant to Section 405(b) of~~
11 ~~the Toxic Substance Control Act, 15 USC 2601, as being capable of performing an~~
12 ~~analysis for lead compounds in paint, soil, dust and water.~~

13 ~~(59)~~ "Reduction" is defined by 40 C.F.R. 745.223.

14 ~~(57)~~ "Related work experience" means experience in a profession associated with
15 lead, asbestos, or environmental remediation work; building renovation and remodeling; or
16 building construction.

17 ~~(58)~~~~[means measures designed to reduce or eliminate human exposure to lead~~
18 ~~hazards.~~

19 ~~(60)~~ "Residential dwelling" is defined by 40 C.F.R. 745.223.

20 ~~(59)~~~~[means a building containing one (1) or more residential dwellings.~~

21 ~~(61)~~ "Room" is defined by 40 C.F.R. 745.63.

22 ~~(60)~~ "Small-scale" means an abatement project with less than ten (10) residential
23 dwellings.

1 ~~(61)~~ [means a separate part of the inside of building, that is separated from adjoining
2 rooms by built-in walls or archways that extend at least six (6) inches from the
3 intersecting wall.

4 (62) "Soil-lead hazard" is defined by 40 C.F.R. 745.65(c) [means bare soil, on
5 residential property or the property of a child-occupied facility, containing lead at or
6 greater than the levels specified at 902 KAR 48:040, Section 13].

7 ~~(62)~~ [(63)] "Soil sample" means a sample collected in a representative location using:

- 8 (a) ASTM E 1727 "Standards Practice for Field Collection of Soil Samples for Lead
9 Determination by Atomic Spectroscopy Techniques";
10 (b) A documented methodology; or
11 (c) An equivalent method.

12 ~~(63)~~ [(64)] "Small-scale" means an abatement project with less than ten (10)
13 residential dwellings.

14 ~~(65)~~ "Target housing" is defined by KRS 211.9061(5).

15 (64) "Third-party examination" means a written test approved and administered by
16 the department or its designated agent.

17 (65) "Training day" means eight (8) training hours.

18 ~~(66)~~ [(67)] "Training hour" is defined by 40 C.F.R. 745.223.

19 ~~(67)~~ [means at least fifty (50) minutes of actual teaching, including:

- 20 ~~(a)~~ Lecture;
21 ~~(b)~~ Learning activities;
22 ~~(c)~~ Small group activities;
23 ~~(d)~~ Demonstrations;

1 ~~(e) Evaluations; and~~

2 ~~(f) Hands-on experience.~~

3 ~~(68) "Third party examination" means a written test approved and administered by~~
4 ~~the department or its designated agent.~~

5 ~~(69) "Training manager" is defined by 40 C.F.R. 745.223.~~

6 ~~(68)[means the individual responsible for administering a training program and~~
7 ~~monitoring the performance of instructors.~~

8 ~~(70) "Window trough" is defined by 40 C.F.R. 745.63.~~

9 ~~(69)[or "window well" means:~~

10 ~~(a) For a typical double hung window, the proportion of the exterior window sill~~
11 ~~between the interior window sill and the frame of the storm window; or~~

12 ~~(b) If there is no storm window, the area upon which the upper and lower sashes~~
13 ~~rest when placed in their lowest position.~~

14 ~~(71) "Wipe sample" is defined by 40 C.F.R. 745.63.~~

15 ~~(70)[means a sample collected by wiping, with an approved wipe sampling material,~~
16 ~~a representative surface of a known area, as determined by:~~

17 ~~(a) ASTM E 1728: "Standard Practice for Field Collection of Settled Dust Samples~~
18 ~~Using Wipe Sampling Methods for Lead Determination by Atomic Spectrograph~~
19 ~~Technique";~~

20 ~~(b) A documented methodology described in 902 KAR 48:040, Section 2; or~~


21 ~~(c) An equivalent method.~~

1 ~~(72) "Wipe sampling material" means that the material used for wiping complies~~
2 ~~within ASTM E 1792 "Standards specifications for wipe sampling material for lead in~~
3 ~~surface dust."~~

4 (73) "XRF" means an x-ray fluorescence device that indicates the lead levels of
5 paint on a painted surface.

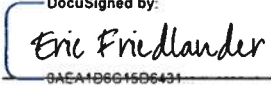
902 KAR 48:010

REVIEWED:


6/15/2021

Steven J. Stack, MD, MBA Date
Commissioner, Department for Public Health

APPROVED:

DocuSigned by:

6/17/2021

Eric C. Friedlander Date
Secretary, Cabinet for Health and Family Services

PUBLIC HEARING AND PUBLIC COMMENT PERIOD:

A public hearing on this administrative regulation shall, if requested, be held on September 27, 2021, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by September 20, 2021, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until September 30, 2021. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, KY 40621; Phone: 502-564-6746; Fax: 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 902 KAR 48:010

Agency Contact: Julie Brooks, (502) 564-3970, julied.brooks@ky.gov or Krista Quarles, (502) 564-6746, CHFSregs@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation lists the definitions for terms used throughout 902 KAR Chapter 48 administrative regulations.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure a consistent understanding of the terms used throughout 902 KAR Chapter 48 administrative regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 211.9063 authorizes the Department for Public Health to create and administer a certification program for persons who perform lead-hazard detection or abatement activities; and are to promulgate administrative regulations for the enforcement of the certification program. KRS 211.9065 authorizes the department to create and administer an accreditation program for training programs that provide training for certified lead-hazard detection and abatement personnel. KRS 211.9071 requires the department to comply with the applicable rules and regulations of the United States Department of Housing and Urban Development, the United States Occupational Safety and Health Administration, the United States Environmental Protection Agency, and other federal agencies with jurisdiction over issues concerning lead hazards.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will ensure all those certified for lead-hazard detection and abatement activities, and those offering training for certification of lead hazard detection and abatement personnel have a consistent understanding of the terms used throughout 902 KAR Chapter 48 administrative regulations.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation updates defined terms, removes definitions for terms not used in 902 KAR Chapter 48 administrative regulations, and cites to the applicable code of federal regulation for defined terms.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary for compliance with KRS Chapter 13A drafting rules.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 211.9071 requires compliance with federal rules and regulations. The amendment to this administrative regulation cites to the federal code of regulation for defined terms when applicable.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will help to ensure the department is operating in compliance with the federal rules and regulations regarding lead-hazard detection and abatement activities, and the training programs for personnel engaged in these activities.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Currently there are fifty-four (54) companies, 295 individuals, and seven (7) training providers registered with the department. The amendment to this administrative regulation affects those currently registered with the department to preform lead-hazard activities, and affects all future registrants.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in questions (3) will have to take to comply with this administrative regulation or amendment: Lead hazard detection and abatement personnel will need to review the amendment to this administrative regulation to ensure a consistent understanding of terminology. Training program personnel will need to review the amendment to this administrative regulation to ensure a consistent understanding of terminology and may need to update the training resource materials.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the identities identified in question (3): There will be no costs to lead hazard detection and abatement personnel.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Lead hazard personnel and training program providers will have a consistent understanding of terms used throughout 902 KAR Chapter 48 administrative regulations.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: This is an ongoing program, there is no initial cost associated with this amendment.

(b) On a continuing basis: There is no costs associated with this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Environmental Lead Program is funded through a mix of federal dollars, state general fund dollars, and revenue received from the fees for certification, permitting, and training program accreditation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change, if it is an amendment: An increase in fees or funding is not necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees. This administrative regulation does not contain any fees.

(9) TIERING: Is tiering applied? (Explain why or why not.) Tiering is not applied as the requirements of this administrative regulation affect all entities equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation: 902 KAR 48:010

Agency Contact: Julie Brooks, (502) 564-3970, julied.brooks@ky.gov or Krista Quarles, (502) 564-6746, CHFSregs@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation impacts the Public Safety Branch in the Division of Public Health, Protection and Safety.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 211.090(3), 211.9065(4), 211.9067, 211.9071, and 40 C.F.R. Part 745.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation does not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation does not generate revenue.

(c) How much will it cost to administer this program for the first year? No change in administration cost due to no change in work activities.

(d) How much will it cost to administer this program for subsequent years? No change in administration cost due to no change in work activities.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: The federal Environmental Protection Agency (EPA) provides eighty-five (85) to ninety (90) percent of the funding for the Environmental Lead Program. This funding is dependent upon the current grant cycle. Program income received from fees and state general fund dollars cover the remaining balance. Funds used to cover program expenses cycles between federal monies and the state program income depending upon receipt of the federal allotments. Grant funding periods range from three (3) to five (5) years. The Environmental Lead Program has maintained this grant since the late 1990's. At this time, the EPA does not see an end to this grant program and continues to fund all eligible states.

FEDERAL MANDATE ANALYSIS COMPARISON

Administrative Regulation: 902 KAR 48:010

Agency Contact: Julie Brooks

Phone Number: (502)564-3970

Email: julied.brooks@ky.gov

1. Federal statute or regulation constituting the federal mandate.
40 C.F.R. Part 745
2. State compliance standards.
KRS 211.9071 requires compliance with federal rules and regulations for all persons certified to perform lead hazard detection and abatement activities; all training programs for personnel engaged in these activities; and the Department for Public Health.
3. Minimum or uniform standards contained in the federal mandate.
This administrative regulation cites to the federal definition for terms used for lead hazard detection and abatement activities, and for training programs for personnel engaged in these activities.
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?
This administrative regulation does not impose a stricter requirement, or an additional or different responsibility or requirement, than required by federal mandate.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.
Not applicable.