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REGULATIONS COMPILER

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 48:030. Accreditation of training programs and providers of educational
6 programs for individuals who perform lead-hazard detection and abatement.

7 RELATES TO: KRS 211.180, 211.9063, 211.9069, 211.9071, 211.9075~~[211.900-~~
8 ~~211.905],~~ 211.990, ~~[211.994,]~~ 217.801

9 STATUTORY AUTHORITY: KRS 211.9065, 211.9067~~[211.090(3), 211.9061-~~
10 ~~211.9075]~~

11 NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.9065(3) requires the
12 Department for Public Health to promulgate administrative regulations relating to the
13 accreditation of training programs and providers of educational programs for individuals
14 who perform lead-hazard detection or ~~[lead-hazard]~~ abatement activities in target
15 housing or child-occupied facilities. KRS 211.9067 requires the department to
16 promulgate administrative regulations to establish a schedule of fees for certification
17 and accreditation programs. KRS 211.9065(4) requires the department to promulgate
18 administrative regulations to provide for enforcement of the programs. This
19 administrative regulation establishes requirements for accreditation, curriculum content,
20 training experience, competency and proficiency qualifications, and establishes fees for
21 functions performed by the department.

1 Section 1. Initial Application Requirements for Training Programs. A training
2 provider shall submit ~~[the following]~~:

3 (1) An application review fee of \$200 in the form of a check or money order payable
4 to the Kentucky State Treasurer, unless exempted by federal or state law or regulation;

5 (2) An "Application for Lead-Hazard Training Accreditation"~~[Management and~~
6 ~~administrative information as follows:~~

7 ~~(a) Training provider name;~~

8 ~~(b) Address; and~~

9 ~~(c) Telephone number];~~

10 (3) The name of training manager;

11 (4) A list of training courses proposed for accreditation;

12 (5) Documentation of the training manager qualifications as identified in Section 5 of
13 this administrative regulation;

14 (6) Documentation of principal instructor's qualifications as identified in Section 5 of
15 this administrative regulation;

16 (7) Copies of student and instructor manuals for each course;

17 (8) Course outlines;

18 (9) Copies of course agendas;

19 (10) The description of the activities and procedures that will be used for conducting
20 the hands-on skills assessment for each course;

21 (11) Copies of hands-on skills assessment forms;

22 (12) Copies of course test blueprints;

23 (13) Copies of course tests;

1 (14) A copy of the quality control plan; and

2 (15) The location and description of the facilities and equipment ~~[to be]~~ used for
3 providing lecture and hands-on training.

4 Section 2. Review of Accreditation Documentation. (1) The department shall, within
5 thirty (30) calendar days after the receipt of an application for accreditation:

6 (a) Approve or disapprove the application for accreditation; and

7 (b) Notify the applicant of its action.

8 (2) During the thirty (30) day period established by subsection (1) of this section, the
9 department may request clarification or additional information from the applicant.

10 (3) If the department approves an application for a training program, it shall:

11 (a) Notify the applicant of its approval in writing; and

12 (b) Indicate the appropriate course fees that are to be paid to the department.

13 (4) On receipt of the required fee of \$200 for each initial and refresher course, the
14 department shall issue a certificate of accreditation to the training provider.

15 (5) If the department denies an application it shall:

16 (a) Notify the applicant of its denial in writing; and

17 (b) List the necessary additions or corrections to the application.

18 (6) The training provider shall have six (6) months to:

19 (a) Make the corrections specified in the notice of denial; and

20 (b) Reapply for accreditation.

21 (7) The provider shall be required to pay another application review fee of \$200 to
22 the department before the accreditation review process will be undertaken, if the
23 training provider does not:

- 1 (a) Correct the deficiencies; and
- 2 (b) Resubmit the application within the six (6) months of the initial application date.

3 Section 3. Amending Training Program Accreditation. (1) The accreditation of a
4 training program shall be for two (2) years.

5 (2) After the training provider has applied for and received program accreditation,
6 the provider may add a course discipline by:

- 7 (a) Amending the original accredited training program application in writing; and
- 8 (b) Paying the application and course fee.

9 (3) A course added to the training program during the two (2) year accreditation
10 period shall be included with, and applied for under, the application for reaccreditation
11 of the training program.

12 Section 4. Training Provider Facilities and General Course Requirements. (1) A
13 training provider shall provide:

14 (a) Adequate facilities for the delivery of the:

- 15 1. Lecture;
- 16 2. Course test;
- 17 3. Hands-on training; and
- 18 4. Assessment activities;

19 (b) One (1) instructor per ten (10) students when conducting hands-on skills
20 activities and assessments;

21 (c) [Adequate] Hands-on skills training equipment consistent with current
22 technology;

1 (d) [~~Adequate~~] Audiovisual equipment to provide effective instruction and lecture
2 to students; and

3 (e) [~~Appropriate~~] Lighting and space for effective student learning.

4 (2) A training provider shall:

5 (a) Give a course test at the completion of each course;

6 (b) Confirm the identity of each student by examining a photographic identification;

7 and

8 (c) If applicable, conduct a hands-on skill assessment.

9 (3) A training provider shall not issue a course completion certificate unless the
10 student has:

11 (a) Successfully completed the hands-on skills assessment;

12 (b) Received a score of seventy (70) percent on the course test; and

13 (c) [~~Has~~] Attended a least ninety (90) percent of each training day for the length of
14 the course.

15 (4) If necessary, the training provider may allow the student up to two (2) weeks
16 following the course to:

17 (a) Retake and pass the course examination; and

18 (b) Complete the hands-on skills assessment requirements.

19 (5) A course completion certificate shall include [~~the following~~
20 information]:

21 (a) The name of the student;

22 (b) The name of the course;

23 (c) The inclusive dates of the training;

- 1 (d) The name and address of the training program;
- 2 (e) The signature of the principal instructor;
- 3 (f) The signature of the training manager;
- 4 (g) The language in which the course was taught, if other than English; and
- 5 (h) A unique identification number for each student.

6 Section 5. Training Manager and Principal Instructor Qualifications. (1) The training
7 manager shall have:

8 (a) Two (2) or more years of experience, education, or training in teaching adults;

9 and

10 (b) A bachelor or graduate degree in:

11 1. Building construction technology;

12 2. Engineering;

13 3. Industrial hygiene;

14 4. Safety;

15 5. Public health;

16 6. Education;

17 7. Business administration; or

18 8. Program management; or

19 (c) Two (2) or more years of experience managing an occupational health and
20 safety training program specializing in environmental hazards; and

21 (d) Experience in the construction industry, in one (1) of the following areas:

22 1. Lead or asbestos abatement;

23 2. Painting;

- 1 3. Carpentry;
- 2 4. Renovation;
- 3 5. Remodeling;
- 4 6. Occupational safety and health;
- 5 7. Industrial hygiene; or
- 6 8. A related field.

7 (2) The principal instructor shall have:

8 (a) Two (2) years of experience in adult education and training;

9 (b) Completed an EPA-model or department approved initial course that the
10 principal instructor will teach, except the worker course; and

11 (c) Experience, education, or training in:

- 12 1. Lead or asbestos abatement;
- 13 2. Painting;
- 14 3. Carpentry;
- 15 4. Renovating;
- 16 5. Remodeling;
- 17 6. Occupational safety and health; or
- 18 7. Industrial hygiene.

19 Section 6. Training Manager's Duties. The training manager shall:

20 (1) Designate a qualified principal instructor to:

21 (a) Organize the course; and

22 (b) Oversee the teaching of course materials;

23 (2) Designate guest instructors as needed to provide:

- 1 (a) Instruction specific to the lecture;
- 2 (b) Hands-on activities; and
- 3 (c) Work practice procedures and standards of a course; [~~and~~]
- 4 (3) Maintain the validity and integrity of the hands-on skills assessment to ensure
- 5 that the activities:

- 6 (a) Accurately evaluate the trainees' performance of the work practices and
- 7 procedures associated with the course topics; and

- 8 (b) Reflect current technologies, standards and needs of the students;

- 9 (4) Maintain the validity and integrity of the course test to ensure that it accurately
- 10 evaluates the trainees' knowledge and retention of the course topics;

- 11 (5) Ensure that the course test was developed in accordance with the course test
- 12 blueprint submitted with the training accreditation application; [~~and~~]

- 13 (6) Develop the quality assurance control plan, that:

- 14 (a) Is to be used to maintain and improve the quality of the training program over
- 15 time; and

- 16 (b) Contains[~~, at least,~~] the procedures for the:

- 17 1. Periodic revision of training materials and the course test to reflect innovations in
- 18 the field; and

- 19 2. Training manager's annual review of principal instructor competency; and

- 20 (7) Ensure that the training program complies with the requirements of this
- 21 administrative regulation.

22 Section 7. Knowledge of Work Practice Standards. (1) The training provider shall

23 offer courses that teach:

1 (a) The work practice standards established in 902 KAR 48:040~~[this administrative~~
2 ~~regulation,]~~ for conducting lead-hazard activities; and

3 (b) Other related standards developed by:

4 1. The EPA; and

5 2. Other federal and state agencies.

6 (2) Work practice standards shall be taught in the appropriate courses to provide
7 trainees with knowledge needed to perform safe, effective lead-hazard assessment or
8 abatement activities in target housing and child-occupied facilities.

9 Section 8. Requirements for Initial Courses. (1) The lead-hazard inspector course
10 shall:

11 (a) Consist of at least twenty-four (24) training hours;

12 (b) Include at least eight (8) hours of hands-on training activities; and

13 (c) Include the following minimum curriculum requirements for inspector course
14 topics:

15 1. Role and responsibilities of an inspector;

16 2. Background information on lead and its adverse health effects;

17 3. Background information on federal, state and local regulations that pertain to
18 lead hazards and lead-hazard assessment and abatement activities;

19 4. Lead-hazard inspection methods, including selection of rooms and components
20 for sampling or testing, with hands-on activities;

21 5. Paint, dust, water and soil sampling methodologies, with hands-on activities;

22 6. Clearance standards and testing, including random sampling, with hands-on
23 activities;

1 7. Preparation of an inspection report, with hands-on activities; and

2 8. Recordkeeping.

3 (2) The lead-hazard risk assessor course shall:

4 (a) Consist of at least sixteen (16) training hours;

5 (b) Include at least four (4) hours of hands-on training activities; and

6 (c) Include the following minimum curriculum requirements for the risk assessor
7 course topics:

8 1. Role and responsibilities of the risk assessor;

9 2. Collection of background information to perform a risk assessment;

10 3. Sources of environmental lead contamination found in paint, surface dust, soil,
11 water and air, packaging and food;

12 4. Visual inspection for the purpose of identifying potential sources of lead hazards,
13 with hands-on activities;

14 5. Lead-hazard screening protocol;

15 6. Sampling for other sources of lead exposure, with hands-on activities;

16 7. Interpretation of lead-sampling results, including applicable federal or state
17 regulations pertaining to lead hazards, with hand-on activities;

18 8. Development of hazard control options, the role of interim controls, and operation
19 and maintenance activities to reduce lead hazards; and

20 9. Preparation of a risk-assessment report.

21 (3) The lead-hazard supervisor course shall:

22 (a) Consist of at least thirty-two (32) training hours;

23 (b) Include at least eight (8) hours of hands-on activities; and

1 (c) Include the following minimum curriculum requirements for the supervisor
2 course topics:

- 3 1. Role and responsibilities of a supervisor;
- 4 2. Background information on lead and its adverse health effects;
- 5 3. Background information on federal, state, and local regulations that pertain to
6 lead hazards and lead-hazard assessment and abatement activities;
- 7 4. Liability and insurance issues relating to lead-hazard abatement;
- 8 5. Risk assessment and inspection report interpretation, with hands-on activities;
- 9 6. Development and implementation of an abatement and occupant protection plan;
- 10 7. Lead-hazard recognition and control, with hands-on activities;
- 11 8. Lead-hazard abatement and [~~lead hazard~~] reduction methods, including
12 restricted practices, with hands-on activities;
- 13 9. Interior dust abatement, cleanup, or lead-hazard control and reduction methods,
14 with hand-on activities;
- 15 10. Soil and exterior lead dust abatement or lead-hazard control and reduction
16 methods, with hands-on activities;
- 17 11. Clearance standards and testing;
- 18 12. Cleanup and waste disposal; and
- 19 13. Recordkeeping.

20 (4) The lead-hazard project designer course shall:

21 (a) Consist of at least eight (8) training hours; and

22 (b) Include the following minimum requirements for the project designer course:

- 23 1. Role and responsibilities of a project designer;

- 1 2. Development and implementation of an occupant protection plan for large-scale
2 abatement projects;
- 3 3. Lead-hazard abatement and lead-hazard reduction methods, including restricted
4 practices for large-scale abatement projects;
- 5 4. Interior dust abatement, cleanup, or lead-hazard control and reduction
6 methods for abatement projects;
- 7 5. Clearance standards and testing for large-scale abatement projects; and
- 8 6. Integration of lead-hazard abatement methods with modernization and
9 rehabilitation projects for large-scale abatement projects.
- 10 (5) The lead-hazard abatement worker course shall:
 - 11 (a) Consist of at least sixteen (16) training hours;
 - 12 (b) Include at least eight (8) hours of hands-on training activities; and
 - 13 (c) Include the following minimum requirements for the worker course:
 - 14 1. Role and responsibilities of an abatement worker;
 - 15 2. Background information on lead and its adverse health effects;
 - 16 3. Background information on federal, state, and local regulations and guidance to
17 lead-hazard abatement;
 - 18 4. Lead-hazard recognition and control, with hands-on activities;
 - 19 5. Lead-hazard abatement and lead-hazard reduction methods, including restricted
20 practices, with hands-on activities;
 - 21 6. Interior dust abatement methods, cleanup, or lead-hazard reduction, with hands-
22 on activities; and

1 7. Soil and exterior dust abatement methods of lead-hazard reduction, with hands-
2 on activities.

3 (6) Lead-hazard dust sampling technician course shall:

4 (a) Consist of eight (8) training hours;

5 (b) Include at least two (2) hours hands-on training; and

6 (c) Include the following minimum curriculum for lead technician course:

7 1. Role and responsibilities of a lead technician;

8 2. Background information on lead and its adverse health effects;

9 3. Background information on federal, state and local law pertaining to lead-hazard
10 evaluation and sampling activities;

11 4. Lead-hazard dust sampling methodologies, with hands-on activities;

12 5. Lead-hazard clearance techniques;

13 6. Preparation of a clearance report with hand-on activities; and

14 7. Recordkeeping.

15 Section 9. Requirements for Refresher Courses. (1) To obtain accreditation to offer
16 a refresher-training course, the provider shall meet the following minimum
17 requirements:

18 (a) The training provider shall have been accredited by the department to teach the
19 related initial course; and

20 (b) The refresher course shall teach the same topics as the initial course and shall
21 include:

22 1. An overview of current safety practices relating to lead-hazard activities [~~in~~
23 ~~general~~], including specific information pertaining to the appropriate discipline;

1 2. Current law relating to lead-hazard abatement, inspection, assessment activities
2 [~~in general~~], including specific information pertaining to the applicable discipline; and

3 3. Current technologies relating to lead-hazard activities [~~in general~~], including
4 specific information pertaining to the applicable discipline.

5 (2) The training hour requirements for a refresher course shall be:

6 (a) Eight (8) hours if the initial course was more than eight (8) hours; or

7 (b) Four (4) hours if the initial course was eight (8) hours or less.

8 (3) For each training course offered, the training provider shall:

9 (a) Provide relevant hands-on skills assessments; and

10 (b) Give a test at the completion of the course.

11 Section 10. Renewal of Accreditation of Training Program. (1) Accreditation for a
12 training program shall be for a two (2) year period following issuance.

13 (2) At least thirty (30) days prior to the expiration date of accreditation a training
14 provider shall:

15 (a) Apply for renewal of accreditation; and

16 (b) Submit the following fees:

17 1. Reapplication review fee of \$100; and

18 2. Course fee of \$150 per course.

19 (3) A training provider shall also submit [~~the following information~~]:

20 (a) An updated "Application for Lead-Hazard Training Accreditation"[~~The training~~
21 ~~provider's name, address, and telephone number~~];

22 (b) A list of courses for which the training provider is applying for renewal of
23 accreditation; and

1 (c) Updated material and other information identified in Section 2 of this
2 administrative regulation.

3 (4) The application shall be reviewed and approved or denied pursuant to
4 provisions identified in Section 3 of this administrative regulation.

5 (5) If a training provider fails to apply for renewal of accreditation in accordance
6 with this section, the training provider shall apply for initial accreditation, as established
7 in Section 2 of this administrative regulation.

8 Section 11. Recordkeeping Requirements. (1) An accredited training provider shall
9 maintain, update, and make available to the department upon request the following
10 records:

11 (a) Current curriculum, course materials, and documents reflecting changes made
12 to these materials; ~~and~~

13 (b) Information regarding how the hands-on assessment is conducted, including:

14 1. Who conducts the assessment;

15 2. How the skills are graded;

16 3. What facilities are used; and

17 4. The pass or fail rate;

18 (c) The quality control plan; and

19 (d) Results of:

20 1. Student hands-on skills assessments and course tests; and

21 2. A copy of each student's course completion certificate.

22 (2) The training provider shall retain the documentation for a minimum of three (3)
23 years and six (6) months.

1 Section 12. Notification Requirements. (1) The training provider shall notify the
2 department in writing within fourteen (14) calendar days of a change in the following
3 information:

- 4 (a) Management;
- 5 (b) Organization; or ~~Organizational~~;
- 6 (c) Address; and
- 7 (d) The transfer of records to the new training provider's address.

8 (2) The training provider shall provide written notification to the department at least
9 fourteen (14) calendar days prior to the course start date, indicating the following
10 information:

- 11 (a) Training provider name;
- 12 (b) Telephone number;
- 13 (c) Course name;
- 14 (d) Course location;
- 15 (e) Course start and end dates~~[date(s)]~~;
- 16 (f) Name of the principal instructor;
- 17 (g) Qualifications for principal instructor if not currently approved under the
18 program accreditation by the department;
- 19 (h) Updated course materials including changes in the course agenda; and
- 20 (i) Indication if guest instructors are to be used.

21 (3) The training provider shall provide written notification of course correction or
22 cancellation at a minimum of two (2) days prior to the course start date.

1 (4) Within fourteen (14) calendar days after the completion of a course, the provider
2 shall provide to the department a student attendance listing containing [~~the following~~
3 ~~information~~]:

4 (a) The name of the initial, or refresher course;

5 (b) Student information as follows:

6 1. Name;

7 2. Address;

8 3. Company affiliation if any; and

9 4. Test scores.

10 (5) A course shall not be approved if the provider fails to provide notice required
11 by this section.

12 (6) The department may revoke a training program's accreditation, as authorized
13 by KRS 211.9065(4), if a deficiency in compliance with this section is of such severity
14 as to warrant revocation.

15 (7) The department may allow the training provider a variance in the notification
16 period as identified in subsection (2) of this section if the provider:

17 (a) Submits a variance request in writing; and

18 (b) Indicates the reasons for a reduced notification time.

19 Section 13. Course and Training Provider Audits. (1) The training provider shall
20 permit access to representatives of the department in order to conduct on-site:

21 (a) Audits at the provider location; and

22 (b) Monitoring of the training courses.

1 (2) The department shall, if needed, use other methods to verify the
2 documentation and continued requirements for accreditation.

3 Section 14. Notice to Suspend, Revoke, Deny Accreditation. (1) The department
4 shall suspend or revoke the accreditation of a training program if the department
5 determines that the training provider has failed to comply with the requirements
6 established by this administrative regulation.

7 (2) If the department suspends, revokes, or denies the accreditation of the training
8 program, it shall notify the affected entity in writing of the following:

9 (a) The legal and factual basis for the suspension, revocation, or denial;

10 (b) The commencement date and duration of the suspension, or revocation; and

11 (c) The opportunity and method for requesting a hearing prior to final department
12 action.

13 Section 15. Administrative Hearings. Administrative hearings shall be conducted
14 in accordance with 902 KAR 1:400.

15 Section 16. Incorporation by Reference. (1) "Application for Lead-Hazard Training
16 Accreditation", 4/2021, is incorporated by reference.

17 (2) This material may be inspected, copied, or obtained, subject to applicable
18 copyright law, at the Environmental Lead Program, Division of Public Health Protection
19 and Safety, Department for Public Health, 275 East Main Street, Frankfort, Kentucky
20 40621, Monday through Friday, 8 a.m. to 4:30 p.m. or online at
21 <https://chfs.ky.gov/agencies/dph/dphps/psb/Pages/lead.aspx>.

902 KAR 48:030

REVIEWED:

6/15/2021

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

APPROVED:

DocuSigned by:

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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, 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 48:030

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 outlines the application and approval process for lead-hazard training providers, including classroom requirements and course content.

(b) The necessity of this administrative regulation: This administrative regulation ensures the training standards for individuals who test or disturb lead based paint to ensure that children are protected from the dangers of lead. Lead is a toxic metal used in some paints made before 1978. Children are exposed to lead when older buildings are in poor condition. Today, childhood lead poisoning affects 310,000 children in the U.S. six (6) years old and younger. Common renovations can create lead-hazards that can be harmful. Workers who disturb lead-based paint in structures built earlier than 1978 must be certified and follow work practices to keep children safe.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 211.9065 requires the Department for Public Health to create and administer an accreditation program for training programs providing or offering to provide an education program designed to prepare persons for certification in lead-hazard detection or lead-hazard abatement services. All training programs providing or offering to provide and education program designed to prepare persons for certification in lead-hazard detection or lead-hazard abatement services, pursuant to KRS 211.9063, shall be accredited by the department. This administrative regulation establishes the accreditation process.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensures all training programs providing or offering to provide lead hazard education programs are properly accredited.

(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 incorporates by reference the application for lead-hazard training accreditation, and makes other amendments for compliance with KRS Chapter 13A drafting rules.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation will ensure training program providers are aware of the process to obtain and maintain accreditation for lead-hazard education programs.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 211.9065 requires the Department for Public Health to create and administer an accreditation program for programs that provide or offer to provide and education

program designed to prepare persons for certification in a lead-hazard detection or lead-hazard abatement services. The amendment to this administrative regulation ensures those seeking accreditation are aware of the documentation requirements for accreditation.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will ensure that training providers applying for accreditation are aware of the required documentation, including the application form.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The amendment to this administrative regulation impacts the seven (7) accredited training programs currently registered with the department, and any new training programs that seek accreditation.

(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: Accredited training program providers will need to be aware of the documentation and training requirements.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the identities identified in question (3): No change in cost will be incurred from the current regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The amendment to this administrative regulation will make it easier for the regulated entities to obtain and maintain accreditation for lead-hazard educational programs.

(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 are no additional 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 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. The fee schedule outlined in this administrative regulation is not changed.

(9) TIERING: Is tiering applied? (Explain why or why not.) Tiering is not applied. The requirements of this administrative regulation affects all those engaged in lead-hazard educational programs equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation: 902 KAR 48:030

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 211.9065 and 211.9067.

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? No change in revenue due to no fee changes.

(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? No change in revenue due to no fee changes

(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 cycle 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 1990s. At this time, the EPA does not see an end to this grant program and continues to fund all eligible states.

COMMONWEALTH OF KENTUCKY
CABINET FOR HEALTH AND FAMILY SERVICES
DEPARTMENT FOR PUBLIC HEALTH

902 KAR 48:030

Accreditation of training programs and providers of educational programs for individuals who perform lead-hazard detection and abatement.
Summary of Material Incorporated by Reference

The "Application for Lead-Hazard Training Accreditation", 4/2021 edition, is submitted by an entity offering training for lead-hazard detection and abatement personnel. This is a newly incorporated form. This form has one (1) page.