

## Occupational Lead Fee Waivers – Frequently Asked Questions (Revised September 2011)

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*Note: All questions regarding OLP fee returns, fee waiver eligibility, fees owed, requirements for companies that were out of business in 2010, and Standard Industrial Classification coding should be directed to the State Board of Equalization (BOE). Much of this information is available at the **BOE lead fee web page** [[www.boe.ca.gov/sptaxprog/occupleadfee.htm](http://www.boe.ca.gov/sptaxprog/occupleadfee.htm)] or in **BOE Publication 94: Occupational Lead Poisoning Prevention Fee** [[www.boe.ca.gov/pdf/pub94.pdf](http://www.boe.ca.gov/pdf/pub94.pdf)].*

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### **1. When will the Request for Waiver of the 2010 Occupational Lead Poisoning (OLP) Fee applications be mailed?**

Companies who have requested a 2010 waiver on their Board of Equalization Fee Return will be mailed a waiver application in the spring of 2011.

### **2. When are the completed 2010 Occupational Lead Poisoning Fee waiver applications due?**

Completed 2010 OLP Fee waiver applications, all attachments, and supplemental forms must be postmarked no later than **August 31, 2011**. Applications postmarked after this date will be denied. Read the instructions carefully and completely before filling out the waiver forms. Most of your questions will likely be answered by following the instructions.

### **3. Where do I mail the completed 2010 OLP Fee waiver application?**

Mail completed applications to:

California Department of Public Health  
Occupational Lead Poisoning Prevention Program (OLPPP)  
Attention: Fee Waiver Request  
850 Marina Bay Parkway, Bldg P, 3rd Floor  
Richmond, CA 94804

Phone: (510) 620-5740, extension 2

#### 4. Do I need to fill out the OLP Fee waiver application every year?

Yes. OLP Fee waiver applications are due each year until a company can: 1) demonstrate to OLPPP that its business operations **never** involve altering or disturbing greater than *de minimus* quantities of lead (see questions 5 and 6 for definitions) and 2) the company receives a letter from OLPPP certifying that annual waiver applications are no longer required. For more information, see the text of the **Occupational Lead Poisoning Fee regulation** [[www.cdph.ca.gov/programs/olppp/Documents/leadfeeregs.pdf](http://www.cdph.ca.gov/programs/olppp/Documents/leadfeeregs.pdf)].

#### 5. What does “altered or disturbed” mean?

“Altered or disturbed” has a specific regulatory definition, which is “subjected to a process that may result in the release of dust, mist, fume, or other particles. Such processes may include, but are not limited to, cutting, welding, grinding, polishing, scraping, melting, sanding, spraying, or pressure blasting.”

**Examples of activities where lead may be altered or disturbed:**

- Painters: sanding, scraping, or preparing painted surfaces prior to repainting
- Contractors, plumbers, HVAC contractors: cutting through painted walls to access plumbing, HVAC ducts, etc.; use of materials such as solder that contain lead
- Demolition: tearing down structures, tearing off old roofs
- Firearms: security personnel discharging firearms with leaded ammunition
- Scrap metal: recycling brass, bronze, and some steel and aluminum alloys, cutting or crushing painted or coated materials, etc.

#### 6. How do I know if I might qualify for a waiver (what is *de minimus*)?

If your company’s 2010 lead use was very small or short in duration, you may qualify for a waiver of the OLP fee. The regulations consider these uses to be “*de minimus*.” *De minimus* has a specific regulatory definition (see below). If lead use at your business meets one of these definitions, it is likely your company is eligible for a waiver of the fee with completion of the form and appropriate documentation:

- **“Lead present in materials which are altered or disturbed and have a lead concentration less than 0.5% or 5000 parts per million (ppm) by weight.”**

Example 1: All metal alloys, paints, inks, colorants, plasticizers, stabilizers, or other materials used by your company in 2010 had a lead concentration of less than 0.5% or 5,000 ppm. Material safety data sheets or chemical composition sheets have this information.

Example 2: Painting contractors only painting new structures, repainting structures constructed after 1978, or with lead paint testing results less than 5000 ppm.

- **“Lead present in materials where the total weight of such materials altered or disturbed during the calendar year is known to be 16 ounces (one pound) or less by weight.”**

Example: Employees in all your California facilities together used no more than a one-pound roll of leaded solder.

- **“Lead present in materials where no such material is altered or disturbed at any individual employee’s place of employment on more than one day during**

***the calendar year, i.e., if no employee works on more than one day during the calendar year in any location where lead-containing materials are being altered or disturbed, then the amount is de minimus.”***

**7. I have lost my 2010 OLP Fee waiver application, how do I get another one?**

The deadline has passed for submitting 2010 OLP Fee waiver applications. Replacement 2011 Fee waiver applications and instructions will be posted on our website in June, 2012.

**8. Can I appeal a decision on my 2010 OLP Fee waiver application?**

Yes. If your OLP Fee waiver application is denied, your company will be informed in writing of the reason for the denial. Your company will then have 15 working days to appeal this decision **in writing** to OLPPP and to supply additional supporting documentation. Written appeals made after 15 working days will be denied.

**9. How do I update my mailing address?**

Notify **both** OLPPP and the BOE in writing of mailing address changes.

See Question 3 for OLPPP contact information

State Board of Equalization  
Environmental Fees Division  
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Sacramento, CA 94279-7072  
(916) 323-9555