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## Instructions for Completing and Filing a Request for a Waiver of the Occupational Lead Poisoning Fee for Calendar Year 2015

**Postmark Deadline: August 31, 2016**

### PLEASE READ AND FOLLOW THESE SEVEN STEPS CAREFULLY:

Note: If you are uncertain how to fill out the Occupational Lead Poisoning (OLP) Fee Waiver form or if you are uncertain if CDPH will grant your company a waiver, you should consider paying the OLP Fee now and seeking reimbursement from the Board of Equalization (BOE) after you receive a waiver (See Step 7). Prompt payment of the OLP Fee will minimize any interest and penalties for late fee payers.

#### 1. Designate a qualified person to review your company's operations for the presence of lead-containing materials.

Determining whether lead is present, as defined in regulations established by the California Department of Public Health (CDPH), requires specific expertise. A knowledgeable person trained in occupational health and safety (or a related discipline) or production manager or other technical person who is familiar with processes and materials must perform the evaluation of lead-containing materials at your worksite(s). If you want to hire a trained professional to conduct an evaluation, you may search a consultants list prepared by the American Industrial Hygiene Association by visiting [webportal.aiha.org/Custom/ConsultantsSearch.aspx](http://webportal.aiha.org/Custom/ConsultantsSearch.aspx). Please note using a consultant is *not required*.

#### 2. Determine your company's eligibility for a waiver of the Occupational Lead Poisoning Fee.

There are two ways your company might be eligible for a Fee Waiver (see descriptions 2a. and 2b. below). We also recommend reviewing the attachment "Identifying Lead in the Workplace" (reverse side of the cover letter) for guidance in determining the presence of lead at your workplace. Since your representative will be signing the Request for a Waiver of the Occupational Lead Poisoning Fee (CDPH Form 8484) under the penalty of perjury, a good faith effort must be made by the company to conduct a complete and accurate determination of the presence of lead. Be sure to consider all of the following:

- All 2015 business locations and worksites in California must be included in the review.
- In most cases, completion of Supplemental Information Form 8484S and written documentation is also required to substantiate claims of no or *de minimus* lead use in the workplace.
- Your company may also receive follow-up correspondence from the Occupational Lead Poisoning Prevention Program (OLPPP) requesting further information about your business operations before a decision regarding your request for an OLP Fee Waiver is made.
- Failure to respond by the date specified with the additional requested information will result in the denial of your OLP Fee Waiver request.***
- OLPPP may check the accuracy of any information supplied.

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#### OCCUPATIONAL HEALTH BRANCH

850 Marina Bay Parkway Building P, 3<sup>rd</sup> Fl., Richmond, CA 94804  
Tel: (510) 620-5757 Fax: (916) 440-5887 [www.cdph.ca.gov/programs/ohb](http://www.cdph.ca.gov/programs/ohb)  
Email: LeadFeeWaiver@cdph.ca.gov

**2a. Your company is eligible for a waiver of the OLP Fee if no lead is found to have been altered or disturbed in the company’s California operations during 2015.**

“Altered or disturbed” means 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. For examples of activities where lead may be “altered or disturbed,” please visit our FAQ on our website at [www.cdph.ca.gov/programs/olppp/Pages/WaiverFAQ.aspx](http://www.cdph.ca.gov/programs/olppp/Pages/WaiverFAQ.aspx).

To qualify for an OLP Fee Waiver:

- Lead must only have been present in a form, or contained in such a manner, that could not be inhaled or ingested (examples are undisturbed building materials, unused materials and supplies, intact lead storage or automotive batteries).
- Lead must only have been present as a result of general environmental contamination that was not the result of the operation of the employer’s business.

**2b. Your company is eligible for an OLP Fee Waiver if only a “*de minimus*” amount of lead was altered or disturbed by the company’s California operations at any time during 2015.**

California’s public health regulations define a *de minimus* amount of lead as:

1. Lead present in materials which are altered or disturbed and have a lead concentration less than 0.5% (5000 ppm) by weight;
2. 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; or
3. 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*.

For examples of *de minimus* amounts for a variety of work settings, please see our FAQ on our website at [www.cdph.ca.gov/programs/olppp/Pages/WaiverFAQ.aspx](http://www.cdph.ca.gov/programs/olppp/Pages/WaiverFAQ.aspx).

**3. Decide whether to apply for a waiver or pay the OLP Fee.**

- If you determine that lead was not altered or disturbed in greater than a *de minimus* amount at any of your California locations during 2015, follow the instructions starting at Step 4 for completing Form 8484.
- If you determine that lead was altered or disturbed in greater than a *de minimus* amount, skip to Step 7 and pay the OLP Fee.

**4. Instructions for completing page one, CDPH Form 8484 (yellow).**

- Verify your business contact information and make corrections in the space provided. Add your e-mail and website address. Report corrections to your business information, including Standard Industrial Classification (SIC) code changes, to BOE at (800) 400-7115 (in California) or (916) 322-9534 (outside California).
- In Part A, Question 1 and 2, indicate the total number of all California employees (working  $\geq$ 160 hours in 2015) and provide a ***complete and detailed*** description of your business operations. If necessary, attach a separate page describing your business operations, manufacturing processes, specific raw materials used, etc.
- In Part A, Question 3, you ***must*** check one of the first two boxes describing lead use. If you check the box indicating lead or lead-containing materials were present in only a *de minimus* amount, you must also complete CDPH 8484S.
- If you check any box in Part A, Question 3, under “these may also apply,” your business description and written documentation must provide a complete and detailed explanation to support your claim.

- Part A, Question 4, the person who conducted the lead evaluation and an authorized representative of your company must sign (both sections may be completed by the same person if appropriate).

## 5. Instructions for completing page two, CDPH Form 8484 (yellow).

Check all of the boxes that apply to your business in Parts B through E on page two of Form 8484 and complete the specific requirements by industry type as described below. In most cases, Form 8484S (blue) and supplemental information must also be submitted to support your claim.

Note: when completing Parts B, D, and E, check the first box *only* when your company's work *never* involves altering or disturbing lead-containing materials. "Never" means that your company has documentation to support that the business activities described in B, D, and/or E have not occurred in the previous three (3) years and will not occur in the future. If business methods or practices change in the future that result in the altering or disturbing of lead above *de minimus* levels, the company is *required* to notify CDPH.

### Part B: Construction, painting, or demolition work.

- An employer whose operations involved construction, demolition (including roof tear-offs), or painting must provide evidence that no employee altered or disturbed paint or other lead-containing materials in or on a building constructed prior to 1978 or on a painted metal structure in a greater than *de minimus* amount in order to receive a waiver of the OLP Fee.
- An employer whose operations involved construction, demolition, or painting must also complete Form 8484S (blue) Parts 1, 2, and 4 and submit documentation such as laboratory test results, or a job list including the address(es), job task(s), and date(s) the buildings or structures were originally constructed for all work that was performed in 2015 to support this claim. Note that tenant improvements, remodeling, and renovation work are **not** considered "new construction" under Part 2 of Form 8484S.
- If applicable, an employer in this category must also check boxes under Parts D and E and submit the required supplemental information.

### Part C: Detective, guard, armored car, other security services.

- An employer who provided these services must include an explanation of its employees' firearms usage in 2015 in the company's business description (Part A, Item 1, Form 8484).
- An employer that required one or more employees to be qualified (licensed) to carry a firearm is not eligible for an OLP Fee Waiver unless the company provides a dated copy of its official policy requiring the use of only fully jacketed or lead-free ammunition while an employee is on duty and during the employee's twice yearly firearms permit re-qualifications.

### Part D: Metal work.

- An employer whose operations involved metal work (for example, machining, casting, forging, auto body, fabrication, construction) must provide evidence that no employee altered or disturbed materials containing lead or a lead coating in a greater than *de minimus* amount.
- An employer whose operations involved metal work must also complete Form 8484S (blue) Parts 1, 3, and 4 and submit documentation such as product specifications showing chemical composition or a laboratory analysis to support this claim.
- If your company previously submitted documentation in support of its 2012, 2013, or 2014 calendar year Fee Waiver request and there were no changes in the processes or raw materials in 2015, check the appropriate box under Part 3 of Form 8484S. You are not required to resubmit this documentation unless directed to by OLPPP staff.
- If applicable, an employer in this category must also check a box under Part E and submit the required supplemental information.

## Part E: Handling, processing scrap metal.

- An employer whose operations involved handling or processing scrap metal must provide evidence that no employee altered or disturbed materials containing lead or a lead coating in a greater than *de minimus* amount.
- An employer whose operations involved handling or processing scrap metal must also complete Form 8484S Parts 1, 3, and 4 and submit documentation such as product specifications showing chemical composition or a laboratory analysis to support this claim.
- If your company previously submitted documentation in support of its 2012, 2013, or 2014 calendar year Fee Waiver request and there were no changes in the processes or raw materials in 2015, check the appropriate box under Part 3 of Form 8484S. You are not required to resubmit this documentation unless directed to by OLPPP staff.
- If applicable, an employer in this category must also check a box under Part D and submit the required supplemental information.

### 6. Mail the OLP Fee Waiver application and all attachments and supplemental information to CDPH by the postmark deadline of August 31, 2016.

- Send to the attention of “Fee Waiver Request” at: Occupational Lead Poisoning Prevention Program, California Department of Public Health, 850 Marina Bay Parkway, Building P, 3<sup>rd</sup> Floor, Richmond, CA, 94804.
- You may also fax your application, attachments and supplemental information to (916) 440-5887 or scan and e-mail them to [LeadFeeWaiver@cdph.ca.gov](mailto:LeadFeeWaiver@cdph.ca.gov).
- CDPH has the authority under Title 17 section 38003 to request correspondence from the employer, workers’ compensation representative, or consultant in support of a Fee Waiver application.
- OLPPP will notify your company in writing of the decision regarding your OLP Fee Waiver request. This may take four weeks and in some cases longer. If your OLP Fee Waiver request is denied, you will be informed in writing of the reason for the denial. You will then have 15 working days to appeal this decision *in writing* and to supply additional information to support your claim. CDPH will deny appeals postmarked after 15 working days.
- Maintain copies of your completed CDPH Form 8484 and 8484S, any attachments or supplemental information you submitted, and any correspondence with BOE and CDPH for your records.
- **CDPH will deny any application not postmarked by the due date.**

### 7. Instructions if you are *not* eligible for a waiver of the OLP Fee.

- If you determine that lead or lead-containing materials were altered or disturbed at your California place(s) of employment in a greater than *de minimus* amount during 2015, then you are *not* eligible for a waiver of the OLP Fee.
- Pay the OLP Fee, according to the total number of persons employed by your company at all locations in California (count all employees who worked 160 hours or more in 2015), and submit payment to the Board of Equalization (BOE) in Sacramento. If you do not have a copy of your OLP Fee Return or have questions about the fees, penalties, or interest owed, contact BOE at (800) 400-7115 (in California) or 916-322-9534 (outside of California) or obtain more information by visiting [www.boe.ca.gov/sptaxprog/spenvirofees.htm](http://www.boe.ca.gov/sptaxprog/spenvirofees.htm).
- Please note that **payments sent to CDPH will be returned.**

## Questions

If you have any technical questions regarding the OLP Fee Waiver application instructions, want more information about OLPPP or a copy of the Occupational Lead Poisoning Fee regulations, visit our website at [www.cdph.ca.gov/programs/olppp](http://www.cdph.ca.gov/programs/olppp), call (866) 627-1587 extension 2 (in California) or (510) 620-5740 (outside of California) or e-mail us at [LeadFeeWaiver@cdph.ca.gov](mailto:LeadFeeWaiver@cdph.ca.gov). The Board of Equalization also has information on the OLP Fee at [www.boe.ca.gov/pdf/pub94.pdf](http://www.boe.ca.gov/pdf/pub94.pdf).