

Addendum to Appendix #1

Accreditation, Certification, and Work Practices for Lead-Based Paint and Lead Hazards

DPH-07-003

The Department is providing amended responses related to the following two (2) comments previously identified in the rulemaking document entitled: “Public Comments and Department Response for Regulation Package DPH-07-003: *Accreditation, Certification, and Work Practice Standards for Lead-Based Paint and Lead Hazards*, APPENDIX #1, page 57.”

SECTION 35007. Certified Lead Sampling Technician.

COMMENT: *I do not support the adoption of the sampling technician position. The only persons who should conduct lead hazard evaluation are inspector/assessors (#21, #22, #24, #25, #26, #27, #28, #29, #30, #31, #32, #33, #34, #35, #37, #44, #45, #47, #59, #63).*

RESPONSE: The Department thanks the commenter for the comment, and notes that the Department identified widespread support for establishing a sampling technician discipline based upon extensive pre-publication public comments (*Summary of Pre-Publication Hearings: Proposed Changes to Title 17 Regulations Governing Lead-Based Paint Activities*, California Department of Health Services, Oakland-June 13, 2001, San Diego-June 29, 2001, and Los Angeles-July 10, 2001, pages 3, 4 and 5). In addition, the Department determined that the creation of a sampling technician discipline is necessary to reduce the incidence of excessive childhood lead exposure in California pursuant

to Health and Safety Code Section 124165 by increasing the number of qualified individuals who can conduct lead hazard evaluation activities.

In response to the comment that “the only persons who should conduct lead hazard evaluation are inspector/assessors,” the Department emphasizes that (1) lead hazard evaluation projects continue to require an inspector/assessor or project monitor, (2) an inspector/assessor or project monitor is ultimately responsible for ensuring that each lead hazard evaluation project complies with these regulatory requirements, and (3) the regulations allow (but do not require) a sampling technician to conduct limited, supervised activities. For example, although a sampling technician may conduct dust sampling and perform a visual assessment as part of a clearance inspection or risk assessment, the inspector/assessor or project monitor is responsible for identifying the appropriate sampling locations, interpreting the test results, developing and approving the lead hazard evaluation report, submitting the CDPH Form 8552 to the Department, and maintaining all related records.

In summary, the individual inspector/assessor or project monitor continues to bear ultimate responsibility for the quality and accuracy of each respective lead hazard evaluation project, and is not required to utilize a sampling technician.

COMMENT: *If sampling technicians want to become a certified inspector/assessor, they will need to take the 5-day course and pass a difficult exam. Its unlikely many sampling technicians will pass the exam, and therefore we do not think this new discipline will increase the number of inspector/assessors (#58).*

RESPONSE: The Department thanks the commenter for the comment, and notes that the adoption of the sampling technician discipline is not designed to increase the number of inspector/assessors. As previously noted, the sampling technician classification will enable individuals, who do not currently have the

experience and/or education to become an inspector/assessor, the ability to conduct specific, supervised lead hazard evaluation activities under the supervision of an inspector/assessor.

The Department agrees that a sampling technician seeking to become an inspector/assessor is required to complete the 5-day inspector/assessor course and pass a difficult exam. However, the Department disagrees with the comment that “it is unlikely that many sampling technicians can pass the (inspector/assessor) exam” and notes that the commenter provided no additional information supporting that assertion.