

## CHAPTER 62

### STANDARDS FOR LEAD CERTIFICATION

#### Authority

N.J.S.A. 26:2Q-1 et seq., particularly 26:2Q-12.

#### Source and Effective Date

R.2006 d.60, effective February 6, 2006.  
See: 37 N.J.R. 2989(a), 38 N.J.R. 965(a).

#### Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 62, Standards for Lead Certification, expires on August 5, 2013. See: 43 N.J.R. 1203(a).

#### Chapter Historical Note

Chapter 62, Standards for Lead Certification, was adopted as R.1995 d.92, effective February 21, 1995. See: 26 N.J.R. 3575(a), 27 N.J.R. 671(a). Pursuant to Executive Order No. 66(1978), Chapter 62 expired on February 21, 2000.

Chapter 62, Standards for Lead Certification, was adopted as new rules by R.2000 d.285, effective July 3, 2000. See: 32 N.J.R. 427(a), 32 N.J.R. 2441(a).

Chapter 62, Standards for Lead Certification, expired on December 30, 2005, and Chapter 62, Standards for Lead Certification, was adopted as new rules by R.2006 d.60, effective February 6, 2006. See: Source and Effective Date.

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 62, Standards for Lead Certification, was scheduled to expire on August 5, 2011. See: 43 N.J.R. 715(a).

#### Law Review and Journal Commentaries

Getting the Lead Out: An Overview of the New Federal Lead-Based Paint Disclosure Requirements. Vincent P. Maltese, Joseph J. Janowski, 182 N.J. Law. 7 (Mag.)(Jan./Feb. 1997).

Lead Based Paint: Abate or Wait? Your Insurance Policy May Hold the Answer. Eugene R. Anderson, Joan L. Lewis, 182 N.J. Law. 10 (Mag.)(Jan./Feb. 1997).

#### CHAPTER TABLE OF CONTENTS

##### SUBCHAPTER 1. GENERAL PROVISIONS

- 8:62-1.1 Title and citation
- 8:62-1.2 Purpose
- 8:62-1.3 Scope

##### SUBCHAPTER 2. DEFINITIONS

- 8:62-2.1 Definitions

##### SUBCHAPTER 3. REQUIREMENTS AND PROCEDURES FOR OBTAINING A LEAD PERMIT FOR LEAD ABATEMENT WORKER, LEAD ABATEMENT SUPERVISOR, LEAD INSPECTOR/RISK ASSESSOR, AND LEAD ABATEMENT PLANNER/PROJECT DESIGNER

- 8:62-3.1 Scope of the subchapter
- 8:62-3.2 Requirements for obtaining a permit for lead abatement worker, lead abatement supervisor, lead inspector/risk assessor, and lead abatement planner/project designer
- 8:62-3.3 Procedures for completing permit application for lead abatement worker, lead abatement supervisor, lead inspector/risk assessor, and lead abatement planner/project designer

- 8:62-3.4 Procedures for completing a reciprocal permit application for lead abatement worker, lead abatement supervisor, lead inspector/risk assessor, and lead abatement planner/project designer
- 8:62-3.5 Grandfathering of lead abatement workers, lead abatement supervisors, lead inspector/risk assessors, and lead abatement planner/project designers
- 8:62-3.6 Issuance of permit
- 8:62-3.7 Identification of permit holder
- 8:62-3.8 Suspension or revocation of permit
- 8:62-3.9 Renewal of permit for lead abatement worker, lead abatement supervisor, lead inspector/risk assessor, and lead abatement planner/project designer

##### SUBCHAPTER 4. CERTIFICATION OF TRAINING COURSES

- 8:62-4.1 Scope of the subchapter
- 8:62-4.2 Types of courses
- 8:62-4.3 Application for certification of training courses
- 8:62-4.4 Training agency operating requirements
- 8:62-4.5 Criteria for training manager and training course instructors
- 8:62-4.6 Criteria for topics in the lead abatement worker for housing and public buildings training course
- 8:62-4.7 Criteria for topics in the lead abatement supervisor for housing and public buildings training course
- 8:62-4.8 Criteria for topics in the lead inspector/risk assessor training course
- 8:62-4.9 Criteria for topics in the lead abatement planner/project designer training course
- 8:62-4.10 Criteria for topics in the lead abatement worker for commercial buildings and superstructures training course
- 8:62-4.11 Criteria for topics in the lead abatement supervisor for commercial buildings and superstructures training course
- 8:62-4.12 Criteria for topics in refresher training courses
- 8:62-4.13 Granting of certification
- 8:62-4.14 Renewal of training agency certification
- 8:62-4.15 Suspension or revocation of training agency certification or instructor approval

##### SUBCHAPTER 5. COMPLIANCE AND ENFORCEMENT

- 8:62-5.1 Scope of the subchapter
- 8:62-5.2 Compliance
- 8:62-5.3 Statement of imminent hazard
- 8:62-5.4 Civil administrative penalties
- 8:62-5.5 Hearings

##### SUBCHAPTER 1. GENERAL PROVISIONS

###### 8:62-1.1 Title and citation

This chapter shall be known and may be cited as N.J.A.C. 8:62, Standards for Lead Certification.

###### 8:62-1.2 Purpose

(a) The purpose of this chapter is to provide reasonable standards and procedures for:

1. Permitting of lead abatement workers for housing and public buildings;
2. Permitting of lead abatement supervisors for housing and public buildings;

3. Permitting of lead inspector/risk assessors;
4. Permitting of lead abatement planner/project designers;
5. Permitting of lead abatement workers for commercial buildings and superstructures;
6. Permitting of lead abatement supervisors for commercial buildings and superstructures; and
7. Certification of training agencies and courses for the above job classifications.

### 8:62-1.3 Scope

(a) This chapter shall apply to:

1. Examination and issuance of permits to lead abatement workers for housing and public buildings;
2. Examination and issuance of permits to lead abatement supervisors for housing and public buildings;
3. Examination and issuance of permits to lead inspector/risk assessors;
4. Examination and issuance of permits to lead abatement planner/project designers;
5. Examination and issuance of permits to lead abatement workers for commercial buildings and superstructures;
6. Examination and issuance of permits to lead abatement supervisors for commercial buildings and superstructures; and
7. Certification of training agencies and courses for the above job classifications.

inspector/risk assessor, a lead abatement planner/project designer, or an agency seeking certification to conduct lead training.

“Approved” means acceptable to the Commissioner of Health, in accordance with the requirements of this chapter.

“Certificant” means any training agency certified by the Department pursuant to N.J.A.C. 8:62-4.

“Commercial building” means any building used primarily for commercial or industrial activity, which is generally not open to the public, or occupied or visited by children, including but not limited to, warehouses, factories, storage facilities, aircraft hangers, garages, and wholesale distribution facilities.

“Commissioner” means the Commissioner of the Department of Health or his or her designee.

“Department” means the New Jersey Department of Health.

“Discipline” means the classification of a specific lead-based paint activity. For example, lead abatement worker for housing and public buildings is a discipline.

“Hands-on assessment” means an evaluation which tests a trainees’ ability to satisfactorily perform specified work practices and procedures.

“Housing” means a single family dwelling, including attached structures such as porches and stoops, or a single family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

“Industrial hygienist” means a person certified by the American Board of Industrial Hygiene, or a person with at least a bachelor’s degree in industrial hygiene or other cogent science with five years of professional experience in industrial hygiene.

“Interactive/participatory teaching methods” means instruction which consists of active participation of the trainees, such as, brainstorming, hands-on training, demonstration and practice, small group problem solving, discussions, risk mapping, field visits, walk-throughs, problem posing, group work assignments, question-and-answer periods, and role-playing sessions. Lecture is not considered an interactive/participatory teaching method.

“Instructor” means an individual who has the primary responsibility for organizing and delivering a particular course topic(s).

“Lead abatement planner/project designer” means any person who has completed a lead abatement planner/project designer training course approved by the Department and who has successfully passed the skills assessment for hands-on training and a written examination approved by the Department and who possesses a valid permit issued by the Department to plan and design abatement projects.

## SUBCHAPTER 2. DEFINITIONS

### 8:62-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Abatement” means any set of measures designed to permanently eliminate or mitigate lead-based paint hazards in accordance with rules adopted by the New Jersey Department of Community Affairs and includes, but is not limited to: the removal of lead-based paint and lead-contaminated dust; the containment or encapsulation of lead-based paint; the replacement of lead-painted surfaces or fixtures; the removal or covering of lead-contaminated soil; and all preparation, clean-up, disposal and post-abatement clearance testing activities associated with such measures.

“Applicant” means a person applying for certification as a lead abatement worker, a lead abatement supervisor, a lead