

Corrected

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Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on December 5, 2006 by the
(Date prior to or same as filing date.)

Construction Contractors Board OAR 812
(Agency and Division) (Administrative Rules Chapter Number)

Catherine Dixon 700 Summer Street NE Suite 300, Salem OR 97310 378-4621 ext. 4077
(Rules Coordinator) (Address) (Telephone)

to become effective January 1, 2007. Rulemaking Notice was published in the November 2006 Oregon Bulletin.**
(Date upon filing or later) (Month and Year)

RULE CAPTION

Rewrite of Division 7

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.

ADOPT: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND:

812-007-0000 812-007-0020 812-007-0040 812-007-0060 812-007-0080
812-007-0010 812-007-0030 812-007-0050 812-007-0070 812-007-0090

REPEAL:

Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

Amend & Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

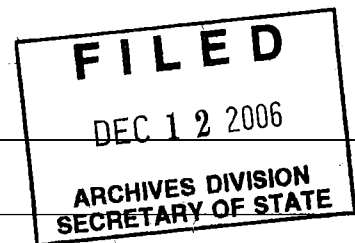
ORS 183.310 to 183.550, 670.310, 701.235, 701.500 to 701.515, & 701.515

Stat. Auth.

Other Authority

ORS 701.500 to 701.515, 701.510, & 701.515

Stats. Implemented



RULE SUMMARY

812-007-000, 812-007-010, 812-007-0020, 812-007-0030, 812-007-0040, 812-007-0050, 812-007-060, 812-0070, 812-007-0080, and 812-007-0090 are amended to rewrite Division 7, change the name from Health Division to Oregon Department of Human Services, to align language with Oregon Department of Human Services administrative rules on lead-based paint certification, and to delete language that applies to Department of Human Services procedures and do not apply to CCB's procedures/requirements.

Catherine Dixon

Authorized Signer

Catherine Dixon

Printed Name

December 12, 2006

Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

**The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday. ARC 930-2005

NOTE: In order to save postage and printing costs in these difficult times, CCB is only providing a copy of the notice. To view the language of each individual rule change, please go to our web site at http://www.oregon.gov/CCB/Laws_Rules.shtml#Administrative_Rule_Notices. If you don't have web access, contact Cathy Dixon at (503) 378-4621 ext. 4077 for assistance in receiving a copy.

CCB 13-2006

Secretary of State
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PERMANENT ADMINISTRATIVE RULES

12-12

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DIVISION 7

LICENSING OF INDIVIDUALS AND FIRMS ENGAGED IN LEAD-BASED PAINT ACTIVITY

812 007-0000

Authority, Purpose, Scope

(1) Authority. These rules are promulgated in accordance with and under the authority of ORS 701.515.

(2) Purpose.

(a) The purpose of these rules is to address Oregon's need for a qualified and properly trained workforce to perform inspection, risk assessment and removal of hazards associated with lead-based paint, to safeguard the environment and protect human health, and the health of building occupants, especially for high risk groups (children under six years of age), from lead-based paint hazards.

(b) These rules prescribe the requirements for licensing of individuals and firms engaged in lead-based paint activities in target housing and child occupied facilities.

(c) These rules will establish work practice standards for the performance of lead-based paint inspection, risk assessment, and paint removal and stabilization activities for individuals and firms and will require that all lead-based paint activities be performed only by licensed individuals and firms.

(3) Scope.

(a) These rules apply to all individuals and firms who are engaged in lead-based paint activities as defined in ORS 701.505, except persons who perform these activities within residential dwellings that they own, unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level.

(b) These rules establish the requirement that lead-based paint activities be performed only by licensed individuals and firms.

(c) These rules prescribe the requirements for, and the manner of, licensing applicants for lead-based paint inspector, risk assessor, supervisor, project designer, and worker, and licensing of firms employing such individuals.

(d) These rules prescribe work practice standards for the removal or migration of lead-based paint hazards and for the performance of lead-based paint inspection and risk assessment, and those actions or circumstances that constitute failure to achieve or maintain a-license, or that otherwise are contrary to the public interest, for which Construction Contractors Board may deny, suspend, or revoke a license;

(e) These rules establish fees to extent necessary to defray costs of those activities prescribed herein.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.515

(6/96, 11/96, 1/97, 5/97, 6/00, 12/06)

812-007-0010

Adoption by Reference

All standards, listings, and publications referred to in these rules are by those references made a part of these rules as though fully set forth.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.515

(6/96, 11/96, 1/97, 5/97, 12/06)

812-007-0020

Definitions

As used in division 7 of these rules, terms defined in ORS 701.505 have the same meaning given those terms in ORS 701.505.

Stat. Auth.: ORS 670.310, 701.235 & 701.515
Stats. Implemented: ORS 701.515
(6/96, 11/96, 1/97, 5/97, 11/97, 10/98, 3/99, 6/00, 12/06)

812-007-0030

Licenses Required

(1) No person, firm or public agency shall offer to perform or perform lead-based paint inspection, risk assessment, or abatement activities in target housing or child-occupied facilities without first receiving certification from the Oregon Department of Human Services and a license from the Construction Contractors Board except if such a person, firm or public agency is exempt from Construction Contractors Board licensing requirements.

(2) All licenses to perform lead-based paint activities issued under ORS 701.515 shall terminate within one year from date of issue and are renewable upon meeting all the requirements as determined by the Construction Contractors Board.

(3) Licensed persons or firms conducting lead-based activities shall comply with the work practice standards for performing lead-based paint activities as prescribed in these rules and OAR 333-069-0070. Painters shall follow the work practices described on the Permit application.

(4) It shall be considered a violation of these rules for any person to conduct any of the lead-based paint activities described unless the individual has received certification from the Oregon Department of Human Services and licensure from the Construction Contractors Board, except if such a person, is exempt from Construction Contractors Board licensing requirements.

(5) The Construction Contractors Board shall issue a numbered license to the individual. The Construction Contractors Board shall issue a numbered license to each firm.

(6) A firm or public agency that contracts with a certified firm or public agency to provide lead-based paint activities on its behalf need not be certified or licensed.

(7) Employees or agents of regulatory agencies are exempt from these rules if: (1) those employees or agents are acting in a regulatory capacity, and (2) if they are carrying out activities within the scope of the agency's regulatory authority, and (3) if they have been trained in a manner consistent with the public and environmental health objectives of these rules.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.515

(6/96, 11/96, 1/97, 5/97, 3/99, 6/00, 12/06)

812-007-0040

Application Requirements

(1) No person, firm or public agency removing lead-based paint from or stabilizing lead-based paint in or on target housing and/or child-occupied facilities, shall conduct such activities without first applying to the Oregon Department of Human Services for and receiving a permit to conduct such activities and without first obtaining a license from the Construction Contractors Board to conduct such activities.

(2) An individual must do the following to qualify for a license.

(a) Submit an application on a form presented by the Construction Contractors Board together with the license fee and;

(b) Submit a copy of the certificate issued by the Oregon Department of Human Services showing that the individual is qualified to perform the activities.

(3) A firm must do the following to qualify for a license.

(a) Become licensed with the Construction Contractors Board as a Specialty or General Contractor, All Structures and;

(b) Have as an owner or employee one or more individuals who have obtained a license from the Construction Contractors Board to perform the activities, and;

(c) Submit an application on a form prescribed by the Construction Contractors Board together with the fee payment and;

(d) Submit a copy of the certificate issued by the Oregon Department of Human Services showing that the firm is qualified to conduct the activities.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.515

(6/96, 11/96, 1/97, 5/97, 11/97, 10/98, 3/99, 6/00, 12/06)

812-007-0050

Renewal

(1) Applicants for license renewal shall submit required documentation and complete the Construction Contractors Board renewal form along with the appropriate fee.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.515

(6/96, 11/96, 1/97, 5/97, 10/98, 3/99, 12/06)

812-007-0060

License Issuance

(1) The Construction Contractors Board shall inform the applicant, in writing, when his/her application is granted, denied or incomplete and of the additional information or documentation that is requirement to complete the application.

(a) When granted, the license shall be mailed to the applicant and the effective date of the license will be the date applicant meets all Construction Contractors Board requirements unless otherwise agreed in writing between the parties.

(b) A unique certification number will be assigned to each license holder.

(c) An application may be withdrawn at any time by written request to the Construction Contractors Board.

(2) If denied, the Construction Contractors Board shall state, in writing, the reasons for denial.

(3) A license shall be non-transferable and shall be effective for one year from date of issue.

Stat. Auth.: ORS 670.310, 701.235 & 701.500 to 701.515

Stats. Implemented: ORS 701.500 to 701.515

(6/96, 11/96, 1/97, 5/97, 3/99, 12/06)

812-007-0070

Work Practice Standards

(1) When performing paint removal or stabilization, or any lead-based paint activity described by a certified and licensed individual as an inspection, lead hazard screen, risk assessment or abatement, a certified and licensed person must perform that activity in compliance with these rules and OAR 333-069-0070.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.515

(1/97, 5/97, 11/97, 10/98, 3/99, 6/00, 12/06)

812-007-0080

Denial, Suspension or Revocation of Certification

(1) The Construction Contractors Board may deny issuance of, suspend, or revoke a license for an individual or a firm for circumstances including but not limited to the following:

(a) Performing work requiring license at a job site without having a current valid original license identification card available at the job site for inspection;

(b) Permitting the duplication or use of the individual's own certificate or license by another;

- (c) Performing work for which appropriate certification and license has not been received from the Oregon Department of Human Services and the Construction Contractors Board;
- (d) Having been subject to a final administrative order imposing a civil penalty or a criminal conviction for engaging in a prohibited act under Oregon Department of Human Services or Construction Contractors Board rules;
- (e) Failing to comply with local, state, or federal statutes or regulations including execution of a consent agreement in settlement of an enforcement action;
- (f) Failing to comply with work practices and standard set forth in these rules and other generally accepted work practices;
- (g) Obtaining certification or license through fraudulent representation of documentation satisfying eligibility requirements;
- (h) Failing to renew certification and license or to rectify in a timely manner.
- (i) Gaining admission to and completing education through fraudulent representation of initial or previous education documents;
- (j) Obtaining certification through fraudulent representation of certification requirements such as education, training, professional registration, or experience;
- (k) Performing work requiring certification at a job site with individuals who are not certified;
- (l) Failing to maintain required records; and
- (m) Failing to comply with these rules including execution of a consent agreement in settlement of an enforcement action.

(2) The Construction Contractors Board may deny issuance of, suspend, or revoke license for an individual for circumstances including but not limited to the following:

- (a) Obtaining training documentation through fraudulent means, and/or;
- (b) Gaining admission to and completed education through fraudulent representation of initial or previous education documentation.

(3) The Construction Contractors Board may deny issuance of, suspend, or revoke license of a firm for circumstances including but not limited to the following:

- (a) Performing work requiring certification or license at a job site with individuals who are not certified or licensed.
- (b) Failing to maintain required records.

(4) Hearings on the denial, suspension or revocation of a license shall be conducted as a contested case in accordance with ORS 183.310 to 183.550.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.510 & 701.515

(6/96, 11/96, 1/97, 5/97, 10/98, 3/99, 6/00, 12/06)

812-007-0090

Fees

The following fees are established:

(1) Contractor firms shall pay a non-refundable fee of \$50 for an endorsement on their Construction Contractors Board license in addition to the regular contractor license application fee that will allow them to perform lead-based paint activity for one year.

(2) Inspectors, risk assessors, supervisors and project designers shall pay a non-refundable license fee of \$50 for a one-year license.

(3) Abatement workers shall pay a non-refundable license fee of \$25 for a one-year license.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.515

(6/96, 11/96, 1/97, 5/97, 9/99, 6/00, 12/06)