

**HEALTH**

**PUBLIC HEALTH SERVICES BRANCH**

**DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL, AND OCCUPATIONAL HEALTH**

**CONSUMER, ENVIRONMENTAL, AND OCCUPATIONAL HEALTH SERVICE**

**ENVIRONMENTAL AND OCCUPATIONAL HEALTH ASSESSMENT PROGRAM**

**Standards for Lead Certification**

**Readoption with Amendments: N.J.A.C. 8:62**

Proposed: March 18, 2019, at 51 N.J.R. 403(a).

Adopted: July 18, 2019, by Shereef M. Elnahal, M.D., M.B.A., Commissioner,  
Department of Health.

Filed: July 18, 2019, as R.2019 d.086, **without change**.

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

Effective Dates: July 18, 2019, Readoption;

August 19, 2019, Amendments.

Expiration Date: July 18, 2026.

**Summary of Public Comment and Agency Response:**

**The Department of Health (Department) did not receive any comments from the public regarding the notice of rules proposed for readoption with amendments during the 60-day public comment period, which ended on May 17, 2019.**

**Federal Standards Statement**

The rules readopted with amendments are consistent with Federal standards relating to the certification of training courses and the issuance of permits to lead workers provided at 40 CFR Part 745, Lead-Based Paint Poisoning Prevention in Certain Residential Structures, particularly Subpart L, Lead-Based Paint Activities, at 40 CFR 745.225, Accreditation of training programs: target housing and child-occupied facilities; and 40 CFR 745.226, Certification of individuals and firms engaged in lead-based paint activities: target housing and child-occupied facilities.

N.J.A.C. 8:62-4.2 requires 32 hours of training for qualification as a lead abatement worker for housing and public buildings. Federal law requires 16 hours for the same discipline. The difference occurs because the Federal program does not include various topics relating to worker protection. New Jersey law, at N.J.S.A. 26:2Q-4, requires worker protection to be included as an area of instruction in lead abatement worker and supervisor training courses.

Section 404(b) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2684(b), establishes the standards by which the EPA can approve a state's lead program. It says that a state must demonstrate that its program would be at least as protective of human health and the environment as the Federal program and would provide for adequate enforcement. Thus, Federal law authorizes states to implement lead program requirements that are more stringent than the Federal model. For example, the State's rules require a training course for lead abatement workers and supervisors who are involved with commercial buildings and superstructures. Federal standards are limited to housing and child-occupied facilities.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at

N.J.A.C. 8:62.

**Full text** of the adopted amendments follows:

TEXT