

Summary of Changes to RRP Rule Draft (5/13/24)

This document summarizes the substantive revisions to the current RRP rule draft since the previous draft dated 7/12/23.

Rule draft documents available at: [Minnesota Renovate, Repair, and Paint Rulemaking \(www.health.state.mn.us/communities/environment/lead/rules/rrp/index.html\)](http://www.health.state.mn.us/communities/environment/lead/rules/rrp/index.html)

4620.6000 GENERAL.

Subpart 1. **Applicability.**

Page 1, line 9. After “is” inserted “less than” and deleted “or less” from 7/12/23 rule draft (page 1, line 9).

Subpart 1. **Applicability.**

Page 1, line 11. After “is” inserted “less than” and deleted “or less” from 7/12/23 rule draft (page 1, line 11).

4620.6025 DEFINITIONS.

Subp. 2. **Affected property.**

Page 2, line 21. Deleted item A(3) from 7/12/23 rule draft (page 3, lines 9-10):

“(3) a child-occupied facility in a building or portion of a building, including interior and exterior common areas, that is visited by the same child, and:”

and replaced with (starting at page 2, line 21):

“(3) a building or portion of a building, including interior and exterior common areas, that is visited by the same child at least two days per week, and:”

Subp. 3. **Area preparation.**

Page 3, line 21, after “covering” inserted “and sealing”

Subp. 10. **Compensation.**

Deleted entire text of definition from 7/12/23 rule draft (page 5, lines 4-7):

“Compensation” means money or other mutually agreed upon form of payment given or received as an equivalent for renovation activities performed by a certified renovation firm and includes receipt of rent payments or salaries derived from rent payments.”

and replaced with (starting at page 5, line 4):

“Compensation” has the meaning given in Minnesota Statutes, section 144.9501, subdivision 33.”

Subp. 15. **Emergency renovation.**

Page 5, line 16. Deleted “B. a public health hazard;” from 7/12/23 rule draft (page 5, line 22)

Subp. 18. **HEPA vacuum.**

Page 6, line 4. After “filter” inserted “with none of the air leaking past it. HEPA vacuums must be operated and maintained in accordance with the manufacturer’s instructions.”

Subp. 19. **Lead-based paint.**

Deleted entire text of definition from “Lead-based paint” from 7/12/23 rule draft (page 6, lines 7-9):

“Lead-based paint” means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight.”

and replaced with (starting at page 6, line 5):

“has the meaning given in Minnesota Rules, part 4761.2510, subpart 1.”

Subp. 20. **Lead inspector.**

Deleted entire text of definition from 7/12/23 rule draft (page 6, lines 10-11):

“Lead inspector” means a person licensed under part 4761.2280, to perform lead inspections under part 4761.2560.”

and replaced with (starting page 6, line 7):

“Lead inspector” has the meaning given in Minnesota Statutes, section 144.9501, subdivision 19.”

Subp. 22. **Lead risk assessor.**

Deleted entire text of definition the 7/12/23 rule draft (page 6, lines 16-17):

“Lead risk assessor” means a person licensed under part 4761.2300, to perform lead risk assessments under part 4761.2570.”

and replaced with (starting at page 6, line 11):

“Lead risk assessor” has the meaning given in Minnesota Statutes, section 144.9501, subdivision 20c.”

Subp. 23. **Lead sampling technician.***

Deleted entire text of “Lead or dust sampling technician” definition from the 7/12/23 rule draft (page 6, lines 18-21):

“Lead or dust sampling technician.” *“Lead or dust sampling technician” means an individual who holds a valid training course diploma from a training course approved by the commissioner to perform clearance inspections for renovation sites and lead dust sampling for nonabatement sites.*

and replaced with (starting at page 6, line 13):

“Lead sampling technician.” *“Lead sampling technician” has the meaning given in Minnesota Statutes, section 144.9501, subdivision 22b.”*

**Changed “lead or dust sampling technician” to “lead sampling technician” wherever it appeared in rule draft.*

4620.6075 RENOVATION FIRM CERTIFICATION.

Subp. 4. Denial of certification application.

Page 10, line 5. **Item B.** Deleted “if” from the 7/12/23 rule draft (page 10, line 10), and replaced with “Before”

4620.6075 USE OF QUALIFIED INDIVIDUALS.

Subpart 1. Qualified individuals.

Page 10, line 20. Inserted “qualified” before “individuals”

Page 10, line 24. **Item D.** Deleted “an individual” from the 7/12/23 rule draft (page 11, line 7), and replaced with “a noncertified worker”

Subp. 2. Training conducted by a lead renovator.

Page 11, line 2. **Item A.** Deleted “individual” from the 7/12/23 rule draft (page 11, lines 9) and replaced with “Noncertified”

Deleted **item B** “B. The training an individual receives from a lead renovator under item A is valid for 48 months.” from the 7/12/23 rule draft (page 11, lines 12-13).

Subp. 3. Lead renovator assigned to renovation.

Item C. Deleted “either on site or by telephone, until the renovation is completed” from the 7/12/23 rule draft (page 12, lines 4-5)

and replaced with (starting at page 11, lines 16-17):

“or must be able to be contacted at all times when renovation work is being performed”

4620.6100 LEAD RENOVATOR TRAINING.

Deleted Subparts 1 and 2 from 7/12/23 rule draft (page 12, lines 16-24 to page 13, line 1)

*“Subpart 1. **Training required.** An individual who directs renovation activities or performs renovation activities assigned to a lead renovator under parts 4620.6000 to 4620.6475 must be trained as a lead renovator.*”

Subp. 2. Training requirements.

A. An individual must complete an initial lead renovator training course to direct renovation activities or to perform tasks assigned to a renovator under parts 4620.6000 to 4620.6475.

B. Lead renovator training is valid for 48 months from the course completion date on the diploma.

C. An individual may renew lead renovator training under subpart 5.”

and replaced with (starting at page 12, line 4):

Subpart 1. General requirements.

A. An individual who directs renovation activities must hold a valid lead renovator training course diploma from training course approved by the commissioner.

B. Lead renovator training is valid for 48 months from the course completion date on the diploma.

C. An individual may renew lead renovator training under subpart 4.”

Subp. 2. **Previous training.** (Formerly Subp. 3.) – No change from 7/12/23 rule draft.

Subp. 3. Temporary use of EPA and out-of-state training.

Deleted everything after the headnote from 7/12/23 rule draft (page 13, lines 6-13):

“This subpart applies only to lead renovator training diplomas currently valid on the effective date of parts 4620.6000 to 4620.6475. An individual may use a current training diploma issued by a lead renovator training program accredited by the EPA or an EPA-authorized state or Tribal program to satisfy the training requirements of this part until the diploma expires under applicable EPA or EPA-authorized state or Tribal program regulations. All subsequent training must be provided in a training course permitted under part 4620.6250 and training under this subpart may be renewed under subpart 5.”

and replaced with (starting at page 12, line 15):

A. This subpart applies only to lead renovator training diplomas currently valid on the effective date of parts 4620.6000 to 4620.6475.

B. An individual may use a current training diploma issued by a lead renovator training program accredited by the EPA or an EPA-authorized state or Tribal program to meet the training requirements of this part and meet the application requirement under part 4620.6050, subpart

2, item C, until December 31, 2025, or the diploma expires under applicable EPA or EPA-authorized state or Tribal program regulations, whichever is earlier.

C. All subsequent training must be provided in a training course permitted under part 4620.6250 and training under this subpart may be renewed under subpart 4.”

Subp. 4. **Renewal requirements; refresher training.**

Page 13, line 3. **Item A.** Deleted “*A trained lead renovator*” from 7/12/23 rule draft (page 13, line 15), and replaced with “An individual who holds a lead renovator diploma”

Subp. 5. **Training documentation.** (Formerly Subp. 6.) – No change from 7/12/23 rule draft.

4620.6125 LEAD SAMPLING TECHNICIAN TRAINING.

Page 13, line 15. Deleted “**LEAD OR DUST SAMPLING TECHNICIAN.**” from 7/12/23 rule draft (page 14, line 1) and replaced with “**LEAD SAMPLING TECHNICIAN.**”

Deleted **Subparts 1 and 2** from 7/12/23 rule draft (page 14, lines 2-12):

*“Subpart 1. **Training required.** An individual who performs lead or dust sampling activities must be trained as a lead or dust sampling technician, a lead inspector, or a lead risk assessor.”*

*Subp. 2. **Training requirements.***

A. A lead or dust sampling technician must complete a lead or dust sampling technician training course to perform lead or dust sampling activities under parts 4620.6000 to 4620.6475.

B. Lead or dust sampling technician training is valid for 48 months from the course completion date on the diploma.

C. An individual may renew lead or dust sampling technician training under subpart 4.”

and replaced with (starting at page 13, line 16):

“Subpart 1. General requirements.

A. An individual who performs lead sampling activities must:

- 1) hold a valid lead sampling technician training course diploma from a training course approved by the commissioner; or**
- 2) hold a valid lead inspector or lead risk assessor license.**

B. Lead sampling technician training is valid for 48 months from the course completion date on the diploma.

C. An individual may renew lead sampling technician training under subpart 3.”

Subp. 2. Temporary use of EPA and out-of-state training.

Deleted everything after the headnote from 7/12/23 rule draft (page 14, lines 13-20):

“This subpart applies only to lead or dust sampling technician training diplomas currently valid on the effective date of parts 4620.6000 to 4620.6475. An individual may use a current training diploma issued by a lead or dust sampling technician training program accredited by the EPA or an EPA-authorized state or Tribal program to satisfy the training requirements of this part until the diploma expires under applicable EPA or EPA-authorized state or Tribal program regulations. All subsequent training must be provided in a training course permitted under part 4620.6250 and training under this subpart may be renewed under subpart 4.”

and replaced with (starting at page 14, line 2):

“A. This subpart applies only to lead sampling technician training diplomas currently valid on the effective date of parts 4620.6000 to 4620.6475.

B. An individual may use a current training diploma issued by a lead sampling technician training program accredited by the EPA or an EPA-authorized state or Tribal program to meet the training requirements of this part until December 31, 2025, or the diploma expires under applicable EPA or EPA-authorized state or Tribal program regulations, whichever is earlier.

C. All subsequent training must be provided in a training course permitted under part 4620.6250, and training under this subpart may be renewed under subpart 3.”

Subp. 3. Renewal requirements; refresher training.

Page 14, line 11. Deleted *“A trained lead or dust sampling technician”* from the 7/12/23 rule draft (page 14, line 22) and replaced with *“An individual who holds a lead sampling technician diploma”*

Subp. 4. Training documentation. (Formerly Subp. 5.) – No change from 7/12/23 rule draft.

4620.6150 RECORDS.

Subpart 1. Records and retention.

Page 15, line 5. **Item A.** Inserted *“at no charge”* after *“commissioner”*

Item C. Deleted item C from 7/12/23 rule draft (page 16, lines 1-4)

“C. Written determinations prepared under part 4620.6000, subpart 2, item A, and dust clearance sampling reports prepared under subpart 3, item C, must be completed, signed, and dated by the lead inspector, lead risk assessor, or lead or dust clearance sampling technician who performed the activity.”

and replaced with (starting at page 15, line 16):

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“C. Written determinations prepared under part 4620.6000, subpart 2, item A, must be completed, signed, and dated by the lead inspector or lead risk assessor who performed the activity.”

“D. Dust clearance sampling reports prepared under subpart 3, item C, must be completed, signed, and dated by the lead inspector, lead risk assessor, or lead sampling technician who performed the activity.”

Page 16, line 7. **Item E(3)**. Deleted “qualified individuals” from 7/12/23 rule draft (page 16, line 13) and replaced with “noncertified workers”

Subp. 2. **On-site work plan.**

Deleted **item F** from 7/12/23 rule draft (page 16, lines 21-25)

“F. Within 30 days of a certified renovation firm ceasing renovation operations, the certified renovation firm must designate a records custodian and provide that custodian's name and address to the commissioner. The certified renovation firm must also deliver all records required under this part to the records custodian who must maintain the records until the retention period under this subpart expires.”

4620.6175 DISCLOSURE PAMPHLET; DISTRIBUTION REQUIREMENTS.

Subpart 1. **Owner of a dwelling or dwelling unit; notice requirement.**

Page 20, line 18. **Item B**. Inserted “under subparts 9 and 10” after “acknowledgment”

Subp. 7. **Child-occupied facility; disclosure pamphlet.**

Page 25, line 6. **Item B(1)**. Inserted “under subparts 9 and 10” after “acknowledgment”

4620.6200 WORK PRACTICES.

Subp. 3. **Work area barriers; interior renovations.**

Item A(1). Deleted “structures, and building components” from the 7/12/23 rule draft (page 28, lines 20, and 21-22)

Page 29, line 1. **Item A(3)**. Deleted “Cover doors or openings” from the 7/12/23 rule draft (page 29, line 4) and replaced with “Close windows and doors in the work area, and cover all doors or openings”

Subp. 6. **Prohibited work practices.**

Page 31, lines 14. **Item A**. Inserted “on painted surfaces” after “torching”

Page 31, lines 15. **Item B**. Inserted “on painted surfaces” after “higher”

Subp. 7. **Waste management.**

Deleted everything after the headnote from 7/12/23 rule draft (page 32, lines 3-22) and replaced with (starting at page 31, line 32):

A. For purposes of this part:

- 1) "waste" means paint chips, debris, dust, wastewater, used disposable cleaning equipment, or used cleaning materials that cannot be cleaned to remove dust, debris, or residue, and other renovation waste. Other examples of waste include used plastic sheeting or other disposable, impermeable material, used HEPA filters, used protective clothing, used respirators or face masks, and used gloves; and
- 2) "gooseneck knot" means a method of sealing a waste containment bag to prevent the contents of the bag from spilling, leaking, or falling out when the bag is inverted.

B. A person performing renovation must:

- 1) prevent the release of dust and debris before the waste is removed from the work area for storage and disposal by:
 - a) collecting and containing the waste in a bag that is three-mil thickness or greater, sealing the bag with a gooseneck knot, and cleaning the exterior of the bag with a HEPA vacuum; or
 - b) wrapping and sealing the waste in plastic sheeting or other disposable, impermeable material, and cleaning the exterior with a HEPA vacuum;
and
- 2) at the end of each work day, store the collected waste from the renovation activity in a manner that prevents unauthorized access to the waste.

C. If a chute is used to remove waste from the work area, it must be covered.

4620.6225 CLEANING VERIFICATION AND DUST SAMPLING.

Subp. 1. **Reoccupying a work area.**

Page 34, line 17. Deleted "lead renovator" from 7/12/23 rule draft (line 34.22) and replaced with "certified renovation firm"

Subp. 6. **Dust clearance sampling.**

Deleted everything after **item F** from 7/12/23 rule draft (page 38, lines 6-8):

“If dust sample results do not meet the standards under items D and E, each building component or surface represented by the failed sample must be recleaned and retested until clearance levels are met.”

and replaced with (starting at page 38, lines 1-3):

“If dust clearance sample results are not less than the standards under items D and E, the person performing renovation must reclean the work area until the dust clearance sample results are below the clearance standards in part 4761.2510, subpart 2.”

4620.6250 APPLICATION FOR TRAINING COURSE PERMIT.

Subp. 5. **Denial of training course permit application.**

Page 41, line 14. **Item A.** Deleted “, or an if an applicant fails to comply with the requirements of this part” from 7/12/23 rule draft (page 41, lines 17-18)

4620.6275 TRAINING COURSE DIPLOMA.

Page 42, line 15. **Item H.** Updated part range to “4620.6000 to 4620.6475”

4620.6300 TRAINING COURSE ADVANCE NOTICE AND AMENDMENTS.

Subp. 3. **New or revised training course material; approval required.**

Item B. Deleted “The commissioner must send written notice under this part within 30 days of receiving the new or revised material.” from 7/12/23 rule draft (page 43, lines 17-19)

4620.6400 TRAINING COURSE CONTENT.

Subp. 2. **Incorporating Minnesota and federal law.**

Deleted everything after **Subp. 2.** from 7/12/23 rule draft (page 38, lines 6-8):

“**Incorporating Minnesota law.** A training course provider must incorporate Minnesota law relating to lead-safe renovation practices into training course material and instruction.”

and replaced with (starting at page 50, line 4):

“**Incorporating Minnesota and federal law.** A training course provider must incorporate Minnesota and federal law into training course material and instruction relating to:

- A. regulated lead work according to Minnesota Statutes, sections 144.9501 to 144.9512;
- B. disposal of waste and wastewater according to chapters 7035 and 7045; and
- C. transportation of waste according to 7035 and 7045; and

D. worker safety and worker protection according to Code of Federal Regulations, title 29, § 1926.62.”

Subp. 4. Length and content requirements of initial lead renovator training course.

Page 51, line 8. **Item C(5)**. Deleted “, including installation and removal of work area barriers, cleaning, waste handling and disposal, and methods to prevent dust and debris from leaving the work area” from 7/12/23 rule draft (page 51, lines 4-6)

Subp. 6. Lead renovator hands-on training course.

Page 52, line 20. **Item B(2)(c)**. Deleted “, including installation and removal of work area barriers, cleaning, waste handling and disposal, and methods to prevent dust and debris from leaving the work area” from 7/12/23 rule draft (page 52, lines 18-20)

4620.6425 RECORD KEEPING FOR A TRAINING COURSE PROVIDER.

Subpart 1. Record retention period.

Page 54, line 5. After “**Record retention period**” deleted “; availability” from 7/12/23 rule draft (page 54, line 5)

Deleted **item B** from 7/12/23 rule draft (lines 54.9 – 54.14):

“B. Within 30 days of a training course provider ceasing training operations, the training course provider must designate a records custodian and provide the records custodian's name and address to the commissioner. A training course provider must also deliver all records required under this part to the records custodian who must maintain and make the records available to the commissioner until the retention period under this subpart expires.”

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6/14/24

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