

# State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors

January 2015

## BOARD MEMBERS

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Plumbing Inspector  
Wilmington, NC

### **Thomas G. Proffit**

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NCSU Engineer  
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### **Jeffrey R. Dunn**

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Air Conditioning Contractor  
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Raleigh, NC

### **D. Hunter Edwards Jr.**

Heating Contractor  
Charlotte, NC

State Board of Examiners  
of Plumbing, Heating, and  
Fire Sprinkler Contractors

1109 Dresser Court  
Raleigh, NC 27609

Phone: 919-875-3612

## Has Your License Been Renewed for 2015?

All licenses issued by the Board expire on December 31st of every year and must be renewed annually in order to engage in activities requiring licensure.

### **THERE IS NO GRACE PERIOD!**

If your license has not yet been renewed for 2015, all bidding, contracting, and work on jobs requiring a license must cease until the license has been restored to active status. Any such activities that have occurred since January 1st have been in violation of the Laws and Rules of the Board. Local inspection departments have the right to deny permit applications if a license is expired.

You may check your license status by using the License Search feature on our website. If your search does not return your license details, it is probably expired.

Without fail, we receive calls throughout the months of January, February and even into March from contractors in a panic because they cannot obtain permits for a job that they need to start immediately. We cannot renew licenses over the telephone, and cannot renew licenses while you wait if you visit our office.

Licenses renewed after January 31st will also be subject to a \$25.00 late renewal processing fee. There was an opportunity to renew during January without paying a late fee, but it was not a grace period during which licensed activities can be continued without renewal.

If you wish to renew the license immediately, it may be renewed online if it expired in 2014 and there are no changes to the trade name or sub-licensees. Your username and password were printed on the renewal notices that were mailed to the address of record for each licensee, and you may use MasterCard or VISA to submit payment online.

You may also bring or mail the renewal form and a check or money order to the Board's office. If you do not have the renewal form that was mailed, you may download it from the Forms page of our website (see page 5 of this newsletter for more information). If submitting your renewal form and payment to our office, please understand that it cannot be processed while you wait, and may take 2-3 days to process the renewal and reactivate the license.

If you have any questions regarding your license status, please contact our office at 919-875-3612, or at [information@nclicensing.org](mailto:information@nclicensing.org).

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## Proposed Revisions to EPA Lead Renovation & Repair

On January 14, 2015, the EPA announced a proposal for minor revisions to the Lead Renovation, Repair, and Painting (RRP) rule that published in the Federal Register on April 22, 2008, and the Lead-based Paint (LBP) Activities rule that published in the Federal Register on August 29, 1996. The proposed revisions are intended to improve the day-to-day function of these programs by reducing burdens to industry and the EPA, and by clarifying language for training providers, while retaining the protections provided by the original rules.

EPA is proposing to eliminate the requirement that the renovator refresher training have a hands-on component. The Agency is also proposing to remove jurisdiction-specific certification and accreditation requirements under the LBP Activities program. Currently, this program requires that training providers, firms and individuals seek certification in each jurisdiction (e.g., a State) where the organization or person wants to work. In addition, EPA is adding clarifying language to the requirements for training providers under both the RRP and LBP Activities programs.

Comments must be received on or before February 13, 2015. You may read the release in its entirety beginning on page 15 of this newsletter.

## Well Seal Installation, Protection and Sanitation

This is an important reminder to all licensed plumbers who engage in activities involving potable water wells such as pump installation, repair or replacement. In order to maintain an exemption from the North Carolina Well Certification Board's requirement to hold a Level D certification from their Board, you must maintain well seal installation, protection and sanitation training on a two-year cycle.

The continuing education courses are available from several independent providers:

North Carolina Plumbing & Mechanical Association	704-503-1331
Contact: Jenny Horne	jenny@nc-pma.org
Website: <a href="http://www.nc-pma.org">www.nc-pma.org</a>	
Piedmont Training Group	336-454-5756
Contact: Jim Lawson	jim.lawson@highpointnc.gov
Grady Harlow Inc.	919-427-3747
Contact: Michael Harlow	gradyharlowinc@gmail.com
Website: <a href="http://www.gradyharlowinc.com">www.gradyharlowinc.com</a>	

**Please note: Information on providers for all plumbing, hvac, fuel piping, fire sprinkler, business and exam prep courses can be found on the Education and Providers page of our website, and are listed by category for quick and easy reference.**

## One Day Project Management Course Offered

The North Carolina Plumbing and Mechanical Association (NCPMA) and the Plumbing-Heating-Cooling Contractors Association (PHCC) is offering a one-day project management course on Tuesday, March 12, 2015, in Greensboro, NC.

Additional information and the course registration form can be found on pages 23-24 of this newsletter. Seating is limited to the first 50.

## Fire Sprinkler Licensing Requirements

Recently the Board has dealt with an unusually high number of issues regarding activities associated with fire sprinklers. The following information is provided to clarify the Board's licensing requirements and the activities that are permitted.

Between 1991 and 2012, the Board established five (5) license qualifications for persons who wish to perform design and layout, installation, modification, repair, inspection and/or maintenance of fire sprinkler systems. These actions were based on concerns that, at the time, anyone could do anything pertaining to a fire sprinkler system, regardless of their knowledge, training, and experience (or lack thereof). In addition, new technology has allowed the installation of cost-effective fire sprinkler systems in one and two family homes that operate in conjunction with the home's domestic plumbing system.

As a result, the following five (5) fire sprinkler licensing qualifications were established by the Board:

**Fire Sprinkler Installation Contractor** – Licensing requirements include NICET Level III in Design and Layout of Fire Sprinkler Systems and passage of the Business Exam administered by the Board, as well as a criminal background check. Licensees are allowed to contract for and perform design, layout, installation, alteration and repairs of fire sprinkler systems. This includes bona-fide employees of the firm that the licensee qualifies, when such employees are under the general supervision of the licensee. The contractor must list his/her license in the firm name and location where work is being solicited, contracted, dispatched and carried out. The firm **cannot** contract or perform NFPA 25 inspections unless a Fire Sprinkler Inspection Contractor is also employed and qualifying the firm to do so **at that location**.

**Fire Sprinkler Inspection Contractor** – Licensing requirements include NICET Level III in Inspection and Testing of Fire Sprinkler Systems and passage of the Business Exam administered by the Board, as well as a criminal background check. Licensees are allowed to contract for and perform NFPA 25 inspections of fire sprinkler systems. The contractor must list his/her license in the firm name and location where work is being solicited, contracted, dispatched and carried out. The firm **cannot** contract or perform design, layout, installation, alteration or repairs of a fire sprinkler system unless a Fire Sprinkler Installation Contractor is also employed and qualifying the firm to do so **at that location**.

**Fire Sprinkler Inspection Technician** – Licensing requirements include NICET Level II certification in Inspection and Testing of Fire Sprinkler Systems or passage of the Technical Exam administered by the Board, as well as a criminal background check. Licensees are allowed to perform NFPA 25 inspections of fire sprinkler systems, but **cannot** contract for such services, nor may they qualify a firm to contract for such services. Generally speaking, an Inspection Technician must be listed as a sub-licensee of an Inspection Contractor and be a bona-fide employee of the firm. Exceptions to this are where a hospital, university or manufacturing facility employ Inspection Technicians to perform work on their premises.

**Fire Sprinkler Maintenance Technician** – Licensing requirements include 4,000 hours of experience as a full-time maintenance person at the facility of the employer. Licensees are only allowed to perform 14 limited tasks pertaining to the routine and periodic inspection and maintenance of the fire sprinkler system at the facility in which they are employed at and licensed for. The Maintenance Technician **cannot** perform any activities at any other location other than that for which he/she is licensed, and cannot conduct NFPA 25 inspections on any premises.

**Residential Fire Sprinkler Installation Contractor** — Licensing requirements include 2 years as a plumber licensed by this Board, completion of a 16 hour class in NFPA 13D systems, and passage of an exam. Licensees are allowed to install only multipurpose systems complying with NFPA 13D in one and two family residential structures only. The system must be designed by a North Carolina Fire Sprinkler Installation Contractor or a North Carolina Professional Engineer.

There is no provision in the Laws and Rules of the Board for any person other than those who hold one (or more) of the aforementioned licenses to operate the valves or other devices on a fire sprinkler system, including insurance underwriting and rating personnel or fire alarm system installation/repair/service/inspection personnel.

There is a tremendous amount of liability associated with fire sprinkler systems, and the Board holds each and every licensee accountable for any actions taken under their license that may affect the instantaneous and proper operation of a fire sprinkler system with regards to the protection of life and property. Disciplinary actions against licensees may include additional educational requirements and probation, suspension or permanent revocation of the license.

Any individuals who engage in activities without a license, or outside the permitted activities of their license, may be found guilty of a Class II Misdemeanor, which is punishable by up to \$500.00 in fines and up to 30 days in jail for each occurrence.

## North Carolina State Agencies

### NC Department of Insurance      919-661-5880

- William "Bill" Moeller      Ext. 238  
(Plumbing & Gas Interpretations)
- Dan Dittman      Ext. 237  
(Mechanical & Energy Interpretations)
- Richard Strickland (Fire)      Ext. 255  
(Fire Code Interpretations)
- Jessica Yelverton      Ext. 240  
(Building Code Bookstore)

NC Department of Labor	919-807-2796
NC Department of Revenue	919-252-3052
NC Electrical Licensing Board	919-733-9042
NC General Contractor Licensing Board	919-571-4183
NC Irrigation Contractors Licensing Board	919-872-2229
NC Refrigeration Licensing Board	919-779-4711
NC Secretary of State	919-807-2225
NC Well Commission	919-707-5882

## State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors

### Office Staff Directory

Office Phone: 919-875-3612  
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E-mail: [information@nclicensing.org](mailto:information@nclicensing.org)

### Dale Dawson

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### Eric Hall

Business & Technology Manager  
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### Karen Jolliffe

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### Kerry Waldroup

Complaint Coordinator  
Extension 211 or [complaint@nclicensing.org](mailto:complaint@nclicensing.org)

### Maddison Dirks

Receptionist  
Extension 213 or [mdirks@nclicensing.org](mailto:mdirks@nclicensing.org)

### Administrative Officer (Field Staff) Directory

Fax for all Administrative Officers: 919-875-3616

### John Todaro

Senior Administrative Officer  
South Central Region  
704-975-5305 or [jtodaro@nclicensing.org](mailto:jtodaro@nclicensing.org)

### Moises "Jimmy" Jimenez

Southeastern Region  
910-409-7127 or [mjimenez@nclicensing.org](mailto:mjimenez@nclicensing.org)

### Tom Johnston

North Central Region  
336-906-9141 or [tjohnston@nclicensing.org](mailto:tjohnston@nclicensing.org)

### Derek Farmer

Northeastern Region  
919-602-9095 or [dfarmer@nclicensing.org](mailto:dfarmer@nclicensing.org)

### David Boulay

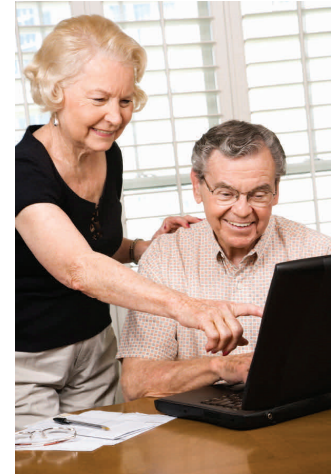
Western Region  
828-234-2719 or [dboulay@nclicensing.org](mailto:dboulay@nclicensing.org)

To view a regional map and listing of counties, please visit our website at [www.nclicensing.org](http://www.nclicensing.org) and click on the "Administrative Officers" button.

## Website Information: [www.nclicensing.org](http://www.nclicensing.org) (Download Forms)

Online license renewal is now available for licensees who wish to do so and can pay the renewal fee with a MasterCard or Visa. The online renewal link can be found on the home page of our website. You will also find a link to a step-by-step tutorial available to guide licensees through the process. If you do not have your username and password, or have any other questions regarding online renewal, please contact DJ Soltys at 919-875-3612, ext. 203.

You may obtain any of the following forms 24 hours a day, 7 days a week by visiting our website and clicking on the 'Forms' button on the left side of the screen.



### Consumer Forms

Consumer Complaint against licensed or unlicensed contractors

### Change of Address or Status

1. Address Change: Licensee
2. Address Change: Sub-licensee
3. Trade Name Change (Licensee or firm name in which business is conducted)
4. Add Sub-licensee
5. Delete Sub-licensee

### Renewal Forms

1. Reinstatement Form - 2015 - Previous Sub-licensees
2. Renewal form - 2015 without Sub-licensees
3. Renewal form - 2015 with Sublicensees
4. Renewal form -2015 and Previous Year(s) without Sub-Licensees
5. Renewal form - 2015 and Previous Year(s) with Sub-Licensees

### New Applicant Forms

1. Plumbing, Heating, & Fuel Piping Contractor Examination Application
2. Restricted Limited Plumbing Contractor Application
- 3.. Plumbing, Heating, & Fuel Piping Technician Examination Application
4. Residential Fire Sprinkler Installation Contractor Examination Application
5. Fire Sprinkler Installation & Inspection Contractor Examination Application
6. Fire Sprinkler Inspection Technician Examination Application (no NICET)
7. Fire Sprinkler Inspection Technician Application (NICET)
8. Fire Sprinkler Maintenance Technician Application
9. Book Reference List for All Applicants

### Order Forms

1. Books - Board's Laws & Rules and Business & Project Management for Contractors
2. Request for Copy (Reprint) of License
3. Request for Register of Licensees
4. Request for Verification of License

You can also access our website at one of the following easy to remember addresses:

- [www.ncplumbing.org](http://www.ncplumbing.org)
- [www.ncheating.org](http://www.ncheating.org)
- [www.ncfiresprinkler.org](http://www.ncfiresprinkler.org)

## Disciplinary Actions

The Board is required by law to investigate every complaint received. If the findings of the investigation indicate that a violation of the laws and rules enforced by the Board have occurred by a licensed or unlicensed individual and/or firm, a number of disciplinary actions are available to the Board.

Recent actions are reflected in the four reports that follow:

- Letter of Caution Report
- Consent Agreement Report
- Field Resolution and Resolution Review Committee Report
- Attorney's Report

## Letter of Caution Report

Upon completion of investigations, a Letter of Caution can be issued to a licensee where it is determined through an investigation that a violation has occurred by one of our licensees. The Letter of Caution is issued to address and affirm issues they should improve upon or be more mindful of for future jobs:

<b>Name</b>	<b>City/Town</b>	<b>Date</b>
Schroeder, Scott A.	Inman, SC	11/11/2014
Williamson, Jacob A.	Wilmington	11/21/2014

## Consent Agreement Report

A Consent Agreement is an affidavit taken from unlicensed individuals performing plumbing, heating and fire sprinkler work without a license. These individuals sign a Consent Agreement stating that they will not perform any work requiring a license until they are properly licensed to do so. If you see these individuals performing contracting activities in the field, please report them to this office.

<b>Name</b>	<b>City/Town</b>	<b>Date</b>	<b>Name</b>	<b>City/Town</b>	<b>Date</b>
Adams, Sylvester	Raeford	11/6/2014	Meyers, James D.	Greensboro	11/10/2014
Bachek, Kenneth E.	Wilmington	11/21/2014	Moore, Jamie S.	Morganton	11/5/2014
Brantley, Charles T.	Columbia, TN	11/19/2014	Norris, James A.	High Point	10/28/2014
Bulmaro, Valencia G.	Durham	11/19/2014	Poe, Gregory V.	Sanford	11/19/2014
Burrell, David A.	Canton	10/31/2014	Scales II, Donald L.	Mt. Pleasant, TN	11/4/2014
Byrum, Chase M.	York, SC	11/24/2014	Scales, Dakota L.	Nashville, TN	11/19/2014
Conway, Thomas A.	Greer, SC	11/6/2014	Scales, Danny L.	Bon Aqua, TN	11/19/2014
Crawford, Travis L.	Winston-Salem	11/25/2014	Stefanelli, Philip J.	Midland	12/3/2014
Davis, Jamie	Gastonia	6/19/2014	Stewart, Michael S.	Gastonia	10/7/2014
DePriest, John A.	Fairview, TN	11/19/2014	Stuart, Thomas F.	Gibson	12/10/2014
Erwin, Joe	Jonas Ridge	12/1/2014	Sullivan, Ronald A.	Hendersonville	12/5/2014
Ferguson, Christopher M.	Nashville, TN	11/19/2014	Timocko, Amy	Cary	12/5/2014
Green, Richard D.	Gastonia	10/14/2014	Tullock, Joseph F.	Weaverville	11/20/2014
Hawks, Weldon E.	Ararat, VA	11/12/2014	Weaver Jr., David F.	Winston-Salem	11/13/2014
Malick, David W.	Ludowidi, GA	11/4/2014	Wilson, Michael J.	Spearsville, LA	11/19/2014
Malick, Richard K.	Hinesville, GA	11/19/2014	Younts, Richard	Mooreville	10/31/2014
Maney, Richard A.	Sylva	12/12/2014			



## Resolution Review Committee Report

A Field Resolution Agreement is a voluntary agreement by which a licensee enters into some type of sanctions against their license instead of appearing before the Resolution Review Committee or the Full Board at a formal hearing. All of the Agreements are reviewed by a member of the Resolution Review Committee and then presented to a Board hearing panel for approval prior to the agreement being adopted as a final agency decision. If a complaint has not been resolved in the field through a Field Resolution Agreement, then the case can be referred to the Resolution Review Committee. During the Resolution Review Committee meeting, a licensee can enter into a Review Committee Resolution Agreement in place of appearing before the Board at a formal hearing; the agreement is then presented to a Board hearing panel for approval prior to the agreement being adopted as a final agency decision. Cases that cannot be resolved through the use of Field Resolution Agreements or Review Committee Resolution Agreements are forwarded to formal hearings before the Board. Listed below are the different agreements entered into by the field staff and the Resolution Review Committee that have been approved by the Board. The information below does not contain all of the facts or details of each case. Specific details of any of the following cases can be obtained by e-mail ([information@nclicensing.org](mailto:information@nclicensing.org)) or upon written re-

**Allen, William S.**  
**Northwest Plumbing NC, Inc.**  
**Durham, NC**  
**License# S. 13920 PT**

Allegations of misconduct in the business of plumbing contracting in that the plumbing technician failed to provide adequate supervision, allowed the use of license by unlicensed persons by issuing 1099's to unlicensed persons for multiple years, and operated multiple offices without enough qualifiers or licenses listed in the name of the firm at the different firm locations. Resolution Conference held 11/10/2014.

William S. Allen signed a Proposed Resolution Agreement 11/10/2014. The license of William S. Allen, number 13920 PT shall be placed on unsupervised probation for a period of twenty-four (24) months. Among other things, during the probation, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

**Beal, Lawrence K., Jr.**  
**Southern Comforts Heating**  
**& Air Cond., Inc.**  
**Brasstown, NC**  
**License# 19043 H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to

request inspections within 10 days of substantial completion of work, failed to obtain final inspections, and violated the minimum standard of the North Carolina State Mechanical Code. Resolution Conference held 11/11/2014.

Lawrence Beal signed a Proposed Resolution Agreement 11/11/2014.

The license of Lawrence Beal, number 19043 H-3-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. Among other things, during the probation, the licensee shall enroll in, attend and complete the Special Mechanical Code courses. Within thirty (30) days of approval of this agreement, the licensee shall return to the jobs located at 4023 Downing Lake Rd and 613 Cochran Creek Rd and correct any and all code violations. Within ninety (90) days of approval of this agreement, the licensee shall demonstrate to the Board that the work performed has received a final mechanical inspection. Within thirty (30) days of approval of this agreement, the licensee shall return to the job located at 613 Cochran Creek Rd and perform a thorough load calculation. If the load calculation reveals that the unit installed is too small or too large, then the contractor shall change the equipment with the properly sized equipment per the load calculation. Within ninety (90) days of approval of this agreement, the licensee shall demonstrate to the Board that the work performed has received a final mechanical inspection. This work shall be performed at the expense of the contractor. In the event of violation of any of

the conditions of probation, license of the individual and of the firm will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

**Chandley, Dennis R.**  
**All Pro Plumbing**  
**Alexander, NC**  
**License# 22216, P-I**

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to provide adequate supervision, violated the minimum standard of the North Carolina State Plumbing Code, and failed to properly size and design the booster pump. Resolution Conference held 11/10/2014.

Dennis Chandley signed a Proposed Resolution Agreement 11/10/2014.

The license of Dennis R. Chandley, number 22216 P-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. Among other things, during the probation, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course, and enroll in, attend and complete the series of Special Plumbing Code and Design courses. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of

twelve (12) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

**Cheek, James**  
**Jim Cheek Heating & A/C**  
**High Point, NC**  
**License# 09989 H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee completed an Affidavit in support of the examination application of Scott Gray in which he represented that Gray was an employee but licensee paid Mr. Gray on a Form 1099-MISC Form without withholding taxes in violation of the Board rule 21 NCAC 50.0512.

James Cheek signed a Proposed Resolution Agreement 11/19/2014.

The license of James Cheek, number 09989 H-3-I, shall be placed on unsupervised probation for a period of six (6) months. Among other things during the probation, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course, assure that all employees who perform work under his license shall either hold an active HVAC license or are bona fide employees where taxes are withheld, and submit to the Board's office within the next thirty (30) days copies of all employee W-4's and by the end of the probation submit a copy of all employee W-2's. After complaint to the board, the licensee submitted copies of employee W-4's. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of two (2) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

**Clark, Gregory T.**  
**Ellenboro, NC**  
**License# 23581, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to perform proper load calculation(s), and violated the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held 11/11/2014.

Gregory Clark signed a Proposed Resolution Agreement 11/11/2014.

The license of Gregory T. Clark, number 23581 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, during the probation, the licensee shall enroll in, attend and complete the series of Special Mechanical Design courses. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

**Giannibas, Tom**  
**Charlotte, NC**  
**License# 07160 P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee paid an unlicensed individual, Javier Jimenez, on a Form 1099-MISC Form without withholding taxes in violation of the Board rule 21 NCAC 50.0512 for the years of 2012 and 2013.

Tom Giannibas signed a Proposed Resolution Agreement 11/19/2014.

The license of Tom Giannibas, number 07160 P-I, shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course, and submit to the Board's office within the next thirty (30) days copies of all employee W-4's and by the end of the probation submit a copy of all employee W-2's. After complaint to the board, the licensee failed to submit copies of all employee W-4's by the deadline. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of two (2) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

**Heath, James A.**  
**A & M Mechanical Inc.**  
**Weaverville, NC**  
**License# 31564, H-2&3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to provide adequate supervision, violated the minimum standard of the North Carolina State Mechanical Code, and failed to carry out proper load calculation, adequate ductwork installation and system design.

Resolution Conference held 11/11/2014.

James Heath signed a Proposed Resolution Agreement 11/11/2014.

The license of James Heath, number 31564 H-2&3-I, and that of the firm shall be placed on supervised probation for a period of eighteen (18) months. Among other things, during the probation, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course, and enroll in, attend and complete the series of Special Contractor Business Management courses. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of nine (9) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

**Heatherly, Wilson L.**  
**Heatherly Plumbing**  
**Rutherfordton, NC**  
**License# 10698, P-I**

Allegations of misconduct and incompetence in the business of plumbing contracting in that licensee violated the minimum standard of the North Carolina State Plumbing Code, and installation was performed in a poor workman like manner / poor workmanship. Resolution Conference held 11/10/2014.

Wilson Heatherly signed a Proposed Resolution Agreement 11/10/2014.

The license of James Heath, number 10698 P-I, and that of the firm shall be



placed on unsupervised probation for a period of twelve (12) months. Among other things, within sixty (60) days of signing the Resolution Agreement, the licensee shall assure that his license has been listed with the Board in the name that he currently operates his business, enroll in, attend and complete the Special Board Laws & Rules course, and enroll in, attend and complete the series of Special Contractor Business Management courses. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

**Huffstetler, Mark**  
**Northwest Plumbing NC, Inc.**  
**Durham, NC**  
**License# S. 24383, P-I**

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee failed to provide adequate supervision, allowed the use of license by unlicensed persons by issuing 1099's to unlicensed persons for multiple years, operated multiple offices without enough qualifiers or licenses listed in the name of the firm at the different firm locations. Resolution Conference held 11/10/2014.

Mark Huffstetler signed a Proposed Resolution Agreement 11/10/2014.

The license of Mark Huffstetler, number 24383 P-I, and the license of the firm shall be suspended for a period of twelve (12) months. Among other things, during the suspension, enroll in, attend and complete the Special Board Laws & Rules course. Within sixty (60) days from the date of the conference, assure that his license has been listed with the Board in the name that he currently operates his business. During the period of suspension the licensee of the firm or bona-fide employees of the licensee of the firm may perform warranty work on any installations performed in North Carolina that have received a final inspection as of the day of approval of this agree-

ment. In the event of violation of any of the conditions of suspension, license of the individual and of the firm will remain suspended until such time as the licensee and the firm comply with all of the suspension provisions listed above. Upon successful completion of the suspension, the license of Mark Huffstetler, number 24383 P-I, and that of the firm shall be placed on supervised probation for a period of thirty-six (36) months. In the event of violation of any of the conditions of probation, license of the individual and of the firm shall be permanently revoked.

**King, Gregory**  
**Refrigeration King**  
**Concord, NC**  
**License# I5897 H-2&3-I**

Allegations of misconduct and selling license in the business of heating contracting in that the licensee obtained a permit and provided supervision for the performance of the installation of a new heating and air conditioning system by Andrew Biles of Biles Brothers for a contract of \$14,495.13, with payments from the homeowner being paid to the unlicensed individual, while the licensee accepted a payment of \$1,000.00 for obtaining the permit and providing supervision, and at other job locations the licensee contracted the installation of the heating and air conditioning systems, but subcontracted the labor and installation to the unlicensed individuals.

Gregory King signed a Proposed Resolution Agreement 11/19/2014.

The license of Gregory King, number I5897 H-2&3-I, shall be placed on supervised probation for a period of twelve (12) months. Among other things during the probation, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course, and only purchase permits on jobs where the licensee holds the contract with a licensed general contractor or the owner, where the licensee receives all of the contractual payment from the licensed general contractor or the owner, where a licensee of the firm or a properly licensed and qualified technician of the firm supervises the work and where the installation is performed by the licensee of the firm or bona-fide

employees of the licensee of the firm. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

**Long, Andrew S.**  
**Long Heating &**  
**Air Conditioning, Inc.**  
**Greenville, SC**  
**License# 30470 H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee allowed the use of license by unlicensed persons by issuing 1099's to unlicensed persons for about four years, failed to provide adequate supervision, and violated the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held 11/11/2014.

Andrew Long signed a Proposed Resolution Agreement 11/11/2014.

The license of Andrew Long, number 30470 H-3-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. Among other things during the probation, by May 1 of each year for the calendar years ending of 2014, 2015 & 2016, the licensee shall submit to the Board's office copies of all employees W-2's, submit quarterly to the board copies of all Davis-Bacon reports, copies of contracts and copies of all W-4's for all new employees, enroll in, attend and complete the Special Board Laws & Rules course, and enroll in, attend and complete the series of Special Mechanical Code courses. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions

**Mahaffey, Tony A.**  
**Northwest Plumbing NC, Inc.**  
**Durham, NC**  
**License# S. 24382, P-I**

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee failed to provide adequate supervision, allowed the use of license by unlicensed persons by issuing 1099's to unlicensed persons for multiple years, operated multiple offices without enough qualifiers or licenses listed in the name of the firm at the different firm locations. Resolution Conference held 11/10/2014.

Tony Mahaffey signed a Proposed Resolution Agreement 11/10/2014.

The license of Tony Mahaffey, number 24382 P-I, and the license of the firm shall be suspended for a period of twelve (12) months. Among other things, during the suspension, enroll in, attend and complete the Special Board Laws & Rules course. Within sixty (60) days from the date of the conference, assure that his license has been listed with the Board in the name that he currently operates his business. During the period of suspension the licensee of the firm or bona-fide employees of the licensee of the firm may perform warranty work on any installations performed in North Carolina that have received a final inspection as of the day of approval of this agreement. In the event of violation of any of the conditions of suspension, license of the individual and of the firm will remain suspended until such time as the licensee and the firm comply with all of the suspension provisions listed above. Upon successful completion of the suspension, the license of Tony Mahaffey, number 24382 P-I, and that of the firm shall be placed on supervised probation for a period of thirty-six (36) months. In the event of violation of any of the conditions of probation, license of the individual and of the firm shall be permanently revoked.

**Malick, Robert D.**  
**Southern Mechanical**  
**of Tennessee, Corp.**  
**Nashville, TN**  
**License# 20342, H-1, 2&3-I**

Allegations of misconduct in the business of heating contracting in that the

licensee allowed the use of his license by unlicensed persons by issuing 1099's to unlicensed persons in excess of five years, failed to provide adequate supervision, and engaged in business under a different name or style of business than appears on his license.

Resolution Conference held 11/11/2014.

Robert Malick signed a Proposed Resolution Agreement 11/11/2014.

The license of Robert Malick, number 20342 H-1,2&3-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. Among other things, during the probation, by May 1 of each year for the calendar years ending of 2014, 2015 & 2016, the licensee shall submit to the Board's office copies of all employees W-2's, submit quarterly to the board copies of all Davis-Bacon reports, copies of contracts and copies of all W-4's for all new employees, and enroll in, attend and complete the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

**Moore, Dwayne L.**  
**Northwest Plumbing NC, Inc.**  
**Durham, NC**  
**License# 32063, PT**

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to provide adequate supervision, allowed the use of license by unlicensed persons by issuing 1099's to unlicensed persons for multiple years, and operated multiple offices without enough qualifiers or licenses listed in the name of the firm at the different firm locations.

Resolution Conference held 11/10/2014.

Dwayne Moore signed a Proposed Resolution Agreement 11/10/2014.

The license of Dwayne Moore, number 32063 PT, shall be placed on unsupervised probation for a period of twenty-four (24) months. Among other things, during the probation, enroll in,

attend and complete the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

**Orr, Joseph G., Jr.**  
**Mountain Heating**  
**& Cooling Service LLC**  
**Old Fort, NC**  
**License# 32803, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee, prior to obtaining his license, contracted and installed a new heat pump without holding a license, and presented documentation with an exam application that showed evidence of lack of good moral character as required by §87-21.

Resolution Conference held 11/11/2014.

Joseph Orr signed a Proposed Resolution Agreement 11/11/2014.

The Review Committee recommended that Joseph Orr be allowed to take the Heating Group 3, Class I examination, and upon passing the exam, his license, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, during the probation, enroll in, attend and complete the Special Board Laws & Rules course, and enroll in, attend and complete the series of Special Contractor Business Management courses. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

**Poplin, Gene**  
**Greene Mechanical Services**  
**Matthews, NC**  
**License# 08104 H-3-I**

Allegations of misconduct and selling license in the business of heating contracting in that the licensee accepted

monthly payments of \$300.00 for the use of his license although he was not on the payroll of the firm, Greene Mechanical Services, owned and operated by James Greene, failed to perform load calculations for any replacement work, failed to sign contracts, failed to obtain permit(s) prior to commencing work, and failed to obtain final inspections within ten (10) days of substantial completion of the work.

Gene Poplin signed a Proposed Resolution Agreement 11/04/2014.

The license of Gene Poplin, number 08104 H-3-I, and the license of the firm, shall be surrendered to the Board.

**Thomas, Justin E.**  
**Northwest Plumbing NC, Inc.**  
**Durham, NC**

**License# S. 32074, PT**

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to provide adequate supervision, allowed the use of license by unlicensed persons by issuing 1099's to unlicensed persons for multiple years, and operated multiple offices without enough qualifiers or licenses listed in the name of the firm at the different firm locations.

Resolution Conference held 11/10/2014.

Justin Thomas signed a Proposed Resolution Agreement 11/10/2014.

The license of Justin Thomas, number 32074 PT, shall be placed on unsupervised probation for a period of twenty-four (24) months. Among other things, during the probation, enroll in, attend and complete the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

**Welchel, Todd**  
**Northwest Plumbing NC, Inc.**  
**Durham, NC**  
**License# L. 29752 P-I**

Allegations of misconduct and incom-

petence in the business of plumbing contracting in that the licensee failed to provide adequate supervision, allowed the use of license by unlicensed persons by issuing 1099's to unlicensed persons for multiple years, operated multiple offices without enough qualifiers or licenses listed in the name of the firm at the different firm locations. Resolution Conference held 11/10/2014.

Todd Welchel signed a Proposed Resolution Agreement 11/10/2014.

The license of Todd Welchel, number 29752 P-I, and the license of the firm shall be suspended for a period of twelve (12) months. Among other things, during the suspension, enroll in, attend and complete the Special Board Laws & Rules course. Within sixty (60) days from the date of the conference, assure that his license has been listed with the Board in the name that he currently operates his business. During the period of suspension the licensee of the firm or bona-fide employees of the licensee of the firm may perform warranty work on any installations performed in North Carolina that have received a final inspection as of the day of approval of this agreement. In the event of violation of any of the conditions of suspension, license of the individual and of the firm will remain suspended until such time as the licensee and the firm comply with all of the suspension provisions listed above. Upon successful completion of the suspension, the license of Todd Welchel, number 29752 P-I, and that of the firm shall be placed on supervised probation for a period of thirty-six (36) months. In the event of violation of any of the conditions of probation, license of the individual and of the firm shall be permanently revoked.

**Yoder, Joseph H.**  
**A + Air Services, Inc.**  
**Mooreville, NC**  
**License# 29699 H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain a permit(s) prior to commencing work, failed to obtain final inspection(s) within ten (10) days of substantial completion of the work, failed to perform a load cal-

culation which is a violation of GS 87-21 sections .0402 & .505, and violated GS 87-21 section .0505 (a & b) by failing to meet the minimum mechanical code in the following areas: 1) breaker appeared to be undersized for condensing unit; 2) improper use of flexible conduit on unit- metal flex was utilized; and 3) failed to utilize primer on condensate line.

Joseph Yoder signed a Proposed Resolution Agreement 12/11/2014.

The license of Joseph Yoder, number 29699 H-3-I, shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course, and enroll in, attend and complete the series of Special Mechanical Code courses. By 12/24/2014, the contractor shall return to the home located at 120 Pine Cliff Lane and perform a thorough Manual J load calculation. If the load calculation reveals that the equipment is improperly sized, then the contractor shall obtain a permit from the local inspection department, replace the undersized or oversized equipment with properly sized air handler(s) and condensing unit(s) and obtain a final inspection by 12/31/2014. The contractor shall submit evidence to the board 01/07/2015 of the final inspection and shall submit a copy of his load calculation. After complaint to the board, the licensee obtained the final inspection and submitted the load calculation to board staff for review.

In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

## Attorney's Report

The Attorney's Report contains information pertaining to cases that have been adjudicated in a formal proceeding of the Board or in the courts of North Carolina. Disciplinary actions against licensed contractors are typically imposed during a Formal Hearing of the Board. Court action is necessary when unlicensed individuals are in violation of the Board's Laws and Rules or in circumstances where licensees are found to be in violation of any order(s) issued by the Board.

**ALSUP, SCOTT**  
**The Ultimate Gutter Guard by**  
**Southern**

**Greenville, SC**  
 Allegations of plumbing contracting without a valid license. Judgment of permanent injunction filed 11/26/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**ARNOLD, RANDALL WILEY**  
**ARNOLD'S LANDSCAPING**  
**& SEPTIC TANK SERVICE**  
**Hubert, NC**

Allegations of plumbing installation without a valid license. Judgment of permanent injunction filed 9/25/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**BRIDGES, CHRISTOPHER PAUL**  
**Newman, GA**

Heating contracting without a license. Complaint for injunctive relief filed on 4/24/2014. Judgment of Permanent Injunction filed 7/23/14 enjoining individual defendant from engaging in business as a plumbing or heating contractor until licensed to do so.

**CAROLINA DELTA MECHANICAL,**  
**INC. et al**  
**Charlotte, NC**  
**License #28649 P-I**

Misconduct in the business of plumbing contracting. Respondent allowed its license to be used to obtain the required permits for work carried out under a different entity name. Respondent failed to properly supervise job. There were deficiencies of installation and failure to make corrections to the installation despite repeated attempts. Contract was not executed by a licensee of the Board. Requirements for three way contracts spelled out in North Carolina statutes were not followed. Inspection of project not completed until owner requested an inspection. Permit not obtained prior to beginning work. Failure to obtain a final inspection timely as required by the Board. Heating system installed so as to

adversely affect its ability to function with a failure to detect a gas leak. Respondent completed installation at a time when its certificate of authority to do business in NC was suspended. Permit applications issued while Respondent was an unlicensed entity. Some permits have been left open without inspection for a period of years. Respondent have repeatedly mixed, confused and ignored the existence of corporate entities. This Board has given repeated opportunities to the Respondents through multiple Board Orders entered over an eight (8) year period together with a court-ordered injunction. The Respondents failed in their responsibility to install installations which comply with the building codes, and failed in their obligation to obtain permits prior to commencing work, and have failed in their obligation to obtain final inspection of their work by the local code enforcement official, and have failed in their obligations to ensure three (3) party contracts in their dealings with Home Depot. The Board concluded that compliance with the license, permit, inspection and quality requirements of the Plumbing Code, the Administrative Code and the Rules of the Board by the Respondent's corporations, their ownership, officers and licensees is lacking and is not a priority.

A Final Order issued permanently revoking the license of Stefan Assenov Petrov, Mihail Ivanov Kostov, Carolina Delta Mechanical, Inc., North Carolina Delta Mechanical, Inc. and CD Plumbing, Inc. A future application for a license by and entity in which Todor Kitchukov, Marianna Valcheva or Marian Kitchukov is involved as an officer, director or owner is to be denied by the Board. Appeal heard in Superior Court with a mixed Order. As to CD Plumbing, the decision and Order of the Board were deemed unsupported and reversed and the license of CD plumbing remains in full force and effect. As to all other Respondents, the decision and Order of the Board was affirmed.

**CARVER, ALAN N.**  
**WNC SINDOWS, VINYL SIDING**  
**AND ROOFING**  
**Marion, NC**

Allegations of plumbing contracting without a license. Judgment of permanent injunc-

tion filed 11/24/14 enjoining the Defendant from engaging in business as a plumbing or heating contractor until licensed to do so.

**DeSHA, MEL T.**  
**Mels Plumbing and Electric**  
**Louisburg, NC**

(Order entered 8/8/14 Finding That respondent violated the probation order entered in April 2012 in failing to train employees as required, failed to provide records as required by the probation Order. The term of probation was extended an additional year and Respondent is required to complete a 16 hour course in Contractor Business Management, a course on the board Laws and Rules, personally visit every jobsite before every inspection request and meet other requirements, with permanent revocation as the consequence of further violations. Order issued imposing supervised probation for an additional 12 months.

**ISALES, RAYMOND**  
**KINGSWAY HEATING**  
**A/C & PLUMBING**  
**Maiden, NC**

Allegations of heating contracting in violation of Judgment of Permanent Injunction filed 5/6/13. Hearing held 10/27/14. Order of contempt filed 11/17/14 finding the Defendant in contempt of court and sentencing the Defendant to a 30 day suspended jail sentence.

**JIMENEZ-SIERRA, JACOBO**  
**Sims, NC**

Application for examination. Formal hearing on 8/11/14. Order dated 9/4/14 allowing applicant to sit for H 3-II examination. Proof of Green Card was presented together with evidence responsive to credibility concerns.

**JOHNSON, RICHARD E. JR.**  
**Greensboro, NC**

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction filed 11/24/14 enjoining the Defendant from engaging in business as a plumbing or heating contractor until licensed to do so.



**JOHNSON, WILLIAM GEORGE  
Beaufort, NC**

Allegations of plumbing contracting without a valid license. Judgment of permanent injunction filed 10/22/14 enjoining the Defendant from engaging in business as a plumbing or heating contractor until licensed to do so.

**LEONARD, PATRICK KEITH  
AIR CONTROL ENTERPRISES, INC.  
Wilmington, NC**

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction filed 11/14/14 enjoining the defendant from engaging in business as a plumbing or heating contractor until licensed to do so.

**MORA, RICHARD  
NCSN, LLC  
New Bern, NC**

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction filed 11/7/14 enjoining the defendant from engaging in business as a plumbing or heating contractor until licensed to do so.

**REYNOLDS, AARON MICHAEL  
d/b/a BLUE POINT  
CONSTRUCTION, LLC  
Old Fort, NC**

Heating contracting without a license. Judgment of Permanent Injunction filed 12/11/13 enjoining the Defendant from engaging in heating contracting until licensed to do so.

**SMITH, CECIL CHAD  
d/b/a CAROLINA COMFORT HEAT-  
ING AND AIR CONDITIONING  
Mount Olive, NC**

Heating contracting without a license. Judgment of Permanent Injunction filed on 8/12/14 enjoining the Defendant from engaging in business as a plumbing or heating contractor until licensed to do so.

**TYNES, CARLES  
PIEDMONT CHIMNEY SERVICE  
Whitsett, NC**

Allegations of heating contracting without a valid license. Judgment of permanent injunction filed 11/24/14 enjoining the defendant from engaging in business as a plumbing or heating contractor until licensed to do so.

**WINSTON, AARON RONALD  
1ST IMPRESSION HEATING & A/C  
Monroe, NC**

Allegations of violation of Permanent Injunction Judgment filed 4/10/12. Hearing held 11/3/14. Defendant found in contempt of Court and sentenced to 60 days active jail time.

***On behalf of the Board Members and Staff,  
we appreciate the opportunity that we have  
had to serve our applicants, licensees, and the  
citizens of North Carolina over the past year.***

***We look forward to continuing our service  
to you in 2015, and would like to take this  
opportunity to extend our best wishes  
for a happy and prosperous new year.***



# ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 745  
[EPA-HQ-OPPT-2014-0304; FRL-9920-85]

RIN 2070-AK02

Lead-Based Paint Programs;  
Amendment to Jurisdiction-Specific  
Certification and Accreditation  
Requirements and Renovator  
Refresher Training Requirements  
AGENCY: Environmental Protection  
Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing minor revisions to the Lead Renovation, Repair, and Painting (RRP) rule that published in the Federal Register on April 22, 2008, and the Lead-based Paint (LBP) Activities rule that published in the Federal Register on August 29, 1996. The proposed revisions are intended to improve the day-to-day function of these programs by reducing burdens to industry and the EPA, and by clarifying language for training providers, while retaining the protections provided by the original rules. EPA is proposing to eliminate the requirement that the renovator refresher training have a hands-on component. The Agency is also proposing to remove jurisdiction-specific certification and accreditation requirements under the LBP Activities program. Currently, this program requires that training providers, firms and individuals seek certification in each jurisdiction (e.g., a State) where the organization or person wants to work. In addition, EPA is adding clarifying language to the requirements for training providers under both the RRP and LBP Activities programs.

DATES: Comments must be received on or before February 13, 2015.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2014-0304, by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

- Mail: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania

Ave. NW., Washington, DC 20460-0001.

- Hand Delivery: To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: For technical information contact: Marc Edmonds, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (202) 566-0758; email address: [edmonds.marc@epa.gov](mailto:edmonds.marc@epa.gov). For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

## SUPPLEMENTARY INFORMATION:

### I. Executive Summary

#### A. Does this action apply to me?

You may be potentially affected by this action if you operate a training program required to be accredited under 40 CFR 745.225, if you are a firm or individual who must be certified to conduct lead-based paint activities in accordance with 40 CFR 745.226, or if you are an individual who must be certified to conduct renovation activities in accordance with 40 CFR 745.90. This proposed rule applies only in States, territories, and tribal areas that do not have authorized programs pursuant to 40 CFR 745.324. For further information regarding the authorization status of States, territories, and Tribes, contact the National Lead Information Center at 1-800-424-LEAD [5323].

The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Building construction (NAICS code 236), e.g., single-family housing construction, multi-family housing construction, residential remodelers.
- Specialty trade contractors (NAICS code 238), e.g., plumbing, heating, and air-conditioning contractors, painting

and wall covering contractors, electrical contractors, finish carpentry contractors, drywall and insulation contractors, siding contractors, tile and terrazzo contractors, glass and glazing contractors.

- Real estate (NAICS code 531), e.g., lessors of residential buildings and dwellings, residential property managers.
- Child day care services (NAICS code 624410).
- Elementary and secondary schools (NAICS code 611110), e.g., elementary schools with kindergarten classrooms.
- Other technical and trade schools (NAICS code 611519), e.g., training providers.
- Engineering services (NAICS code 541330) and building inspection services (NAICS code 541350), e.g., dust sampling technicians.
- Lead abatement professionals (NAICS code 562910), e.g., firms and supervisors engaged in lead-based paint activities.

If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under FOR FURTHER INFORMATION CONTACT.  
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1874 Federal Register / Vol. 80, No. 9 /  
Wednesday, January 14, 2015 / Proposed Rules

#### B. What is the Agency's authority for taking this action?

This proposed rule is being issued under the authority of sections 402(a) and 402(c)(3) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2682(a) and 2682(c)(3).

#### C. What action is the Agency taking?

EPA is proposing minor revisions to the RRP rule that published in the Federal Register on April 22, 2008 (Ref. 1) and the Lead-based Paint Activities rule that published in the Federal Register on August 29, 1996 (Ref. 2). EPA is proposing to eliminate the requirement that the renovator refresher training have a hands-on component. The Agency is also proposing to remove jurisdictions under the LBP Activities program. Currently, this program requires that training providers, firms and individuals seek certification in each jurisdiction (e.g., a State) where the

organization or person wants to work. In addition, EPA is adding clarifying language to the requirements for training providers under both the RRP and LBP Activities programs.

D. Why is the Agency taking this action? The proposed revisions are intended to improve the day-to-day function of these programs by reducing burdens to industry and the EPA and by clarifying language for training providers, while retaining the benefits of the original rules.

E. What are the estimated incremental impacts of this action?

EPA has prepared an analysis of the potential costs and impacts associated with this proposed rule. This analysis is summarized in greater detail in the discussion concerning Executive Order 12866 and Executive Order 13563 in Unit V.A. The following is a brief outline of the estimated incremental impacts of this proposed rule.

- Overall costs. The annualized cost savings of this proposed rule are estimated at approximately \$9.6 million per year using a 3% discount rate and \$9.8 million per year using a 7% discount rate.
- Small entity impacts. The proposed rule would not have a significant impact on a substantial number of small entities. This proposed rule would relieve regulatory burden for affected small entities, and would not have a direct negative impact on any small entities.
- Effects on State, local, and Tribal governments. This proposed rule would not have a significant intergovernmental mandate, significant or unique effects on small governments, or have Federalism implications.

F. What should I consider as I prepare my comments for EPA?

I. Submitting CBI. Do not submit this information to EPA through <http://www.regulations.gov> or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the

public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. Tips for preparing your comments. When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, Federal Register date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

## II. Background

In 1992, Congress found that lowlevel lead poisoning was widespread among American children, affecting, at that time, as many as 3,000,000 children under age 6; that the ingestion of household dust containing lead from deteriorating or abraded lead-based paint was the most common cause of lead poisoning in children; and that the health and development of children living in as many as 3,800,000 American homes was endangered by chipping or peeling lead paint, or excessive amounts of lead-contaminated dust in their homes. Congress further determined that the prior Federal response to this threat was insufficient and enacted Title X of the Housing and Community Development Act of 1992 (also known as the Residential Lead-Based Paint Hazard Reduction Act of 1992 or Title X) (Ref. 3). Title X established a national goal of eliminating lead-based paint hazards in housing as expeditiously as possible and provided a leadership role for the federal government in building

the infrastructure necessary to achieve this goal.

Title X amended TSCA to add a new subchapter entitled "Title IV—Lead Exposure Reduction." Most of EPA's responsibilities for addressing leadbased paint hazards can be found in this title, with TSCA section 402 being one source of the rulemaking authority to carry out these responsibilities. Section 402(a) of TSCA directs EPA to promulgate regulations covering leadbased paint activities to ensure persons performing these activities are properly trained, that training programs are accredited, and that contractors performing these activities are certified. Regulations promulgated under TSCA section 402(a) must contain standards for performing lead-based paint activities, taking into account reliability, effectiveness, and safety. On August 29, 1996, EPA promulgated final regulations under TSCA section 402(a) that govern lead-based paint inspections, lead hazard screens, risk assessments, and abatements in target housing and child-occupied facilities (also referred to as the LBP Activities regulations) (Ref. 2). The LBP Activities rule, codified at 40 CFR part 745, subpart L, contained an accreditation program for training providers and training, and certification and work practice requirements for lead-based paint inspectors, risk assessors, project designers, abatement supervisors, and abatement workers. Pursuant to TSCA section 404, provisions were made for interested States, territories, and Tribes to apply for and receive authorization to administer their own LBP Activities programs. Requirements applicable to State, territorial, and tribal programs are codified in 40 CFR part 745, subpart Q. Section 402(c) of TSCA pertains to renovation and remodeling activities. Section 402(c)(3) of TSCA requires EPA to revise the regulations issued under TSCA section 402(a) to apply to renovation or remodeling activities that create lead-based paint hazards. On April 22, 2008, EPA issued a final regulation applying a revised version of VerDate Sep<11>2014 12:23 Jan 13, 2015 Jkt 235001 PO 00000 Frm 00023 Fmt 4702 Sfmt 4702 E:\FR\FM\14JAPI.SGM 14JAPI wreier-aviles on DSK4TPTVNI PROD with PROPOSALS Federal Register /Vol. 80, No. 9 / Wednesday, January 14, 2015 / Proposed

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the LBP Activities rule requirements to renovation, repair, and painting activities in target housing and childoccupied facilities (Ref. 1). Pursuant to the RRP rule, persons performing covered renovation activities must be properly trained, renovators and renovation firms must be certified, and training providers must be accredited (Ref. 1). The requirements of the RRP rule became effective in stages with the entire rule becoming effective as of April 22, 2010.

### III. Proposed Revisions

#### A. Hands-on Training

To become certified as a renovator, a person must successfully complete a renovator course accredited by EPA or by a State, territorial, or tribal program authorized by EPA. To gain initial certification, renovators must complete an 8-hour training course. Until October 4, 2011, renovators that successfully completed an EPA, Department of Housing and Urban Development (HUD), or EPA/HUD model renovation training course were able to take the 4-hour refresher renovator training in lieu of the 8-hour initial course. Both of these courses require hands-on training. Trainings are taught either in a classroom or via electronic learning (elearning).

In an e-learning course, students take the lecture portion of the course over the Internet and then travel to a training facility to perform the hands-on activities and take the exam. To maintain certification, renovators must complete a renovator refresher course within 5 years of the date the individual completed their previous renovator training. Renovators who received their initial certification before April 22, 2010, however, have until July 1, 2015, to take the refresher training to maintain certification. If the renovator does not complete the course within the required timeframe, the individual must retake the initial 8-hour course to become certified again.

The 8-hour initial training includes hands-on training in testing for lead in paint, methods for minimizing the creation of dust and lead-based paint hazards, interior and exterior containment and cleanup methods, and cleaning verification. Activities covered include the use of EPA-recognized test kits, setting up barriers, covering

furniture, ducts, and carpeted floors with plastic, mopping floors, bagging waste, and determining that the work area has been adequately cleaned. Each student performs these activities in front of an instructor who determines if the student is proficient in each one. Students must be deemed proficient in order to pass the class and become certified. The current version of the renovator refresher course includes hands-on training in testing paint for lead and cleaning verification.

At the time the RRP rule became effective it was important to have hands-on training in the refresher course because certain renovators were eligible to take only the refresher course to receive their initial certification (i.e., renovators who completed a prerequisite training). After October 4, 2011, however, renovators could no longer take the refresher course to gain initial certification even if they were previously eligible to take the refresher course in lieu of the initial course. From that date forward, all renovators taking the refresher course will already have received hands-on training as part of their initial renovator certification (i.e., an initial or refresher course). Now that renovators will take the refresher course only after being initially certified in a way that includes hands-on training, EPA believes it is less important for the refresher course to include hands-on training. In addition, renovators that are seeking recertification have been practicing the hands-on skills on renovation jobs during their 5-year certification. Furthermore, due to the less technical nature of work practices taught in the renovator course versus those taught in the abatement course, EPA believes performing hands-on activities once is sufficient to teach renovators the skills they need to perform renovations following the RRP rule work practices.

In addition, by eliminating this requirement, renovators seeking recertification will be able to take the course entirely online without having to travel to a training location to perform the hands-on activities. This change will make it easier for renovators to take the refresher training, especially renovators who live far from a training facility. Renovators will save time and travel costs by taking the course from a single location, possibly their own home. If taking the training is made easier, EPA

believes that more renovators will take the refresher training and become recertified. Having more renovators take the refresher training will lead to a higher number of certified renovators, resulting in a workforce better able to perform renovations in a lead-safe manner. For these reasons, EPA believes it is appropriate to eliminate the hands-on training in the renovator refresher course. The Agency requests comment on eliminating the requirement to include hands-on training in the renovator refresher course.

While the Agency believes that the hands-on requirement in the renovator refresher course is no longer necessary, it has not ruled out having hands-on activities that are performed via elearning instead of in person. This would allow instructors to assess the student's skills without having the student travel to a classroom. EPA requests comment on how the hands-on portion of the refresher course could be performed by the student and assessed by the instructor via e-learning.

Another option for maintaining the hands-on requirement in the renovator refresher course is to modify it to make it less burdensome for trainers and students. For example, the requirement could be changed so the hands-on portion of the course is only required every other time a renovator gets recertified instead of every 5 years. Under this scenario, the renovator would only have to take the hands-on training once every 10 years. The Agency requests comment on possible alternative approaches to conducting the hands-on skills to make the training less burdensome.

The Agency does not intend to eliminate the hands-on activities in the refresher courses for the other lead-based paint program disciplines: Risk assessor, inspector, supervisor, abatement worker and dust sampling technician. The work performed by these disciplines involves highly specialized skills which individuals must learn in training courses accredited by EPA or authorized States, territories, and Tribes. For example, a significant portion of an abatement worker's training is focused on abatement techniques and selection of the appropriate course of action for a variety of hazards. Renovators, on the other hand, do not seek to permanently eliminate lead hazards; instead they

perform maintenance and improvement tasks as directed by the consumer. Thus, the goal of EPA's renovator training and certification program is not to update the methodology a renovator uses to accomplish these tasks (i.e., how to be painters, plumbers, or carpenters), but rather to ensure that persons who already know how to perform renovations perform their typical work in a lead-safe manner. Because of the technical nature of the work performed by risk assessors, inspectors, supervisors, abatement workers and dust sampling technicians, the Agency believes that it is important for their refresher training courses to include hands-on learning.

Currently, training providers are required to submit both a pre-training and post-training notification for each course that they teach. Both types of notifications must contain information about the course including, but not limited to, date, time and location. The post-training notification must also include information about the trainees including name, address and test score, among other things. Pre-training notifications must be submitted at least 7 business days prior to the start of the course. Post-training notifications must be submitted no later than 10 business days following course completion. The notification requirements help EPA monitor compliance with the training and certification provisions of the RRP and LBP Activities programs. Training providers that teach online courses must submit pre- and post-training notifications for each hands-on training session they teach. If the Agency eliminates the hands-on requirement for the refresher training then there will be no classroom session for which to notify EPA. Because the training provider will still need to send the names of the students to EPA, the notification requirements will need to be changed. The Agency requests comment on how it should modify the notification requirements to accommodate a training taught entirely online. In the absence of more particular

information regarding the number of renovators that may take an online class to complete the required refresher training, EPA assumes that 98% of renovators will take the online training if the hands-on requirement is removed, based on the significant cost savings that would result from reduced tuition costs and by avoiding the time and associated expenses needed to travel to a training site. EPA requests comment on this assumption. EPA also requests comment and supporting information on the savings that would accrue to renovators if EPA removes the hands-on training requirement for renovator refresher courses; whether the tuition is likely to differ for online and in-person refresher training; and how the costs training providers would incur to offer online refresher training courses compare to the costs of offering courses in person.

The Agency is considering a further modification to the notification requirements regarding online notifications. For years, training providers have had the option of submitting notifications electronically via EPA's Central Data Exchange (CDX); 63% of training providers opted to do so in the past year. The CDX system is designed to streamline the notification process for training providers and EPA alike, and to perform basic validations of electronic submissions that reduce common errors in notifications otherwise submitted on paper. Depending on how the notification requirements are modified, training providers may find it more efficient and less burdensome to submit notifications to EPA electronically if the hands-on refresher training requirement was eliminated. Such a change could result in an increased rate of electronic reporting of training notifications to EPA. To reduce the burden on the Agency and save taxpayer dollars, EPA will consider requiring training providers that teach the online refresher renovator course to submit their notifications for that course online. The Agency requests comment on whether it should require training providers to submit notifications online for the online refresher course.

The Agency is concerned that, by the time a final rule is published, many renovators will have already taken the refresher training that includes the hands-on learning and will have missed

out on the burden savings that this proposed rule would provide. In light of this, EPA is considering extending the certifications for a portion of renovators so they would be able to realize the benefits of this proposed rule. For example, the Agency could extend for 6 months the renovator certifications that expire by July 1, 2015. EPA requests comments on whether it should extend the certifications of renovators so they can take advantage of the burden savings of this proposed rule.

#### B. Jurisdictions

On June 9, 1999, 40 CFR part 745, subpart L, was amended to include a fee schedule for training programs seeking EPA accreditation and for individuals and firms seeking EPA certification (Ref. 4). These fees were established as directed by TSCA section 402(a)(3), which requires EPA to recover the cost of administering and enforcing the lead-based

paint activities requirements in States without authorized programs.

The fee schedule created a multijurisdiction registration fee which applies to individuals, firms and training programs that provide training or perform lead-based paint activities in more than one State administered by the EPA program. This fee is applied per discipline for each additional EPA-administered

State in which the applicant seeks certification/recertification or accreditation/reaccreditation. An EPA-administered jurisdiction is either an individual State without an authorized program or all Tribes without authorized programs in a given EPA Region.

The multi-state jurisdiction fee of \$35 was based on the estimated burdens required for Agency clerical, technical, and managerial staff to perform tasks associated with adding jurisdictions to a certification or accreditation. Tasks include entering the information into a database, approving or disapproving the application and generating and mailing a certificate to the applicant. After years of implementing the LBP Activities program, the Agency believes that separate certifications for each EPA-administered

State jurisdiction are not necessary. In particular, EPA does not believe it is necessary for the Agency to certify or accredit the same applicant multiple times; certification in one



EPA-administered State jurisdiction should be sufficient to perform work in any other EPA-administered States. For instance, EPA did not include separate certifications for each EPA-administered State in the RRP rule and found that it did not adversely impact the program. In addition, only requiring one certification for all EPA-administered State jurisdictions helps to streamline the certification and accreditation process. Accordingly, the Agency is proposing to eliminate the requirement for separate certifications in each

EPA-administered State jurisdiction in the LBP Activities program. If jurisdictions are eliminated, regulated entities will no longer have to send an application and fees to EPA for the purpose of adding additional EPA-administered State jurisdictions to their certification or accreditation. Once a regulated entity applies and is approved in the Lead-based Paint Activities program, they will be able to work in any EPA-administered

State. EPA requests comment on whether it should eliminate this requirement from the Lead-based Paint Activities regulations. Eliminating the fee for adding an EPA-administered State jurisdiction will not cause the other fees under the LBP Activities regulations to increase. As stated earlier, TSCA requires EPA to recover the cost of administering and enforcing the lead-based paint activities requirements. Eliminating the requirement to apply for additional jurisdictions also eliminates the Agency's costs for processing those applications and its need to recover the fee. Thus, eliminating the \$35 fee will not require the Agency to adjust the other fees it collects under the LBP Activities rule.

C. Clarification Regarding Training Provider Application Requirements  
EPA is clarifying the application regulations for accredited training providers under the RRP rule (Ref. 1) VerDate Sep<1>2014 12:23 Jan 13, 2015 Jkt 235001 PO 00000 Frm 00025 Fmt 4702 Sfmt 4702 E:\FR\FM\14JAP1.SGM 14JAP1 wreier-aviles on DSK4TPTVN1PROD with PROPOSALS  
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and LBP Activities rule (Ref. 2). It was

brought to the Agency's attention that the regulations did not specifically state what constituted a violation of the regulations at 40 CFR 745.225. For example, some other regulatory provisions, such as 40 CFR 745.87, specifically list various activities that are considered a violation of TSCA. Accordingly, the Agency is proposing to add clarifying language explaining that training providers must follow the requirements in that section. EPA believes that accredited training providers already understand this, but EPA is proposing to add the clarifying language to ensure understanding of the requirements—similar to what has been done in other regulations. This clarifying language does not change any requirements for accredited training providers. The Agency requests comment on adding this clarification to the regulations at 40 CFR 745.225(a)(4), (c), (d) and (e).

#### D. Correction to Training Notification Requirements

The regulatory text of the final RRP rule in 2008 (Ref. 1) inadvertently omitted a requirement for accredited providers of renovation training to provide notification to EPA after each training course the provider delivers. The provision was designed to supply important information regarding certified renovators for EPA's compliance monitoring efforts. In 2009, EPA issued a rule (Ref. 5) to correct this omission by amending 40 CFR 745.225(c)(14) to require post-course notifications from accredited providers of renovator or dust sampling technician training. The 2009 rule also included conforming changes to 40 CFR 745.225(c)(14)(iii) to include the correct name of the sample post-course notification form and to make it clear that all methods of post-course notification are available to both renovation training providers and lead-based paint activities training providers. As amended, 40 CFR 745.225(c)(14) required renovation training providers to notify EPA no later than 10 business days following course completion. Although EPA identified this requirement in its cost estimates in 2008, the regulatory provision was subsequently overwritten by another rulemaking. Specifically, in a 2011 rule (Ref. 6), the regulatory language inadvertently removed the regulatory

text that was added to 40 CFR 745.225(c)(14)(i) by the 2009 rule. In this proposed rule, EPA is proposing to add the same language back to 40 CFR 745.225(c)(14)(i) that was included in the 2009 rule. EPA requests comment on adding this language back to the notification requirements. Since EPA has continued to account for the costs and paperwork burden associated with this notification provision, this proposed correction does not increase the estimated costs and burdens for the RRP program.

#### E. Effective Date

EPA is proposing to find under the Administrative Procedure Act (APA), 5 U.S.C. 553(d)(3), that good cause exists to dispense with the 30-day delay in the effective date of the final rule that EPA intends to promulgate based upon this proposed rule. As stated earlier in this preamble, removing the hands-on requirement will make it easier for renovators to take the refresher training, especially renovators who live far from a training facility. If taking the training is made easier, EPA believes that removing the hands-on requirement will lead to more renovators taking the training and becoming recertified. Consequently, delaying the effective date may result in fewer renovators taking the training and becoming recertified. For this reason, the Agency believes it is in the public interest to remove the requirement as soon as possible. EPA also believes that such action would relieve a restriction in accordance with 5 U.S.C. 553(d)(1). EPA therefore proposes to issue a final rule making this change effective upon publication in the Federal Register.

#### IV. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under FOR FURTHER INFORMATION CONTACT.

1. Lead; Renovation, Repair, and Painting Program; Final Rule. Federal Register (73 FR 21692, April 22, 2008) (FRL-8355-7).
2. Lead; Requirements for Lead-Based Paint



Activities in Target Housing and Child-Occupied Facilities; Final Rule. Federal Register (61 FR 45778, August 29, 1996) (FRL-5389-9).

3. Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 et seq.).

4. Lead; Fees for Accreditation of Training Programs and Certification of Lead-based Paint Activities Contractors; Final Rule. Federal Register (64 FR 31091, June 9, 1999) (FRL-6058-6).

5. Lead; Minor Amendments to the Renovation, Repair, and Painting Program; Final Rule. Federal Register (74 FR 34257, July 15, 2009) (FRL-8422-7).

6. Lead; Clearance and Clearance Testing Requirements for the Renovation, Repair, and Painting Program; Final Rule. Federal Register (76 FR 47918, August 5, 2011) (FRL-8881-8).

7. EPA. Economic Analysis for the Lead-Based Paint Program Minor Amendments Proposed Rule (Economic Analysis). December 2014.

8. EPA. Information Collection Request (ICR)

for TSCA sections 402 and 404 Training, Certification, Accreditation and Standards for Lead-Based Paint Activities and Renovation, Repair, and Painting. EPA ICR No. 2502.01 and OMB No. 2070-[NEW]. December 2014.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This proposed rule has been designated by the Office of Management and Budget (OMB) as a "significant regulatory action" under section 3(f) of Executive Order 12866 (58 FR 51735, October 4, 1993). Accordingly, EPA submitted this action to OMB for review under Executive Order 12866 and 13563 (76 FR 3821, January 21, 2011), and any changes made in response to OMB recommendations are documented in the docket.

EPA has prepared an analysis of the potential cost savings associated with this rulemaking. This analysis is contained in the Economic Analysis for the Lead-Based Paint Program Minor Amendments Proposed Rule (Ref. 7) and is briefly summarized here.

In a typical year, individuals, firms, and training providers apply to perform lead-based paint activities or provide

training in a total of 431 additional EPA-administered jurisdictions. Removing the \$35 multi-jurisdiction fee will result in total estimated cost savings of approximately \$15,000 per year to these entities.

Removing the hands-on training requirement for renovator refresher training is estimated to reduce the tuition by an average of \$37. Removing the hands-on requirement also makes online renovator refresher training more attractive to training providers and renovators. If renovators become recertified by taking an e-learning refresher course they are estimated to save an additional \$165 by avoiding the time and associated expenses needed to travel to a training site. Renovator training and certification (which is valid VerDate Sep<11>2014 12:23 Jan 13, 2015 Jkt 235001 PO 00000 Frm 00026 Fmt 4702 Sfmt 4702 E:\FR\FM\14JAP1.SGM 14JAP1 wreier-aviles on DSK4TPTVNIPROD with PROPOSALS

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for 5 years) became mandatory in 2010, and a large number of renovators were trained that year. As many as 168,000 of these renovators are predicted to seek refresher training in 2015. Over time, the annual number is predicted to equilibrate such that up to 48,000 renovators may seek refresher training in later years. Nearly all of these renovators are assumed to choose online refresher training if the option is available. Therefore, removing the hands-on requirement for renovator refresher training is estimated to reduce costs by over \$9 million per year.

The proposed rule includes a correction to the training notification requirements to add back regulatory text on post-training notifications that was inadvertently overwritten in a 2011 rule (although most training providers are continuing to provide post-training notifications to EPA in a timely manner). EPA has already accounted for the burden and cost of requiring accredited providers of renovation training to provide notification to EPA after each training course the provider delivers. For example, the currently approved ICR for the TSCA sections 402 and 404 Training, Certification, Accreditation and Standards for Lead-Based Paint Activities and Renovation,

Repair, and Painting (EPA ICR No. 1715.13, OMB Control No. 2070-0155) estimates that 600 renovation training providers will submit an average of 14 post-training notifications per year. This yields a total of 8,400 post-training notifications per year at an average burden of 1.6 hours per response, resulting in a total burden for this activity of 13,440 hours at a cost of \$339,578. In order to avoid doublecounting,

EPA's Economic Analysis and ICR for this action do not include the burden and cost of reinstating the post-training notification requirements.

The clarifying language being added to the rule explaining that training providers must follow the regulations does not affect the cost of compliance because it does not change any requirements for accredited training providers.

Removing the multi-jurisdiction fee and the requirement for hands on refresher renovator training is estimated to result in cost savings of up to \$9.6 million per year using a 3% discount rate and \$9.8 million per year using a 7% discount rate.

B. Paperwork Reduction Act (PRA)

The information collection requirements in this proposed rule have been submitted to OMB for review and approval under PRA, 44 U.S.C. 3501 et seq. The ICR document prepared by EPA has been assigned EPA ICR No. 2502.01 and the OMB Control No. 2070-[NEW] (Ref. 8). The ICR document provides a detailed presentation of the estimated burden and costs predicted as a result of the proposed rule. Burden is defined at 5 CFR 1320.3(b).

There are 275 training providers accredited to offer renovator refresher training programs. All these training providers are assumed to apply to EPA to become accredited to offer e-learning refresher training once the requirement for hands-on renovator refresher training is removed. The applications must address issues such as how the trainer will ensure that students successfully complete the e-learning modules and the e-learning final assessment. Training providers are most likely to add an already reviewed and accepted e-learning course from another training provider to their training curriculum. In that case, their burden to become familiar with the new rule and

to submit an application is estimated to average 13.8 hours per response, at a cost of \$687. For the 275 training providers this results in a total burden of 3,795 hours at a total cost \$188,861. An agency may not conduct or sponsor, and a person is not required to respond to an information collection request unless it displays a currently valid OMB control number, or is otherwise required to submit the specific information by a statute. The OMB control numbers for EPA's regulations codified in Title 40 of the Code of Federal Regulations (CFR), after appearing in the preamble of the final rule, are further displayed either by publication in the Federal Register or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR 9.1.

Submit any comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden to both EPA and OMB. For EPA, follow the instructions in ADDRESSES at the beginning of this document. For OMB, reference "OMB Desk Officer for EPA" and email your comments to oira\_submission@omb.eop.gov. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after January 14, 2015, a comment to OMB is best assured of having its full effect if OMB receives it by February 13, 2015. The final rule will address any OMB or public comments received on the information collection requirements contained in this proposal.

**C. Regulatory Flexibility Act (RFA)**  
The RFA, 5 U.S.C. 601 et seq., generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the APA, 5 U.S.C. 551–553, or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of this proposed rule on small entities, small entity is defined as:

1. A small business as defined by the

Small Business Administration's (SBA) regulations at 13 CFR 121.201. The SBA's definitions typically are based upon either a sales or an employment level, depending on the nature of the industry.

2. A small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000.

3. A small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives "which minimize any significant economic impact of the rule on small entities." 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule.

The proposed rule would eliminate multi-jurisdiction registration fees for the LBP Activities program, and eliminate the hands-on training requirement from the lead renovation refresher training course. This results in cost savings for entities that no longer would pay the multi-jurisdiction registration fees and for renovators that would have a less expensive refresher training option available to them. Those training providers that choose to offer elearning refresher renovator training

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would incur a cost to apply for accreditation of their e-learning courses. However, it is expected that only

training providers that anticipate recovering accreditation costs through tuition charges would opt to apply for the additional accreditation because there is no requirement mandating these firms to offer an e-learning refresher training option under the proposed rule. Therefore, there would be no direct negative cost impacts on small entities as a result of the proposed rule. We have therefore concluded that this proposed rule will relieve regulatory burden for all affected small entities.

#### **D. Unfunded Mandates Reform Act (UMRA)**

This action does not contain any Federal mandates under the provisions of Title II of UMRA, 2 U.S.C. 1531–1538, for State, local, or tribal governments or the private sector. The action imposes no enforceable duty on any State, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of UMRA sections 202 or 205. This action is also not subject to the requirements of UMRA section 203 because it contains no regulatory requirements that might significantly or uniquely affect small governments. Those training providers (both those in the private sector as well as local or tribal governments) that choose to offer elearning

refresher renovator training would incur a cost to apply for accreditation of their e-learning courses. However, it is expected that only training providers that anticipate recovering accreditation costs through tuition charges would opt to apply for the additional accreditation because there is no requirement mandating these firms to offer an e-learning refresher training option under the proposed rule.

#### **E. Executive Order 13132: Federalism**

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Local governments can serve as training providers, and those training providers that choose to offer e-learning refresher renovator training would incur a cost to apply for accreditation of their elearning courses. However, it is expected that only training providers

that anticipate recovering accreditation costs through tuition charges would opt to apply for the additional accreditation because there is no requirement mandating these firms to offer an elearning refresher training option under the proposed rule. Thus, Executive Order 13132 does not apply to this action. EPA specifically solicits comment on this proposed action from State and local officials.

#### F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). Tribal governments can serve as training providers, and those training providers that choose to offer e-learning refresher renovator training would incur a cost to apply for accreditation of their e-learning courses. However, it is expected that only training providers that anticipate recovering accreditation costs through tuition charges would opt to apply for the additional accreditation because there is no requirement mandating these firms to offer an elearning refresher training option under the proposed rule. Thus, Executive Order 13175 does not apply to this action. EPA specifically solicits additional comment on this proposed action from tribal officials.

#### G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not an economically significant regulatory action as defined by Executive Order 12866, and because EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997), as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5-501 of the Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045, because it would not establish an environmental standard intended to mitigate health or safety risks.

#### H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This proposed rule is not a "significant energy action" as defined in Executive Order 13211 (66 FR 28355,

May 22, 2001), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Further, this rule is not likely to have any adverse energy effects because it does not require any action related to the supply, distribution, or use of energy.

I. National Technology Transfer and Advancement Act (NTTAA) Section 12(d) of NTTAA, 15 U.S.C. 272 note, directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This proposed rule does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards. EPA welcomes comments on this aspect of the proposed rule and specifically invites the public to identify additional potentially applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not directly affect the level of protection provided to human

health or the environment. The proposed rule would remove multijurisdiction

fees for the LBP Activities program and remove the hands-on requirement for refresher renovator training. However, it would not change the work practice requirements for lead-based

paint activities or renovation, repair or painting activities disturbing lead-based paint.

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1880 Federal Register / Vol. 80, No. 9 /  
Wednesday, January 14, 2015 / Proposed Rules

List of Subjects in 40 CFR Part 745  
Environmental protection, Lead,  
Lead-based paint, Renovation.

Dated: January 7, 2015.

Gina McCarthy,  
Administrator.

Therefore, it is proposed that 40 CFR  
chapter I be amended as follows:

#### PART 745—[AMENDED]

■ 1. The authority citation for part 745  
continues to read as follows:  
Authority: 15 U.S.C. 2605, 2607, 2681–  
2692 and 42 U.S.C. 4852d.

■ 2. In § 745.225:

■ a. Add new paragraph (a)(4).

■ b. Revise the introductory text of  
paragraphs (c), (d), and (e).

■ c. Revise paragraphs (c)(14)(i) and  
(e)(2) and (3).

The addition and revisions read as  
follows:

§ 745.225 Accreditation of training  
programs: target housing and child  
occupied facilities.

(a) \* \* \*

(4) Accredited training programs,  
training program managers, and  
principal instructors must comply with  
all of the requirements of this section  
including approved terms of the  
application and all of the requirements  
and limitations specified in any  
accreditation documents issued to  
training programs.

\* \* \* \* \*

(c) Requirements for the accreditation  
of training programs. A training  
program accredited by EPA to offer lead-  
based  
paint activities courses, renovator  
courses, or dust sampling technician  
courses must meet the following

requirements:

\*\*\*\*\*

(14) \*\*\*

(i) The training manager must provide EPA notification after the completion of any renovator, dust sampling, or lead-based paint activities course. This notification must be received by EPA no later than 10 business days following course completion.

\*\*\*\*\*

(d) Minimum training curriculum requirements. A training program accredited by EPA to offer lead-based paint courses in the specific disciplines listed in this paragraph (d) must ensure that its courses of study include, at a minimum, the following course topics.

\*\*\*\*\*

(e) Requirements for the accreditation of refresher training programs. A training program may seek accreditation to offer refresher training courses in any of the following disciplines: Inspector, risk assessor, supervisor, project designer, abatement worker, renovator, and dust sampling technician. A training program accredited by EPA to offer refresher training must meet the following minimum requirements:

\*\*\*\*\*

(2) Refresher courses for inspector, risk assessor, supervisor, and abatement worker must last a minimum of 8 training hours. Refresher courses for project designer, renovator, and dust sampling technician must last a minimum of 4 training hours. Refresher courses for all disciplines except renovator and project designer must include a hands-on component.

(3) Except for renovator and project designer courses, for all other courses offered, the training program shall conduct a hands-on assessment. With the exception of project designer courses, the training program shall conduct a course test at the completion of the course.

\*\*\*\*\*

■ 3. In § 745.238:

■ a. Remove paragraph (c)(3).

■ b. Redesignate paragraphs (c)(4) and (5) as (c)(3) and (4).

■ c. Revise the headings for paragraphs (d)(1) and (2).

■ d. Revise paragraph (e)(2).

The amendments read as follows:

§ 745.238 Fees for accreditation and certification of lead-based paint activities.

\*\*\*\*\*

(d) \*\*\*

(1) Certification and re-certification

\*\*\*

(2) Accreditation and re-accreditation.

\*\*\*

\*\*\*\*\*

(e) \*\*\*

(2) Submit application and payment in the amount specified in paragraph (c)(3) of this section in accordance with the instructions provided with the application package.

\*\*\*\*\*

[FR Doc. 2015-00473 Filed 1-13-15; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND

HUMAN SERVICES

Indian Health Service

42 CFR Part 136

RIN 0917-AA12

Payment for Physician and Other Health Care Professional Services Purchased by Indian Health Programs and Medical Charges Associated With Non-Hospital-Based Care  
AGENCY: Indian Health Service, HHS.  
ACTION: Proposed rule; extension of the comment period.

SUMMARY: This document extends the comment period for the Payment for Physician and Other Health Care Professional Services Purchased by Indian Health Programs and Medical Charges Associated with Non-Hospital-Based Care proposed rule, which was published in the Federal Register on December 5, 2014. The comment period for the proposed rule, which would have ended on January 20, 2015, is extended to February 4, 2015.

DATES: The comment period for the proposed rule published in the December 5, 2014 Federal Register (79 FR 72160) is extended to February 4, 2015.

ADDRESSES: Because of staff and resource limitations, we cannot accept comments by facsimile transmission. You may submit comments in one of four ways (please choose only one of the ways listed):

1. Electronically. You may submit electronic comments on this regulation to <http://regulations.gov>. Follow the "Submit a Comment" instructions.

2. By regular mail. You may mail written comments to the following address ONLY: Betty Gould, Regulations Officer, Indian Health Service, 801 Thompson, Avenue, TMP STE 450, Rockville, Maryland 20852. Please allow sufficient time for mailed comments to

be received before the close of the comment period.

3. By express or overnight mail. You may send written comments to the above address.

4. By hand or courier. If you prefer, you may deliver (by hand or courier) your written comments before the close of the comment period to the address above.

If you intend to deliver your comments to the Rockville address, please call telephone number (301) 443-1116 in advance to schedule your arrival with a staff member.

Comments will be made available for public inspection at the Rockville  
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