

1 10A NCAC 41C .1001 is proposed for adoption as follows:

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3 **SECTION .1000 – LEAD AND ASBESTOS INSPECTION, TESTING, ABATEMENT, AND**  
4 **REMEDICATION IN NORTH CAROLINA PUBLIC SCHOOLS AND LICENSED CHILD CARE**  
5 **FACILITIES**

6  
7 **10A NCAC 41C .1001 DEFINITIONS**

8 For the purposes of this Section, the following definitions shall apply:

9 (1) "Department" means the North Carolina Department of Health and Human Services.

10 (2) "Licensed child care facility" means a child care facility as defined at G.S. 110-86(3).

11 (3) "Public school" means a public school unit as defined at G.S. 115C-5(7a).

12 (4) "Program" means the North Carolina Department of Health and Human Services, Division of Public  
13 Health, Environmental Health Section.

14 (5) "Responsible individual" means the superintendent of a public school operated by a local school  
15 administrative unit, as defined in G.S. 115C-5(6), or the superintendent's designee(s); the governing  
16 body of any charter school or school operated under Article 7A or Article 9C of G.S. 115C or that  
17 body's designee(s); or the operator of a licensed child care facility or the operator's designee(s), as  
18 applicable.

19  
20 *History Note: Authority S.L. 2021-180, s. 9G.8;*  
21 *Temporary Adoption Eff. April 29, 2022.*

1 10A NCAC 41C .1002 is proposed for adoption as follows:

2  
3 **10A NCAC 41C .1002 FUNDING**

4 (a) Public schools and licensed child care facilities in North Carolina shall be eligible to participate in the funding  
5 mechanisms established in accordance with S.L. 2021-180, s. 9G.8. to fully or partially offset the cost of conducting  
6 testing for lead in water and inspections for asbestos and lead-based paint hazards, when a test for lead in water is  
7 conducted ~~by May 1, 2024 within 24 months after the effective date of this Rule~~ or an inspection for lead-based paint  
8 or asbestos is conducted ~~by May 1, 2024 within 18 months after the effective date of this Rule~~ and the test or inspection  
9 is conducted in accordance with the rules of this Section.

10 (b) Public schools and licensed child care facilities that are eligible to participate under Paragraph (a) of this Rule  
11 shall also be eligible to participate in the funding mechanisms established in accordance with S.L. 2021-180, s. 9G.8.  
12 to fully or partially offset the cost of conducting remediation of lead in water and abatement of asbestos and lead-  
13 based paint hazards identified under this Section when the following requirements are met:

- 14 (1) lead or asbestos is detected that meets the requirements under the rules of this Section for abatement  
15 or remediation;
- 16 (2) the abatement or remediation, as applicable, is performed in accordance with the rules of this  
17 Section; and
- 18 (3) replacement materials used to abate asbestos hazards do not contain more than 1 percent asbestos  
19 and replacement materials used to abate lead-based paint hazards do not contain lead in excess of  
20 90 parts per million.

21 (c) Notwithstanding Paragraphs (a) and (b) of this Rule, licensed child care centers conducting testing and remediation  
22 of water outlets used for drinking or food preparation pursuant to 15A NCAC 18A .2816 shall be eligible to participate  
23 in the funding mechanisms established in accordance with S.L. 2021-180, s. 9G.8. for testing conducted in accordance  
24 with that Rule ~~by May 1, 2024 within 24 months after the effective date of this Rule~~ and remediation conducted in  
25 accordance with that Rule between ~~May 1, 2020 24 months prior to the effective date of this Rule~~ and the date on  
26 which funds are no longer available in accordance with S.L. 2021-180, s. 9G.8.(d).

27 (d) Notwithstanding Paragraphs (a) and (b) of this Rule, if asbestos or lead-based paint is detected during a capital,  
28 renovation, or repair project in a public school or licensed child care facility, the public school or licensed child care  
29 facility shall be eligible to participate in the funding mechanisms established in accordance with S.L. 2021-180, s.  
30 9G.8. as follows:

- 31 (1) to fully or partially offset the cost of conducting an inspection in accordance with Rules .1003(b) or  
32 .1004(b) of this Section, as applicable, except that the inspection may be limited to the area in the  
33 public school or licensed child care facility where the capital, renovation, or repair project is being  
34 conducted; and
- 35 (2) to fully or partially offset the cost of conducting abatement when lead-based paint or asbestos is  
36 detected that meets the requirements under the Rules of this Section for abatement and abatement is  
37 conducted in accordance with Rules .1003(e) and .1004(e) of this Section and with the limitation on

1 materials set out in Subparagraph (b)(3) of this Rule, except that the abatement may be limited to  
2 the area in the public school or licensed child care facility where the capital, renovation, or repair  
3 project is being conducted.

4 (e) Inspections and abatements described in Paragraph (d) of this Rule that are limited to the area in the public school  
5 or licensed child care facility where the capital, renovation, or repair project is being conducted shall not satisfy the  
6 facility-wide inspection requirements for public schools and licensed child care facilities set out in Rules .1003 and  
7 .1004 of this Section.

8 (f) Notwithstanding the foregoing, to be eligible to participate in any funding mechanism under this Rule, responsible  
9 individuals shall make all records regarding testing, inspection, abatement, and remediation available to the  
10 Department upon request, including, but not limited to, itemized expense reports for activities funded under S.L. 2021-  
11 180, s. 9G.8.

12 (g) Nothing in this Rule shall require the Department to provide funding if the Department determines there are not  
13 sufficient funds available in accordance with S.L. 2021-180, s. 9G.8.(d).

14  
15 *History Note: Authority S.L. 2021-180, s. 9G.8;*  
16 *Temporary Adoption Eff. April 29, 2022.*

1 10A NCAC 41C .1003 is proposed for adoption as follows:

2  
3 **10A NCAC 41C .1003 ASBESTOS INSPECTIONS AND ABATEMENT IN NORTH CAROLINA PUBLIC**  
4 **SCHOOLS AND LICENSED CHILD CARE FACILITIES**

5 (a) For the purposes of this Rule, the following definitions shall apply:

- 6 (1) "Abatement" means as defined at G.S. 130A-444(4), and also includes renovation activities that are  
7 carried out to repair, maintain, remove, isolate, enclose, replace, or encapsulate asbestos containing  
8 material. Abatement shall not be considered complete until a final clearance inspection of the public  
9 school or licensed child care facility is performed by an air monitor in accordance with 40 C.F.R.  
10 763.90(i).
- 11 (2) "Air monitor" means as defined at G.S. 130A-447 and 10A NCAC 41C .0601(3).
- 12 (3) "Asbestos" means as defined at G.S. 130A-444(2).
- 13 (4) "Asbestos containing material" means as defined at G.S. 130A-444(3).
- 14 (5) "Asbestos hazard" means a condition that results in exposure to asbestos in excess of the standards  
15 set forth in 10A NCAC 41C .0607(a) or to a category of asbestos containing material defined at 40  
16 C.F.R. 763.88(b)(1)-(6).
- 17 (6) "Inspection" in a licensed child care facility means an examination of the facility for the presence  
18 of asbestos hazards that is conducted by an inspector in accordance with the rules of Section .0600  
19 of this Subchapter. "Inspection" in a public school means a reinspection conducted in alignment  
20 with G.S. 130A-445, 10A NCAC 41C .0604, and 40 C.F.R.763.85(b).
- 21 (7) "Inspector" means as defined at G.S. 130A-447 and 10A NCAC 41C .0601(a)(7).
- 22 (8) "Management Planner" means as defined at G.S. 130A-447 and 10A NCAC 41C .0601(a)(9).

23 (b) Each responsible individual shall ensure that an inspection is conducted for asbestos hazards in each public school  
24 or licensed child care facility for which he or she is responsible by May 1, 2024, ~~within 18 months of the effective~~  
25 ~~date of this Rule.~~ Inspections for asbestos hazards shall be performed by an inspector and documented in an inspection  
26 survey report in accordance with the rules of Section .0600 of this Subchapter. A management planner shall review  
27 the inspection survey report to determine whether an asbestos hazard has been detected and shall document his or her  
28 findings in an asbestos management plan in accordance with Rule 10A NCAC 41C .0604.

29 (c) If the management planner determines that an asbestos hazard has been detected, then the responsible individual  
30 shall restrict access to the identified asbestos hazard until it is abated in accordance with this Rule.

31 (d) A determination by a management planner that an asbestos hazard is present in a public school or licensed child  
32 care facility that is documented in an asbestos management plan in accordance with Paragraph (b) of this Rule shall  
33 satisfy the requirement of Rule .1002(b)(1) or (d)(2) of this Section, as applicable, that asbestos is detected that meets  
34 the requirements for abatement.

35 (e) Abatement shall be performed by one or more professionals who are accredited in accordance with 10A NCAC  
36 41C .0602 and shall be performed in accordance with the rules of Section .0600 of this Subchapter.

1 (f) The information listed in this Paragraph shall be submitted to the Program by email to ARPA-  
2 Reimbursement@dhhs.nc.gov; ~~general.hccu@dhhs.nc.gov~~;

3 (1) Within 45 calendar days following the date on which an inspection is completed pursuant to this  
4 Rule, the management planner shall ~~submit~~ report the following:

5 (A) the name, address, email address, and phone number of the responsible individual;

6 (B) the name, address, email address, phone number, and accreditation number of the  
7 management planner;

8 (C) the name and address, including county, of the individual school and the public school unit  
9 or the licensed child care facility;

10 (D) whether the facility for which the responsible individual is submitting the information is a  
11 public school or a licensed child care facility;

12 (E) whether the inspection identified the presence of an asbestos hazard;

13 (F) a description of any identified asbestos hazard; and

14 (G) the results of any laboratory testing conducted during the inspection.

15 (2) If the public school or licensed child care facility plans to use a previous inspection or documentation  
16 under Paragraph (h) of this Rule, then the responsible individual shall submit a copy of the  
17 inspection survey report, reinspection report, or management plan associated with the previous  
18 inspection or the documentation by May 1, 2024 ~~within 18 months after the effective date of this~~  
19 ~~Rule~~ in lieu of meeting the requirements in Subparagraph (f)(1) of this Rule.

20 (3) At least 10 calendar days before abatement conducted pursuant to this Rule begins, the responsible  
21 individual shall ~~submit~~ report the following:

22 (A) the name, address, email address, and phone number of the responsible individual;

23 (B) the name and address, including county, of the individual school and the public school unit  
24 or the licensed child care facility, as applicable;

25 (C) ~~the names, addresses, email addresses, phone numbers,~~ names and accreditation numbers  
26 of the professionals who will conduct the abatement ~~abatement~~; and the email address and  
27 phone number of the on-site asbestos supervisor who will oversee the abatement;

28 (D) whether the facility for which the responsible individual is submitting the report is a public  
29 school or a licensed child care facility; and

30 (E) the dates on which the abatement is scheduled to occur. ~~occur~~; and

31 ~~(F) a description of the planned abatement.~~

32 (4) Within 45 calendar days following the date on which an abatement completed pursuant to this Rule,  
33 the responsible individual shall ~~submit~~ report the following:

34 (A) the name, address, email address, and phone number of the responsible individual;

35 (B) the name and address, including county, of the individual school and the public school unit  
36 or the licensed child care facility;

- 1 (C) whether the facility for which the responsible individual is submitting the report is a public
- 2 school or a licensed child care facility;
- 3 (D) the date on which the abatement was completed; and
- 4 (E) a report of the results of the final clearance inspection.

5 (g) In accordance with 10A NCAC 09 .0601 and 10A NCAC 09 .1719, as applicable, licensed child care facilities  
6 shall inspect for asbestos hazards in accordance with this Rule to ensure these facilities are safe and free from hazards  
7 that may injure children. The failure of a responsible individual in licensed child care facility to inspect for asbestos  
8 hazards or to restrict access to or abate identified asbestos hazards in accordance with this Rule shall be considered a  
9 violation of 10A NCAC 09 .0601 and 10A NCAC 09 .1719, as applicable.

10 (h) The requirements of Paragraph (b) of this Rule shall be considered met if:

- 11 (1) the public school or licensed child care facility previously completed an inspection of its buildings
- 12 that meets the requirements of Section .0600 of this Subchapter, provided that building material that
- 13 was sampled during a previous inspection and reported as trace asbestos or between 0 percent and
- 14 10 percent asbestos content shall be reinspected in accordance with the process established in
- 15 Paragraphs (b) - (f) of this Rule; ~~or~~
- 16 (2) the public school or licensed child care facility produces documentation ~~is produced~~ in accordance
- 17 with 40 C.F.R. 763.99(a)(7); or 763.99(a)(7).
- 18 (3) the licensed child care facility produces a property tax record that shows the building occupied by
- 19 the licensed child care facility was built after October 12, 1988.

20  
21 *History Note: Authority S.L. 2021-180, s. 9G.8;*  
22 *Temporary Adoption Eff. April 29, 2022.*  
23

1 10A NCAC 41C .1004 is proposed for adoption as follows:

2  
3 **10A NCAC 41C .1004 LEAD-BASED PAINT INSPECTIONS AND ABATEMENT IN NORTH**  
4 **CAROLINA PUBLIC SCHOOLS AND LICENSED CHILD CARE FACILITIES**

5 (a) For the purposes of this Rule, the following definitions shall apply:

- 6 (1) "Abatement" means as defined at 40 C.F.R. 745.223, and also includes interim controls as defined  
7 at 40 C.F.R. 745.83. Abatement shall not be considered complete until a final clearance inspection  
8 of the public school or licensed child care facility is performed by a certified risk assessor in  
9 accordance with the standards set forth at 40 C.F.R. ~~745.227, 745.85(b)~~.
- 10 (2) "Certified Project Designer" means an individual who meets the requirements for a project designer  
11 as set forth in G.S. 130A-453.03 and Rule .0802 of this Subchapter.
- 12 (3) "Certified Supervisor" means an individual who meets the requirements for a supervisor as set forth  
13 in G.S. 130A-453.03 and Rule .0802 of this Subchapter.
- 14 (4) "Certified Risk Assessor" means an individual who meets the requirements for a risk assessor as set  
15 forth in G.S. 130A-453.03 and Rule .1006 of this Section.
- 16 (5) "Inspection" means a risk assessment conducted in accordance with 40 C.F.R. 745.223.
- 17 (6) "Inspection report" means a summary prepared in accordance with Rule .0807(b) of this Subchapter.
- 18 (7) "Lead-based paint hazard" means as defined at G.S. 130A-131.7(6).
- 19 (8) "Lead poisoning hazard" means as defined at G.S. 130A-131.7(7).
- 20 (9) "Occupant protection plan" means as defined at Rule .0801(a)(6) of this Subchapter.

21 (b) Each responsible individual shall ensure that an inspection is conducted for lead-based paint hazards in each public  
22 school or licensed child care facility for which he or she is responsible by May 1, 2024, ~~within 18 months of the~~  
23 ~~effective date of this Rule~~. Inspections for lead-based paint hazards shall be performed by a certified risk assessor and  
24 documented in an inspection report. The certified risk assessor shall determine whether a lead-based paint hazard is  
25 present in the public school or licensed child care facility based on the inspection, in accordance with the rules of  
26 Sections .0800 and .0900 of this Subchapter, and document the determination in the inspection report. If the certified  
27 risk assessor determines that a lead-based paint hazard exists, then an occupant protection plan shall be written by a  
28 certified supervisor or certified project designer in accordance with 40 C.F.R. 745.227(e)(5) and the rules of Section  
29 .0800 of this Subchapter.

30 (c) If the certified risk assessor determines that a lead-based paint hazard has been detected, then the responsible  
31 individual shall restrict access to the identified lead-based paint hazard until abated in accordance with this Rule.

32 (d) A determination by a certified risk assessor that a lead-based paint hazard is present in the public school or licensed  
33 child care facility that is documented in the inspection report in accordance with Paragraph (b) of this Rule shall satisfy  
34 the requirement of Rule .1002(b)(1) or (d)(2) of this Section, as applicable, that lead is detected that meets the  
35 requirements for abatement.

1 (e) Abatement shall be performed by one or more professionals who are certified in accordance with G.S. 130A-  
2 453.03 and Rules .0802 or .0902 of this Subchapter and shall be performed in accordance with the rules of Sections  
3 .0800 and .0900 of this Subchapter, as applicable.

4 (f) The information listed in this Paragraph shall be submitted to the Program by email to ARPA-  
5 Reimbursement@dhhs.nc.gov; ~~general.hecu@dhhs.nc.gov~~;

6 (1) Within 45 calendar days following the date on which an inspection is completed pursuant to the  
7 Rule, the certified risk assessor shall ~~submit~~; report the following:

8 (A) the name, address, email address, and phone number of the responsible individual;

9 (B) the name, address, email address, phone number, and certification number of the certified  
10 risk assessor;

11 (C) the name and address, including county, of the individual school and the public school unit  
12 or the licensed child care facility;

13 (D) whether the facility for which the responsible individual is submitting the report is a public  
14 school or a licensed child care facility;

15 (E) whether the inspection identified the presence of a lead-based paint hazard;

16 (F) a description of any identified lead-based paint hazard; and

17 (G) the results of any laboratory testing conducted during the inspection.

18 (2) If the public school or licensed child care facility plans to use a previous inspection or a signed  
19 attestation under Paragraph (h) of this Rule, then the responsible individual shall submit a copy of  
20 the inspection report ~~or occupant protection plan~~ associated with the previous inspection or the  
21 signed attestation by May 1, 2024 ~~within 18 months from the effective date of this Rule~~ in lieu of  
22 meeting the requirements in Subparagraph (f)(1) of this Rule.

23 (3) At least 10 calendar days before abatement conducted pursuant to this Rule begins, the responsible  
24 individual shall ~~submit~~; report the following:

25 (A) the name, address, email address, and phone number of the responsible individual;

26 (B) the name and address, including county, of the individual school and the public school unit  
27 or the licensed child care facility, as applicable;

28 (C) ~~the names, addresses, email addresses, phone numbers, names~~ and certification numbers  
29 of the professionals who will conduct the abatement ~~abatement~~; ~~the names, addresses,~~  
30 ~~email addresses, phone numbers,~~ and the email address and phone number of the on-site  
31 lead supervisor who will oversee the abatement;

32 (D) whether the facility for which the responsible individual is submitting the report is a public  
33 school or a licensed child care facility; and

34 (E) the dates on which the abatement is scheduled to occur. ~~occur~~; ~~and~~

35 (F) ~~a description of the planned abatement.~~

36 (4) Within 45 calendar days following the date on which abatement is completed pursuant to this Rule,  
37 the responsible individual shall ~~submit~~; report the following:



- 1 (A) the name, address, email address, and phone number of the responsible individual;
- 2 (B) the name and address, including county, of the individual school and the public school unit
- 3 or the licensed child care facility;
- 4 (C) whether the facility for which the responsible individual is submitting the report is a public
- 5 school or a licensed child care facility;
- 6 (D) the date on which the abatement was completed; and
- 7 (E) a report of the results of the final clearance inspection.

8 (g) In accordance with 15A NCAC 18A .2816(a), 10A NCAC 09 .0601(f), and 10A NCAC 09 .1707(2), as applicable,  
9 licensed child care facilities shall inspect for lead-based paint hazards in accordance with this Rule to ensure these  
10 facilities are free from lead poisoning hazards. The failure of a responsible individual in licensed child care facility to  
11 inspect for lead-based paint hazards or to restrict access to or abate identified lead-based paint hazards in accordance  
12 with this Rule shall be considered a violation of 15A NCAC 18A .2816(a), 10A NCAC 09 .0601(f), or 10A NCAC  
13 09 .1707(2), as applicable.

14 (h) The requirements of Paragraph (b) of this Rule shall be considered met if:

- 15 (1) the public school or licensed child care facility has previously completed an inspection of its
- 16 buildings that meets the requirements of Sections .0800 and .0900 of this Subchapter; or
- 17 (2) the responsible individual of a public school or licensed child care facility located in a building that
- 18 was built after February 28, 1978 signs a statement attesting that no lead-based paint was used in
- 19 the building.

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21 *History Note: Authority S.L. 2021-180, s. 9G.8;*  
22 *Temporary Adoption Eff. April 29, 2022.*

23

1 10A NCAC 41C .1005 is proposed for adoption as follows:

2  
3 **10A NCAC 41C .1005 LEAD POISONING HAZARDS IN DRINKING WATER IN NORTH CAROLINA**  
4 **PUBLIC SCHOOLS**

5 (a) For the purposes of this Rule, the following definitions shall apply:

- 6 (1) "Lead poisoning hazard" means as defined at G.S. 130A-131.7(7)(g).  
7 (2) "Testing" means the process described in Subparagraphs (b)(1)-(4) of this Rule.  
8 (3) "Remediation" means as defined at G.S. 130A-131.7(15).

9 (b) The following actions shall be taken to ensure that drinking water in public schools are free of identified lead  
10 poisoning hazards:

- 11 (1) Responsible individuals at public schools shall complete a one-time test of all water outlets used for  
12 drinking or food preparation. The responsible individual shall provide documentation of testing  
13 results for review by the Department during routine sanitation inspections under Rule 15A NCAC  
14 18A .2402(a).  
15 (2) Initial water samples shall be collected by the responsible individual and tested in accordance with  
16 Subparagraph (b)(3) of this Rule by May 1, 2024. ~~within 24 months after the effective date of this~~  
17 ~~Rule.~~  
18 (3) The responsible individual shall collect samples and submit them for testing in accordance with  
19 guidance specified by the United States Environmental Protection Agency in its publication, 3Ts  
20 for Reducing Lead in Drinking Water in Schools and Child Care Facilities, which is hereby  
21 incorporated by reference, including any subsequent editions or amendments, and available free of  
22 charge at: [https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-](https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water)  
23 [water](https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water). Notwithstanding the foregoing guidance, samples may be collected with a stagnation period  
24 of up to 72 hours. Samples shall be analyzed by a laboratory certified by the North Carolina State  
25 Laboratory of Public Health to analyze for lead in drinking water.  
26 (4) When a water sample is analyzed for lead content by a laboratory under this Rule, the laboratory  
27 shall notify the Department of the test results by electronic submission in alignment with the  
28 requirements of G.S. 130A-131.8.  
29 (5) When a public school receives test results from a laboratory indicating that a water sample collected  
30 by the responsible individual contains a lead concentration at or above the lead poisoning hazard  
31 level, the responsible individual shall:  
32 (A) restrict access to any water outlet(s) used for drinking or food preparation that have lead  
33 concentrations at or above the lead poisoning hazard level;  
34 (B) ensure that all students and staff have access to water free of cost that does not contain lead  
35 concentrations at or above the lead poisoning hazard level for drinking and food  
36 preparation; and

1 (C) continue to follow Parts (b)(5)(A) - (B) of this Rule until the Department determines in  
2 accordance with Subparagraph (b)(10) of this Rule that the water outlet(s) are not  
3 producing water lead levels at or above the lead poisoning hazard level and notifies the  
4 responsible individual and the Department of Public Instruction in writing of this  
5 determination.

6 (6) If a water sample collected by the responsible individual reveals a water lead level at or above the  
7 lead poisoning hazard level then the requirement of Rule .1002(b)(1) of this Section shall be  
8 considered met.

9 (7) Within five business days of receiving the test results of a water analysis that shows a water lead  
10 level at or above the lead poisoning hazard level, the responsible individual shall provide written  
11 notification of the test results to the parents or legal guardians of the children attending the public  
12 school and the staff of the public school in accordance with the United States Environmental  
13 Protection Agency guidance specified in Subparagraph (b)(3) of this Rule.

14 (8) Within five business days of receiving the test results of a water analysis that shows a water lead  
15 level at or above the lead poisoning hazard level, the public school shall make the test results  
16 available to the public, free of charge. The responsible individual may post test results to the public  
17 school's website to satisfy the requirement to make the test results available to the public.

18 (9) Remediation of water outlet(s) producing water lead levels at or above the lead poisoning hazard  
19 level shall ensure that water produced is below the lead poisoning hazard level and may include  
20 replacement of service lines, pipes, and fixtures and the installation of filters at affected faucets.  
21 Within 30 business days from the date on which remediation is conducted under this Rule, the  
22 responsible individual shall submit the following information to the Program:

23 (A) the name and contact information of the responsible individual;

24 (B) the name and address, including county, of the public school;

25 (C) the steps taken to remediate the lead poisoning hazard; and

26 (D) the date on which the remediation was completed.

27 (10) Remediation shall not be considered complete until the Department conducts sampling at the water  
28 outlet identified to have a water lead level at or above the lead poisoning hazard level to confirm  
29 that the remediated water outlet is no longer producing water lead levels at or above the lead  
30 poisoning hazard level.

31  
32 *History Note: Authority S.L. 2021-180, s. 9G.8;*  
33 *Temporary Adoption Eff. April 29, 2022.*  
34

1 10A NCAC 41C .1006 is proposed for adoption as follows:

2

3 **10A NCAC 41C .1006 CERTIFIED RISK ASSESSORS**

4 (a) For the purposes of this Section, a certified risk assessor is defined as an individual who meets the requirements  
5 of Rule .0802 of this Subchapter, except that the individual shall be required to complete an accredited refresher course  
6 for risk assessors every 36 months from the date of completion of initial training or last training instead of every 24  
7 months as set forth in 10A NCAC 41C .0802(b).

8 (b) A certified risk assessor who is certified under Paragraph (a) of this Rule shall be considered a certified risk  
9 assessor solely for the purposes of conducting inspections ~~and determinations about the existence of lead-based paint~~  
10 ~~hazards~~ in public schools and licensed child care facilities under Rule .1004 of this Section.

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12 *History Note: G.S. 130A-453.03; 130A-453.05; S.L. 2021-180, s. 9G.8;*

13 *Temporary Adoption Eff. April 29, 2022.*

14

1 10A NCAC 41C. 1007 is proposed for adoption as follows:

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3 **10A NCAC 41C. 1007 INCORPORATION BY REFERENCE**

4 For the purposes of this Section, 40 C.F.R. 763, Subpart E and 40 C.F.R. 745, Subparts L and E are hereby incorporated  
5 by reference, including any subsequent amendments or editions, and available free of charge at [www.ecfr.gov/](http://www.ecfr.gov/).

6

7 *History Note: Authority S.L. 2021-180, s. 9G.8;*

8 *Temporary Adoption Eff. April 29, 2022.*

9