

**EFFECT OF MARCH 1 DATE ON ABILITY TO WORK
IN NON-AUTHORIZED STATES & TRIBES**

On March 1 the training and certification requirements of TSCA section 402 will be in full effect in the Federal program operating in non-authorized States and Tribes.

All individuals and firms performing ~~lead-based~~ paint activities as defined in 745.223 must be certified under 745.226 and must perform lead-based paint activities according to the work practice standards in 745.227. March 1 will affect people's ability to perform lead-based paint activities in non-authorized States and Tribes in various ways depending on their certification status. EPA has identified the following groups:

I. Individuals

- A. Individuals who have received a certificate and badge from EPA.
- B. Individuals using interim certification from an initial EPA course to apply.
- C. Individuals using the ~~grandfather~~ provisions of 745.226(d) to apply.
- D. Individuals using valid State or Tribal certification to apply.
- E. Individuals with no valid form of lead-based paint certification.

II. Firms

- A. Firms who have received EPA certification.
- B. Firms with applications postmarked March 1, 2000 or earlier.
- C. Firms who did not apply to EPA by March 1, 2000.

The effects on these groups are summarized below.

I. INDIVIDUALS

A. Individuals who have received a certificate and badge from EPA.

These individuals are not affected by the March 1 date, because under 745.226(a)(4), upon receiving EPA certification, they are required to comply with the work practice standards in 745.227. Therefore, these fully certified individuals may continue to perform lead-based paint activities in non-authorized States and Tribes after March 1, 2000.

B. Individuals using interim certification from an initial EPA course to apply.

~~Interim certification~~ is the status of a person who has successfully completed an initial training course but has not received formal EPA certification. Interim certification runs for 6 months after the initial course completion date.

1. Individuals with applications postmarked March 1, 2000 or earlier who had valid interim certification at the time of application.

a. Individuals whose interim certification has since expired. If the applications are deemed complete, these individuals will receive a letter from EPA which will serve as ~~proof of certification~~ until EPA finishes processing the applications and determines whether the person is eligible for certification.

b. Individuals whose interim certification has not expired. These individuals may continue to perform lead-based paint activities after March 1, 2000 using their valid interim certification. If EPA has deemed their applications complete but is unable to finish processing the applications before the interim certifications expire, EPA will also issue these individuals letters which will serve as ~~proof of certification~~ until EPA finishes processing their applications.

c. Incomplete applications. Applications which are deemed incomplete will be returned to the applicants. The applicants may reapply for certification at any time but may not legally perform lead-based paint activities after March 1, 2000 without some form of valid certification. Individuals with valid interim certification may perform lead-based paint activities until their interim certification expires.

2. Individuals who did not apply by March 1, 2000 and whose interim certification expires after March 1.

All interim certifications that began before March 1 will remain valid after March 1 until their listed expiration date. This means that individuals who have course completion certificates obtained from courses taken between September 2, 1999 and February 29, 2000 will have interim certifications due to expire between March 2, 2000 and August 29, 2000. The March 1 date will have no effect on such interim certification. The interim certifications will continue to be valid until their official expiration date that should be listed on the course completion certificates which serve as interim certification. These individuals may continue to perform lead-based paint activities in non-authorized States and Tribes using the unexpired interim certification after March 1.

These individuals must apply and receive formal EPA certification well before their interim certification expires. Unless they receive final EPA certification, they will not be able to legally perform lead-based paint activities in unauthorized States and Tribes after their interim certification expires. People who do not receive final certification before their interim certification expires will be required retake the

appropriate course from an accredited training provider before reapplying to EPA for certification.

3. Individuals who take initial courses and apply for certification after March 1, 2000.

Individuals who have not taken an initial course by March 1, 2000 may not perform lead-based paint activities until they have successfully completed an initial course in the appropriate discipline. Everyone who successfully completes an EPA-accredited initial course will receive interim certification which expires 6 months after the date of course completion. These people may work in the appropriate discipline during the interim certification. At the same time, they must apply to EPA for final certification, so that they may continue performing lead-based paint activities after their interim certification expires.

C. Individuals using the ~~grandfather~~ provisions of 745.226(d) to apply.

Under 745.226(d)(2), individuals have until March 1, 2000 to apply to EPA for certification based on prior training, also known as ~~grandfathering~~. Although individuals intending to apply for certification based on prior training under 745.226(d) are taking refresher courses, they are actually applying for initial certification in the Federal program. Even though training programs offering refresher courses are not required to put interim certification expiration dates on refresher course completion certificates, EPA will recognize refresher course completion certificates as interim certificates that are valid for 6 months from the date of course completion.

1. Individuals with applications postmarked March 1, 2000 or earlier who had valid interim certification at the time of application.

a. Individuals whose interim certification has since expired. If the applications are deemed complete, these individuals will receive letters from EPA which will serve as ~~proof of certification~~ until EPA finishes processing the applications and determines whether these people are eligible for certification.

b. Individuals whose interim certification has not expired. These individuals may continue to perform lead-based paint activities using the valid interim certification. If EPA has deemed the applications complete but is unable to finish processing the applications before the interim certification expires, EPA will also issue these individuals letters which will serve as ~~proof of certification~~ until EPA finishes processing their applications.

c. Incomplete applications. Applications which are deemed incomplete will be returned to the applicants. The applicants may reapply for certification at any time but may not legally perform lead-based paint activities after March 1, 2000 without some form of valid certification. However, these individuals may no longer apply using the ~~grandfather~~ provisions (see #2 below).

2. Individuals who did not apply by March 1, 2000.

Anyone who took a refresher course, and intended to but did not apply under the provisions of 745.226(d) by March 1, 2000, will still have the 6-month interim certification period running from the date of refresher course completion. Therefore, these individuals may continue to perform lead-based paint activities until their interim certificates expire.

With regard to certification, however, after March 1, 2000, EPA will not accept applications for certification based on prior training. Individuals with refresher interim certification, who did not apply by March 1 for certification based on prior training must use the initial certification process in 745.226(a)-(c) to apply for certification. This means that they must complete an initial course in the discipline in which they are seeking certification.

D. Individuals using valid State or Tribal certification to apply.

1. Individuals with applications postmarked March 1, 2000 or earlier who had valid State or Tribal certification at the time of application.

a. Complete applications. If their applications are deemed complete, these individuals will receive letters from EPA which will serve as ~~proof of certification~~ until EPA finishes processing the applications and determines whether these people are eligible for certification. This includes individuals whose State certifications were valid at the time of application but expired before EPA reviewed their applications.

b. Incomplete applications. Applications which are deemed incomplete will be returned to the applicants. The applicants may reapply for certification at any time but may not legally perform lead-based paint activities after March 1, 2000 without some form of valid certification.

2. Individuals did not apply by March 1, 2000 but who have valid State or Tribal certification.

These individuals may not perform lead-based paint activities in a non-authorized State or Tribe after March 1, 2000 until they have applied for and received final EPA certification.

E. Individuals with no valid form of lead-based paint certification.

These individuals may not perform lead-based paint activities in an EPA-run State after March 1. They must either (1) take an EPA-accredited course and receive interim certification, or (2) become fully certified in an authorized State or Tribal program, apply to the Federal program and be certified by EPA before they can legally perform lead-based paint activities in a non-authorized State or Tribe after March 1.

II. FIRMS

A. Firms who have received EPA certification.

Fully certified firms may continue to perform lead-based paint activities in non-authorized States and Tribes after March 1, 2000.

B. Firms with applications postmarked March 1, 2000 or earlier.

a. Complete applications. If their applications are deemed complete, these firms will receive letters from EPA which will serve as ~~proof~~ of certification until EPA finishes processing the applications and determines whether these firms are eligible for certification.

b. Incomplete applications. Applications which are deemed incomplete will be returned to the applicants. The firms may reapply for certification at any time but may not legally perform or offer to perform lead-based paint activities after March 1, 2000 without valid firm certification.

C. Firms who did not apply to EPA by March 1, 2000.

Firms may not perform or offer to perform lead-based paint activities in non-authorized States and Tribes after March 1, 2000 without firm certification.

If you have additional questions, please call the Hotline at 1-800-424-LEAD (5323).