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INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**Title:** Lead-Based Paint License Transition

**Identification Number:** Air-030-NPD

**Date Originally Presented:** June 5, 2002

**Date Effective:** July 5, 2002

**Dates Revised:**

**Other Policies Repealed or Amended:** None

**Brief Description of Subject Matter:** Describes IDEM's policy regarding House Enrolled Act 1171 statutory changes to lead-based paint licensing expiration dates.

**Citations Affected:** 326 IAC 23-2-5

This nonrule policy document is intended solely as guidance and does not have the effect of law or represent formal Indiana Department of Environmental Management (IDEM) decisions or final actions. This nonrule policy document shall be used in conjunction with applicable laws. It does not replace applicable laws, and if it conflicts with these laws, the laws shall control. This nonrule policy document may be put into effect by IDEM thirty days after presentation to the Air Pollution Control Board and after it is made available to public inspection and comment, pursuant to IC 13-14-1-11.5. IDEM will submit the policy to the Indiana Register for publication. Revisions to the policy will follow the same procedure of presentation to the board and publication.

**Purpose**

Indiana's lead-based paint rules went into effect on February 6, 1999. These rules require individuals and contractors who perform certain lead-based paint activities to be licensed by the Indiana Department of Environmental Management (Department). House Enrolled Act 1171 (HEA 1171), signed into law by Governor O'Bannon on March 21, 2002, requires that Indiana's lead-based paint licensing expiration date be extended from the current one year required renewal to a three year renewal. The purpose of this nonrule policy document is to provide a method of transferring current lead-based paint license holders (those individuals or contractors maintaining a current lead-based paint license on July 1, 2002) to an expiration date of June 30, 2004 as prescribed

*Indiana Register, Volume 25, Number 10, July 1, 2002*  
3593

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**Nonrule Policy Documents**

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under HEA 1171. In addition, this nonrule policy document will provide for the issuance of lead-based paint licenses with a three year expiration date for all first time licenses issued on or after July 1, 2002, until the Indiana Air Pollution Control Board adopts amendments to effect these changes as required under HEA 1171. Further this nonrule policy document will allow individuals to obtain lead-based paint refresher training every three years rather than the current annual refresher requirement in 326 IAC 23-2-5, as was the intent of the language in HEA 1171. This non-rule policy is intended to provide a transitional process for individuals and contractors to continue to obtain an Indiana lead-based paint license, while the Department is in the rulemaking process to implement the required statutory requirements of HEA 1171.

**Policy**

Initial licenses and renewals of existing licenses issued prior to July 1, 2002, will be valid for one year, as provided by current law. On July 1, 2002, the Department will automatically reissue those licenses with an extended expiration date of July 30, 2004.

- Individuals who apply for an initial or renewal license after July 1, 2002, will be issued a license valid for three years from the date of issuance.
- Individuals whose current training expires prior to July 1, 2002, must take the appropriate refresher training course in the discipline they are seeking licensure within the time frames established under current law.
- On and after July 1, 2002, individuals must take a refresher training course in the discipline they are seeking licensure within the three year period following their last initial or refresher training course.

This nonrule policy document expires on the effective date of amendments to Indiana's Lead-Based Paint Rules (326 IAC 23) incorporation the statutory requirements as outlined in HEA 1171. After the expiration date, all individuals and contractors shall obtain a license as required and outlined in 326 IAC 23.

If you have any questions regarding this policy or lead-based paint licensing, please contact:

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