

ADOPTIONS SECTION

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Notice of Administrative Corrections

Lead Hazard Evaluation and Abatement Code

N.J.A.C. 5:17-2.3, 3.3, and 3.6

Effective Date: February 23, 2023.

Take notice that the Department of Community Affairs (Department) discovered three errors in the text at N.J.A.C. 5:17. These errors are references to the now-amended title of the Department of Health and Senior Services. For consistency, this notice of administrative correction revises the references and instead refers to the current department title, Department of Health.

The Department has requested, and the Office of Administrative Law has agreed to, such correction be made administratively. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the corrected rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 2. CONTRACTOR CERTIFICATION

5:17-2.3 Application for certification

(a) Every application for certification as either a lead evaluation contractor or a lead abatement contractor, or both, shall be made on the appropriate form prescribed by the Commissioner and shall be accompanied by a nonreturnable fee of \$2,518. In the case of firms seeking certification to perform both evaluation and abatement work, two fees shall be paid.

1. Business firms applying to perform abatement on both buildings and superstructures may submit one application for both. Certified business firms wishing to add steel structures to their certification may do so by submitting such documentation as may be required by the Department, including a listing of the New Jersey Department of Health [and Senior Services] certified workers and supervisors in the superstructures disciplines, information concerning their training and refresher training, their ability to use different types of equipment, experience of the firm and of its workers and supervisors in the field of lead abatement, and information concerning any activities that might create a conflict of interest, as defined [in] **at** N.J.A.C. 5:17-

2.2. No separate application or application fee shall be required to add superstructures to a contractor's certification for lead evaluation or abatement.

(b)-(c) (No change.)

SUBCHAPTER 3. EVALUATION AND TESTING

5:17-3.3 Certification to perform evaluation services; standards

(a)-(b) (No change.)

(c) The contractor shall allow the Department access to the job site at any time while evaluation is ongoing. The contractor shall also make available to the Department, upon request, any documentation relevant to the job. The Department of Health [and Senior Services] shall be

accorded the same access to job sites and documentation in administering its enforcement responsibilities.

5:17-3.6 Reports and certificates

(a) Report: At the completion of all testing and evaluation, [as per] **pursuant to** this subchapter, an inspector/risk assessor shall provide the owner with a complete report of all testing performed and all results.

1. The report shall include:

i.- iv. (No change.)

v. The name and signature of each inspector/risk assessor conducting testing (including the New Jersey Department of Health [and Senior Services] certification number);

vi.- xii. (No change.)

2. (No change.)

(b)-(d) (No change.)