



BUREAU OF OCCUPATIONAL & INDUSTRIAL SAFETY

**Written Testimony of Jennifer Berrier  
Director for Bureau of Occupational & Industrial Safety  
Department of Labor & Industry**

**Testimony Before the Senate Environmental Resources and Energy Committee  
Pittston, Pennsylvania  
October 30, 2017**

Good afternoon, Chairman Yaw, Chairman Yudichak and members of the Senate Environmental Resources and Energy Committee. Thank you for the opportunity to testify today regarding lead exposure and mitigation and the Department of Labor & Industry's role.

Since 1995, the Department has been statutorily charged with enforcing the Lead Certification Act and its regulations. Since that time, the Bureau of Occupational & Industrial Safety (BOIS) has been administering and enforcing the Act's provisions. The purpose of the Lead Certification Act is to protect public health by ensuring that individuals who engage in lead-based paint activities are properly trained with necessary skills, experience and competence, to monitor work practices of individuals and companies engaged in lead-based paint activities, and to ensure that cleanup and disposal of lead-based paint are performed in accordance with required standards.

To accomplish this goal, the Act requires that companies, individual workers, and training providers who perform work in Pennsylvania are to be certified by the Department. In order to gain an individual worker or project designer certification, which lasts one year, an individual must complete an application and provide information showing that the individual received training and passed an exam from an approved lead abatement training provider. For individuals applying for inspector, risk assessor, or supervisor certifications, they must also pass a test compiled by the Environmental Protection Agency (EPA) and administered by the Civil Service Commission. Once the Department receives the required information it needs, it will issue a letter approving a certification for the individual. The individual then takes the letter to PennDOT where a photo license is issued.

For a training provider to achieve accreditation, it must submit an application demonstrating to the Department that it has met the approval standards of EPA. Training providers are required to apply to the Department for accreditation for each course it offers and must provide the Department with notification of when it intends to offer courses at least five days before the first course.

For a company to achieve accreditation, it must submit an application to the Department showing that it will use only certified individuals for lead abatement activities and that it utilizes safe work practices. A company is responsible for notifying the Department of a lead abatement project five days prior to its start. The company must maintain thorough records of each project

with the following information: project location, name and contact information of the building owner, length of project, location of where the abated materials will be disposed, and detailed information on the individuals performing abatement (names, certification number, job classification, and start and end time).

Training course and project notifications aid the Department in ensuring that individuals and companies are complying with the Act. The Department has six lead-certified statewide inspectors who use the notifications to make unannounced visits and audit providers and companies to confirm that recordkeeping requirements are being met and that safe work practices are being followed. Aside from these audits, the Department's inspectors also receive complaints which are investigated to determine compliance with the Act. The Department's enforcement authority for violations includes issuing formal warning letters, denying, suspending or revoking certifications, issuing orders shutting down a project or course, and seeking administrative penalties that range from \$1,000 to \$10,000.

For federal fiscal year 2017, the Department accredited 13 training providers, 100 courses, 803 individuals, and 104 companies. The Department received 572 notifications and conducted 270 inspections/audits that resulted in 19 enforcement actions. It is anticipated that the number of inspections and audits will increase since the Department was recently awarded a three-year lead grant by EPA. The Department intends to use the grant to make technological enhancements and boost resources through increased networking and training with federal and state agencies. When the grant funds are exhausted, the Department will apply for a new EPA lead grant.

The Department remains committed to protecting the public by ensuring that lead abatement courses are given by accredited training providers and that work on lead abatement projects is performed by certified individuals. In the near future, the Department will look at revising the Lead Certification Act and its regulations to further improve upon public safety. In doing so, the Department will seek assistance from its sister agencies for input and guidance as part of the concerted effort to attack this extremely serious safety concern.

Again, Chairman Yaw, Chairman Yudichak and Committee Members, thank you for the opportunity to testify today. I look forward to working with you to further the goal of improved public safety.