

10A NCAC 41C .0805 ACCREDITATION OF TRAINING COURSES

(a) Training courses taught in North Carolina for lead certification shall be accredited by the Program, and shall be offered by an accredited training provider, pursuant to Rule .0806 of this Section. If the course is accredited by a state, tribe, or territory that has a written reciprocating agreement with the Program, the course shall meet the requirements of Paragraphs (b), (c), (e), (h), and (i) of this Rule and Rule .0806 of this Section to become accredited by the Program.

(b) A training provider may apply for initial and refresher training course accreditation for any of the following disciplines: inspector, risk assessor, supervisor, project designer, and worker. Training provider applying for accreditation shall submit a completed training course application to the Program for review and approval, pursuant to Paragraph (e) of this Rule. Once a training course is accredited, any changes in curriculum, hands-on exercises, principal instructor, or quality control plan from the original course accreditation application shall be approved by the Program prior to implementation.

(c) For all courses, the training provider shall administer a closed book examination. Initial courses, except the Project Designer Course shall also include a hands-on skills assessment. The initial course examination shall consist of a minimum of 50 multiple choice questions, and the refresher course examinations shall consist of a minimum of 25 multiple choice questions.

(d) Training courses shall be evaluated for accreditation purposes by the Program for course administration, course length, curriculum, training methods, instructors' qualifications, instructors' teaching effectiveness, technical accuracy of written materials and instruction, examination, and training certificate. The evaluation shall be conducted using 40 CFR Part 745 Subpart L.

(e) Training course providers shall submit the following for evaluation and accreditation by the Program:

- (1) a completed application on a form provided by the Program, along with supporting documentation. The form and supporting documentation shall include the following:
 - (A) name, address, and telephone number of the training provider, and name and signature of the contact person, training manager, and principal instructor;
 - (B) course title, location and the language in which the course is to be taught;
 - (C) course agenda;
 - (D) a copy of all written instructional material used;
 - (E) learning or performance objectives for each topic to be taught;
 - (F) a copy or description of all audio/visual materials used;
 - (G) a description of each hands-on training activity and skills assessment, including criteria for student proficiency;
 - (H) a description of instructional facilities and equipment;
 - (I) a copy of a sample exam with correct answers marked;
 - (J) a sample certificate with the following information:
 - (i) Name, address, and social security number of student;
 - (ii) Training course title specifying initial or refresher;
 - (iii) Inclusive dates of course and applicable examination;
 - (iv) Statement that the student successfully completed the course and passed the required examination and hands-on skills assessment;
 - (v) Unique certificate number;
 - (vi) Printed name and signature of the training course manager and printed name of the principal instructor;
 - (vii) Name, address, and telephone number of the training provider;
 - (viii) Training course location;
 - (ix) For worker training courses taught in languages other than English, the certificate shall indicate the language of the course; and
 - (K) a list of accredited lead training courses currently being provided for certification.
- (2) A list of instructors who will teach in North Carolina and their qualifications in accordance with Paragraph (f) of this Rule.
- (3) A copy of the course quality control plan that meets the requirements of 40 CFR 745 Subpart L Subsection .225(c)(9).

(f) All instructors and training managers shall be approved by the Program. Any person seeking approval as a training manager or instructor for courses covered under these Rules and taught in North Carolina shall meet the following requirements:

- (1) Training managers and instructors shall meet the requirements of 40 CFR 745 Subpart L Subsection .225(c), except that guest instructors who teach work practice topics and hands-on training shall meet the training requirements for principal instructors; however, guest instructors whose course instruction is limited to conducting training for XRF instruments are not required to meet the requirements for principal instructors;
 - (2) Principal instructors and guest instructors who teach work practice topics or hands-on training shall meet the training requirements for certification, pursuant to Rule .0802 of this Section, for the discipline in which instructor approval is sought; and
 - (3) All training providers shall submit to the Program a completed application with the following information:
 - (A) name, address, and telephone number of the applicant;
 - (B) name, address, and telephone number of the training provider that is employing the applicant;
 - (C) when training course completion is a requirement, confirmation of completion of an accredited initial or refresher training course from the training agency, the confirmation shall be in the form of an original certificate of completion of the accredited training course or the following information: the course title, dates of instruction, names of instructors, name, address, and telephone number of the training provider;
 - (D) when education is a requirement, a copy of the diploma or other written documentation; and
 - (E) when work experience is a requirement, documentation of relevant work history, including employer name, address, and telephone number, positions held, dates when positions were held, and legible copies of any relevant licenses, registrations, or certifications.
- (g) An application for course accreditation shall be processed as follows:
- (1) The Program shall review the application and supporting documentation and advise the applicant of any deficiencies. If the deficiencies are not corrected within one year from the date of application, the application and any supporting documentation may be returned to the applicant and the applicant shall be required to re-submit a completed application. Approval of submitted documentation does not constitute course accreditation;
 - (2) If the submitted documentation meets all applicable requirements of this Rule, the Program shall notify the applicant of this and also advise the applicant that it may contact the Program to schedule an on-site audit. The on-site audit shall be of a class of at least two student attendees and taught in North Carolina;
 - (3) If the Program determines, as a result of the on-site audit, that the training course meets all applicable requirements of this Rule, it shall issue course accreditation. If the course does not meet these requirements, the Program shall notify the applicant of the deficiencies and advise the applicant that it may request one additional on-site audit, which shall be held no more than six months from the date of the first audit;
 - (4) If the Program determines, as the result of the second audit, that the training course meets all applicable requirements of this Rule, it shall issue course accreditation. If the course does not meet all these requirements, the Program shall notify the applicant of the deficiencies, return all application materials, and advise the applicant that it may not reapply for course accreditation for the audited course for a period of six months from the date of the last audit.
- (h) Training course providers shall perform the following in order to maintain accreditation of all initial and refresher courses:
- (1) Issue a certificate of training meeting the requirements of Part (e)(1)(J) of this Rule to any student who successfully completes the required training, passes the hands on skills assessment, and passes the applicable examination.
 - (2) Submit to the Program written notice of intention to conduct a training course for North Carolina lead certification purposes if the course is to be taught in North Carolina. Notices for training courses, except lead worker, shall be postmarked or received 10 working days before the training course begins. Notices for lead worker training courses shall be postmarked or received five working days before the training course begins. If the training course is canceled, the training course provider shall notify the Program at least one working day prior to the scheduled start date.

Notification of intent to conduct a training course shall be made using a form provided by the Program and shall include the following:

- (A) Training provider name, address, telephone number and contact person;
 - (B) Training course title;
 - (C) Inclusive dates of course and applicable exam;
 - (D) Start and completion times;
 - (E) Location of the course facility and directions to the course facility if the site is not routine for the training provider;
 - (F) Language in which the course is taught;
 - (G) Principal instructor; and
 - (H) Signature of the training manager.
- (3) Notify the Program, in writing, at least 10 working days prior to the scheduled course start date, of any changes to course length, curriculum, training methods, training manual or materials, instructors, examination, training certificate, training course manager or contact person.
 - (4) Submit to the Program information and documentation for any course approved under Paragraph (e) of this Rule if requested by the Program.
 - (5) Ensure that all training managers and instructors are approved by the Program.
 - (6) Ensure that all training courses covered under this Rule meet the requirements of 40 CFR Part 745 Subpart L, Subsection 225(c), (d), and (e) and the following requirements:
 - (A) The instructor must follow the curriculum that was approved by the Program or a state, tribe, or territory with whom the Program has a reciprocity agreement. The schedule may be adjusted, but all curriculum elements shall be covered.
 - (B) All initial and refresher training courses shall have a maximum of 40 students;
 - (C) A day of training shall include at least six and one-half hours of direct instruction, including classroom, hands-on training or field trips;
 - (D) Work time and instruction time shall not exceed 12 hours in a 24 hour period;
 - (E) A training course shall be completed within a two-week period;
 - (F) A single instructor is allowed only for a worker course. Other initial disciplines shall have a minimum of two instructors;
 - (G) Instructor ratio for hands-on training shall be no more than 10 students per instructor;
 - (H) All course materials shall be in the language in which the course is being taught;
 - (I) Each training course shall be discipline specific;
 - (J) Students shall be allowed to take an examination no more than twice for each course. After two failures, the student shall retake the full course before being allowed to retest; and
 - (K) Training providers shall provide examination security to prevent student access to the examination materials before and after the exam. Training providers shall take measures to preclude cheating during the exam, such as providing space between students, prohibiting talking, and monitoring students throughout the exam.
 - (7) Verify, by photo identification, the identity of any student requesting training.
 - (8) For each course accredited by the Program, and taught in North Carolina, the training provider shall submit a completed renewal application on a form provided by the Program. Effective July 1, 1999, a renewal application shall be submitted prior to the next course offering and annually thereafter. If an annual training course renewal lapses, the provider shall submit a renewal application prior to offering the course again in North Carolina.
 - (9) Work practice and worker protection demonstrations and hands-on exercises, including, but not limited to respirator fit testing, presented in all training courses covered under this Rule shall be conducted in accordance with Rule .0807 of this Section and 29 CFR 1926.62, which is hereby incorporated by reference, including any subsequent amendments and editions. Copies may be obtained by writing the NC Department of Labor, Bureau of Education, Training and Technical Assistance, 319 Chapanoke Road, Suite 105, Raleigh, NC, 27603, at a cost of ten dollars and sixty cents (\$10.60).
- (i) Training course providers shall permit Program representatives to attend, evaluate and monitor any training course, take the course examination and have access to records of training courses without charge or hindrance to the Program for the purpose of evaluating compliance with these Rules. The Program shall perform periodic and unannounced on-site audits of training courses.

(j) In accordance with G.S. 130A-23, the Program may suspend or revoke accreditation for a training course for any violation of G.S. 130A, Article 19A or these Rules and may revoke accreditation upon revocation of accreditation by the EPA or by an EPA authorized accreditation program.

*History Note: Authority G.S. 130A-453.07; 130A-453.11; 150B-21.1(a)(3);
Eff. July 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February
16, 2019.*