

**WAC 365-230-350 Recognized test kits.** (1) Effective June 23, 2008, EPA recognizes the test kits that have been determined by National Institute of Standards and Technology research to meet the negative response criteria described in subsection (3)(a) of this section. This recognition will last until EPA publicizes its recognition of the first test kit that meets both the negative response and positive response criteria in subsection (3) of this section.

(2) No other test kits will be recognized until they are tested through EPA's Environmental Technology Verification Program or other equivalent EPA-approved testing program.

(a) Effective September 1, 2008, to initiate the testing process, a test kit manufacturer must submit a sufficient number of kits, along with the instructions for using the kits, to EPA. The test kit manufacturer should first visit the following website for information on where to apply: <http://www.epa.gov/etv/howtoapply.html>.

(b) After the kit has been tested through the Environmental Technology Verification Program or other equivalent approved EPA testing program, EPA will review the report to determine whether the required criteria have been met.

(c) Before September 1, 2010, test kits must meet only the negative response criteria in subsection (3)(a) of this section. The recognition of kits that meet only this criteria will last until EPA publicizes its recognition of the first test kits that meet both of the criteria in subsection (3) of this section.

(d) After September 1, 2010, test kits must meet both of the criteria in subsection (3) of this section.

(e) If the report demonstrates that the kit meets the required criteria, EPA will issue a notice of recognition to the kit manufacturer, provide them with the report, and post the information on EPA's website.

(f) If the report demonstrates that the kit does not meet the required criteria, EPA will notify the kit manufacturer and provide them with the report.

(3) Response criteria.

(a) Negative response criteria. For paint containing lead at or above the regulated level, 1.0 mg/cm<sup>2</sup> or 0.5 percent by weight, a demonstrated probability (with 95 percent confidence) of a negative response less than or equal to 5 percent of the time.

(b) Positive response criteria. For paint containing lead below the regulated level, 1.0 mg/cm<sup>2</sup> or 0.5 percent by weight, a demonstrated probability (with 95 percent confidence) of a positive response less than or equal to 10 percent of the time.

[Statutory Authority: RCW 70.103.10 [70.103.010], 70.103.20 [70.103.020], 70.103.30 [70.103.030], 70.103.40 [70.103.040], 70.103.50 [70.103.050], 70.10.80 [70.103.080], and 70.103.90 [70.103.090]. WSR 11-07-067, § 365-230-350, filed 3/21/11, effective 4/21/11.]