



Asbestos 101

This newsletter is on the MDE web site: <http://www.mde.state.md.us/asbestos>

March 2010

FREE HELP FOR SCHOOLS!

Providing asbestos documentation assistance to the small schools has been a challenge for this agency. We will be offering four dates, in April & May 2010 at the following locations: Horn Point – Cambridge (Tuesday April 27, 9 am – 4 pm); MDE HQ – Baltimore (Thursday April 29, 1 – 8 pm); Western MD Hospital Center – Hagerstown (Tuesday May 11, 9 am – 4 pm); and Charles County Board of Education - La Plata (Wednesday May 19, 9 am – 4 pm). This is an opportunity to bring your asbestos documents and make sure that your documents meet AHERA standards. Don't worry - we want to make it easy for you to comply - these help sessions will not trigger an inspection of your school. Our experts are here to help and to sit down with you, one-on-one, to go over your documents and help you bring them up to date and answer any questions you may have about satisfying the asbestos requirements. This is particularly helpful to those schools that have done nothing yet. We will provide forms, copies of the regulations, and other publications to assist you. There will be no formal presentation at the workshops, just assistance focusing on small schools. Invitations will be sent shortly, but if you want to register early, you can register by e-mail to Ivermont@MDE.State.MD.us, or call us at 1-800-633-6101 ext 3200.

TRAINING PROVIDERS . . .

On the training provider applications, please list on page one all of the courses for which a submission is being made. Do not provide a separate page one for each course. You also do not need to pay for each course separately; the fees may be combined into one check. As long as you send the page one, properly filled out, with the check to the lockbox there will be no problems for you or us. When you are applying for more than one course per application, the questions concerning the training schedule and how photo identification cards are issued and secured only needs to be addressed one time on the application and separate pages are not required for each individual course. Please make sure that information in your application is entered for one year prior to the training provider application submittal.

Photo Identification Documents (PID). Each accredited person in Maryland who works as a supervisor, worker, foreign language worker, project designer, inspector, and/or management planner must carry a PID while performing any of the above jobs. This means that the card is with the person at the job, not in the office. The card must be an original, not a copy and the inspectors must be able to see the original at the time of the inspection.

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410-537-3000 | 800-633-6101 | TTY Users: 800-735-2258

Martin O'Malley, *Governor* | Anthony G. Brown, *Lt. Governor* | Shari T. Wilson, *Secretary*
Air & Radiation Management Administration

Published by Asbestos Division, Lorraine Anderson, Editor



A PID from an approved out of state training provider may be used if the card is issued from a State that has an approved Model Accreditation Plan from EPA. If you have a MD PID, note that the training, expiration, and exam dates are clearly stated on the card. Any employer in MD may ask that a person with out of state documentation obtain a MD PID, and that can be done in our office on the 1st and 3rd Tuesday of each month. It is not wrong for the employer to ask for the MD PID. See the MDE web site for more information in Asbestos Forms (Photo Op Day Schedule and Instructions). If you need an accredited person for any work at your facility, make a copy of the PID for your records. This is especially important when the facility is a school.

Some of the training providers have received Notices of Violation (NOV). These are exactly what the name implies. The notices have been issued for late reporting of classes well beyond the 10 working days that are allowed in COMAR 26.11.23.11 J(2). (These are MDE working days.) Others were issued for failing to account for a large number of blank photo identification cards and failing to submit renewal applications on time. The latter is not a problem unless you are teaching classes *AFTER* the course approvals have expired. It is a problem if you wish to continue with business as usual, which you may do only if the fee and application are received *BEFORE* the course approval expires.

If violations are not corrected promptly, following the issuance of a NOV, further action may be taken including assessing a penalty.

Some of the training providers are not keeping close track of what they send in and then are surprised when the Department's records indicate there are many cards not accounted for or are listed as "nondisposed". These are cards that have been issued to the training provider and we have no other record of their disposition. Whenever you ask for more cards or submit an application, your card inventory is compared with the Department's records. If the training provider has a large number of nondisposed cards, then more cards cannot be issued until this discrepancy is reconciled. Voided cards seem to get lost in the "shuffle". These must be accounted for, too, and must be returned as soon as possible. If you destroy a card or lose a card, you must document this in a letter on your letterhead, not an email. These will be entered in our records as *voids, destroyed and not returned*. You need to do the same for your records.

You may submit the class rosters and copies of photo id cards by email. If we have not acknowledged receipt of these in a couple days, ask about them. If the attachment is too large (>4MB) then the Department's email system will reject the email. The good thing about emails is that you will receive a receipt once the items are printed and reviewed. The submittals are also stored so they are available when records are being reconciled. Submittals sent via the postal service are not acknowledged in this manner.

SCHOOLS ...

Please make sure that if you are preparing your first inspection and management plan that you use our mandatory forms that may be found at our website under Forms. If you have lost your plan and need to replace it, you will need to use these forms, too. Our inspectors are still finding the same violation of the AHERA rules: no management plan, no reinspection, no periodic surveillance, no annual notification, etc. In other words, it seems to be violations as usual. If you need help, please call us rather than wait for an inspector to find the problems.



During the latest quarter of AHERA inspections, the following schools were found to be in compliance with the regulations. Good job!

- Frederick County Public Schools Headquarters
- Ballenger Creek Middle School
- Windsor Knolls Middle School
- College Parkway Creative Beginnings School
- Maryland Church on the Rock Christian Academy

CONTRACTORS' CORNER . . .

(Tim O'Hare, Section Head, Asbestos Licensing & Enforcement Section)

Clarification, or What Constitutes an "Emergency"

Emergency, defined as an unplanned operation that "...results from a sudden, unexpected event that, if not *immediately* (emphasis mine) attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden." Some points to consider: One, your first responsibility is to take care of the emergency. Having first done this, notify the Department as early as possible, preferably with a phone call, as long as it's no later than the next day. Two, if you have questions as to whether something is an emergency or not, it probably isn't. Three, if you want to start in a couple of days, it almost certainly is not an emergency. Four, if the owner has had time to put the project out for bids, it is not, repeat, not an emergency. Five, if you are invoking an unreasonable financial burden, please make sure the financial burden can be documented. Finally, if the extent of the emergency renovation is below the NESHAP threshold, even if the building is "NESHAP for the year", fax me before leaving for the emergency project. I hope this clears things up.

As some of you may have noticed, we have been issuing Administrative Settlement letters (ASL). This is an enforcement tool used when a significant violation has occurred and has been corrected. Please note that penalties may increase if violations are repeated, showing a recurring pattern. The following are some examples of ASLs that have been completed since the last newsletter.

- ASL mailed 8/21/09 for \$2,000 – Violation – The contractor allowed his asbestos license to expire and continued performing asbestos projects.
- ASL mailed 8/21/09 for \$2,000 – Violation – The licensed asbestos contractor was inspected and was found to be in violation of the adequately wet requirement.
- ASL mailed 8/21/09 for \$1,000 – Violation – Dry asbestos debris was found at an asbestos project by an asbestos inspector.
- ASL mailed 12/28/09 for \$1,000 - Violation - asbestos workers at the site were found to have their hoods down during an asbestos project inspection.
- ASL mailed 12/11/09 for \$1,500 - Violation - asbestos workers at the site were found to have their hoods down during an asbestos project inspection and danger signs were not posted.

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STATESIDE...

Management plans for state facilities were due on September 30, 2009. If you have not sent in your plan, please call your inspector and let them know a date when you will have the management plan done.

If your employees are late for class, they may have to return to work and take the class later. There is a minimum time that persons must attend a class. Please note that the initial auto class will be held at MDE until further notice.

STATE EMPLOYEE TRAINING CALENDAR

These classes are only for state employees.

March 2010	April 2010
31 Supervisor Recert – MDE Stat Room	14 Worker Recert – MDE Stat Room
May 2010	June 2010
5 Automotive Worker – MDE Stat Room 12 Inspector/Management Planner Recert – MDE Stat Room	9 Worker Recert – MDE Stat Room
July 2010	
14 Supervisor Recert – Aqua Conference Room	If you must cancel your scheduled training, your supervisor must call Sharon Manger at 1-800-633-6101 ext. 3200 or e-mail SManger@mde.state.md.us

Anyone interested in being added to our list for the newsletter, please e-mail Larry Vermont at lvermont@mde.state.md.us or call at 410-537-3200 to get the newsletter mailed.

