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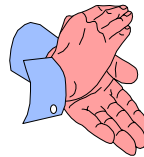
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# Asbestos 101

## EDITOR'S NOTES...



*This newsletter is on the MDE website: <http://www.mde.state.md.us>.*

Yes, there is dancing in the aisles because June 19<sup>th</sup> was the day that the proposed regulations were published in the *Maryland Register*. These are the proposed changes to COMAR 26.11.21, Control of Asbestos and COMAR 26.11.23, [School] Asbestos Accreditation of Individuals, and Approval of Training Courses. ("School" is in brackets because it is part of the proposed changes and this shows that the word will be removed from the title.)

Two public hearings will be held in July:

1. July 21, 1998 (Tuesday), 10 A.M. to 12 Noon in the Central Office Auditorium  
Washington County Board of Education  
820 Commonwealth Avenue  
Hagerstown, MD 21740
2. July 22, 1998 (Wednesday), 10 A.M. to 12 Noon  
Rice Auditorium (March 1997 stakeholder meeting was held here.)  
Spring Grove Hospital Center  
Catonsville, MD 21228

You may attend either hearing. These two hearings will follow the same format and are in two places for the convenience of our stakeholders. At the hearing, a statement will be read that summarizes the purpose of the hearing and proposed regulations. You may give comments verbally, submit written comments, or both. You may also submit written comments to the Department during the 30 day comment period which ends at close of business (COB) on July 22, 1998. If you need directions to either site or wish to obtain a copy of the proposed regulations, please contact me at the phone number and address to the left on this page. You may also send a request via e-mail to: [mknight@flash.net](mailto:mknight@flash.net). The regulations should be finalized in August.

The following is a brief summary of the changes that are proposed for the regulations. *(Please note that the changes described are only proposed and are not final at this time.)*

1. COMAR 26.11.21 - Control of Asbestos. This is the COMAR chapter that regulates friable asbestos (or asbestos made friable by the abatement method) projects that are conducted in Maryland. These regulations also describe how a person applies for a contractor's abatement license. The operations and maintenance (O&M) training is described in regulation 26.11.21.13.

The following *PROPOSED* changes affect regulations 26.11.21.10 and 26.11.21.11. In regulation .10, the fee structure is being amended to raise the fees and remove the \$300 fee category. The \$75 fee for 1-2 employees is being increased to \$125 and the fee for more than 2 employees will be increased to \$750. There will no longer be a category for 3-5 employees.

In regulation .11, the Department will acknowledge the receipt of an application 30 days after receiving it instead of 15 working days. Within 15 working days after the acknowledgment of the application, the Department will notify the applicant of any deficiencies in the application.

Further changes to this chapter, 26.11.21 - Control of Asbestos are being drafted at this time and will be published later.

2. COMAR 26.11.23 - [School] Asbestos Accreditation of Individuals and Approval of Training Providers. This COMAR chapter regulates asbestos training providers who provide the worker, supervisor, inspector, management planner, and project designer training courses. These courses are required for individuals conducting certain activities in schools. The Asbestos School Hazard Abatement Reauthorization Act (ASHARA) regulations enacted in 1994 extended some of these training requirements to

individuals working in public and commercial buildings. The requirement for an asbestos management plan was not extended to public and commercial buildings. Nor were owners of public and commercial buildings required to conduct an inspection for asbestos as the schools were required to do. However when persons who carry out inspection activities such as taking samples for a survey, this person must be accredited. Those training providers offering and those individuals needing O&M training are covered in COMAR 26.11.21 - Control of Asbestos.

At the time that the ASHARA regulations were published, each state was given six months after that state's next legislative session to make any necessary changes to its regulations so that the state's current or new Model Accreditation Plan (MAP) would be at least as stringent as the EPA requirements. Maryland's changes required some changes to the statute before we could make the necessary changes to the COMAR chapter. The basic change that the Department was required to make was to extend the accreditation requirements of the MAP to those individuals who conduct certain asbestos activities in public and commercial buildings. These changes necessitated adding some definitions and made requirements more stringent for rescinding accreditation of individuals and for the revocation of a training provider's approval.

The changes that are *PROPOSED* affect all the regulations in this chapter.

*.01 Definitions*. The definition of a "public and commercial building" was added and some of the definitions were revised to reflect the requirements for those individuals working in public and commercial buildings. These include the inspector, project designer, worker, and supervisor. The management planner definition was not changed since management plans are not required for public and commercial buildings and so an accredited management planner is not necessary.

*.02 Applicability.* Certain regulations now apply to those individuals performing certain activities in public and commercial buildings who need accreditation. Those persons performing inspections who were exempted by ASHARA are exempted in these regulations e.g. the individual who conducts the 6 month periodic surveillance in schools as described in the definition of an "inspection". Again, O&M is exempted from these regulations because O&M training is not one of the five disciplines for which accreditation is required.

*.03 Accreditation.* The fee for replacement photo identification cards has increased from \$10 to \$25. The national examination, or the "blue/gold" card, has been removed from the regulations. At this time only one state uses it and the use of the exam does not affect reciprocity for accredited individuals coming to work in Maryland.

*.04 General Training Requirements for Accreditation Applicants. - .09 Project Designer.* The changes in these six regulations reflect the changes that were part of ASHARA, longer course times for certain courses and corrected references to the asbestos construction standard, 29 CFR 1926.1101, and the new respiratory protection standard, 29 CFR 1910.134.

*.10 Training Course Application.* This regulation describes the proposed fee change which is a fee of \$100 per day, or portion thereof, for each day of an approved training course. For example, the annual application fee for the five (5) day supervisor course is \$500 or \$100 for a one (1) day refresher course and also for the 1/2 day inspector review course.

Please note some minor changes in the materials for submittal such as the list of states in which a course is approved. The requirements for a foreign language course mirror those of the worker initial and worker review course. The same application fee will be charged for these courses. Please note the requirement in the regulations for an instructor who is experienced in the sub-

ject matter and fluent in the language of instruction. You may not use a translator.

*11. Training Provider Course Requirements.* Please note the detailed recordkeeping requirements. Training providers must also use a printer or typewriter to fill out the photo identification cards, except for the original signatures. The training provider must also submit a color photo along with the forms when submitting the training class information. You may also use a color scanner if the quality is acceptable to us.

*12. No major changes.*

*13. Duration, [and] Renewal, and Transfer of Training Approval.* Training providers will no longer be able to transfer approvals when companies are bought and sold. A new application will have to be made at the time of the transfer.

*14. -15.* Check these regulations very carefully because there are several conditions described under which a training course approval may be revoked or suspended. In regulation .15, the requirements are described for withdrawing the accreditation of an individual.

Overall the changes that are proposed are what the Department needs to prepare a revised MAP that will be approved by the EPA. When this happens the Department will be able to accept applications for new training providers and for courses not now approved by the Department. Any increase in fees will be in effect as soon as the regulations become final.

## **CONTRACTORS' CORNER...**

If you have any questions about AMA 20's issued between 1/5/98 and 4/14/98, inclusive, please call Mrs. Gemma at 410 631-3200 or e-mail her at: [jgemma@mde.state.md.us](mailto:jgemma@mde.state.md.us).



## **STATESIDE...** by Dave Ralls

*Floor Tile Alert - Myth No. 2\**. Floor tile mastic does not contain asbestos. NOT TRUE.

A state facility used dry methods and hand scrapers to remove approximately 6000 ft<sup>2</sup> of 12x12 floor tiles and mastic. The mastic tested positive for chrysotile, 1.2% by TEM and 3-8 % by PCM. The tiles were broken into small pieces and placed in an ordinary dumpster.

The workers were not trained nor was there a trained supervisor to oversee their activities. The workers and supervisor were not using respirators nor the disposable clothing required by the Executive Order (.01.01.1987.22) for asbestos projects.

Maryland Occupational Safety and Health (MOSH) conducted a compliance inspection and issued several citations for alleged violations of 29 CFR 1926.1101, the asbestos construction standard. The alleged violations included: no exposure assessments for employees, no asbestos determinations in the building, failure to have a trained supervisor/competent person on-site, failure to notify tenants and others about the asbestos in the building.

The facility also violated requirements of the Executive Order by not requiring all the employees

to have the proper medical monitoring and training *prior* to performing the asbestos project. The facility also exceeded the NESHAP quantity, 260 ft<sup>2</sup>, which is a violation of the Executive Order. Any further asbestos projects in this facility will require the facility to notify both MDE and EPA.

Level II employees will not be allowed to remove any asbestos in the facility for the remainder of the calendar year. The facility will have to hire licensed asbestos contractors for any further asbestos projects in this facility.

*\*Myth No. 1:* Remember the 12x12 floor tiles on the floor of an elevator that were removed by hand sanders? The tiles tested positive for asbestos. (See the March 1997 issue of Asbestos 101.)

These are training classes for state employees and are not open to the public.

July 21 30	1998 ASHS Worker R	August 7 11 20 27	1998 Auto IMPR Supervisor R ASHS
September 3 14-18	1998 Worker R Supervisor I	If you must cancel, call Mrs. Manger at (410) 631-3801 or (800) 633-6101,-3801 or please use e-mail: smanger@mde.state.md.us	