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# Asbestos 101

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

## EDITOR'S NOTES...

In the last newsletter, I mentioned that, in the near future, social security numbers (SSN) will be required for all of those who attend the asbestos training classes. The training providers have been instructed to collect a social security number for each trainee. *Photo identification cards will not be issued to those persons who do not provide a SSN at the time of training.*

The Business, Occupational and Professional License Suspension (BOPLS) Program began May 1, 2000. This program is an activity of the Child Support Enforcement Administration (CSEA) which is part of the Department of Human Resources. This program seeks suspension of the licenses of persons who are more than 120 days behind in court ordered child support. This is the measure of last resort which will be used when all other attempts to obtain the child support such as garnishing wages, suspending drivers' licenses, confiscating tax refunds, etc. have failed.

*NOTE: This program is only for suspension of licenses held by individuals, NOT a license for a company such as the license for an asbestos abatement company. Licenses for dentists, doctors, veterinarians, lead workers, plumbers, etc. are subject to the BOPLS Program.*

The program is a requirement from the federal government passed on to states as part of welfare reform. The state was obliged to start this program in order to continue to receive certain federal funds.

When CSEA reaches the point of asking for suspension of the license, CSEA polls all agencies known as licensing authorities, such as MDE, to determine which agencies have issued licenses to the person in questions. The query uses the social security number and as much other information as CSEA has on the person. As soon as we get this information and there is a "hit" we are obliged to notify CSEA that the person holds license(s) from MDE. If the license holder does not satisfy arrearages, then CSEA will ask MDE to seek suspension/revocation of e.g., the asbestos worker's license a.k.a. photo identification card. This notice is made in writing so we will need an address. This is important so that the license holder can appeal the suspension or revocation of the license. *The CSEA will ask MDE to suspend the license only after all appeals to CSEA are exhausted.*

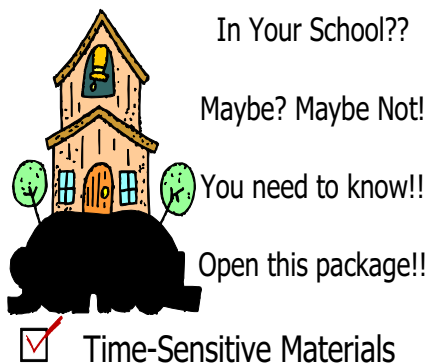
The holder of the license will be able to appeal the MDE notice of suspension only on the basis that license holder has been incorrectly identified as the person whose license is in question.

In the near future the training providers will have to supply the Department with the trainees' addresses so this is why they are collecting addresses at this time. We are waiting for the Department to finalize the method by which SSN's, addresses, etc., will be collected for a central database. The collection method will be a form that the trainee fills out and the training providers send to the Department.

It is important to remember to explain to employees who are attending training classes that they must provide accurate information. The Department's attorneys who are working on this issue have also said that *all licenses* that a person has are in jeopardy, not just the one that CSEA might ask about. With the SSN in a central database, the information on an individual will show *all licenses* issued by MDE to that individual. Remember, too, that CSEA will be asking about all licenses held by individuals issued by any state agency in Maryland. The only exceptions are for lawyers and the recreational licenses such as fishing and hunting licenses. Please call me for copies of the regs or statute.

## SCHOOLS...

### ASBESTOS??



*If you see that label on a brown envelope from our office, please open it and act as quickly as possible on the contents.* These are the information packages with a "60 day" letter for schools "new" to our office. The packages are sent by certified mail with a return receipt so we know when you received it. If we do not receive a management plan, exclusion package, or a statement that your facility is a nonpublic for profit school; the information on your school will be turned over to Region III EPA for further action. That further action will be an enforcement action and assessment of a penalty if you fail to comply with the requirements of the Asbestos Hazard Emergency Response Act (AHERA).

The AHERA became a final EPA regulation on October 30, 1987 and it has not changed!! In simplest terms, schools are required to inspect the facility for suspect asbestos-containing materials. If asbestos is found, then the school must develop a management plan that describes how the asbestos will be handled or "managed". This is not a removal plan, *BUT* is a management plan.

Please call me, Charlie Kobal, Larry Vermont, or Jim Hourihane at 410.631.3801 for further information on AHERA requirements.

Again, and I say again and again, please conduct reinspections as required every 3 years. Do the annual notification to parents, teachers, and staff. If necessary, conduct the 6 month periodic surveillance.

If you cannot find your management plan, call our office and we may have some of the more recent plans. Those submitted prior to 1995-96 are not available and you will need to obtain another plan NOW. There is no expiration date on the management plans. These are living documents and even if all of the asbestos has been removed, you still need the plan and all other records associated with it. Failure to have a management plan is a first priority compliance item. The second priority compliance item is an outdated plan.

## **ASBESTOS FOR ALL...**

Frank Whitehead and I attended the National Asbestos Conference in Chicago April 17-19. This is the fourth such conference and was well attended as usual.

Floor tile abatement is always good for a rousing discussion and it seems more and more states are requiring more stringent methods than NESHAP requires for floor tile. Many states have decided that the floor tile jobs led to too many problems and have declared that floor tile removals must be treated as abatement subject to regulation.

Phil King, the Region V Asbestos Coordinator, gave an interesting presentation on the status of asbestos imports and manufacturing. His survey covered the years from 1989-1998. The data came from the U.S. Department of Commerce. The impression most people have is that, since we are removing asbestos and replacing it with non asbestos materials, importation and manufacturing activities must be down. No, no!! For instance, the amount (tons) of raw chrysotile increased 7 times in those 10 years??!! Crocidolite imports increased almost 6 times??!! One of the biggest increases was a 20 fold increase in the category of cement sheets, panels, or tiles. For the items reported, the 1989 tonnage was 29,645 that increased to 611,537 tons for 1998, about a 20 fold increase!!! Our unanswered question was where is all of this material being used. The U.S. is not importing just finished products. Not all of this material can be used in making products for export. So where is this asbestos??

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

Ms. Lorraine Anderson has taken over John McQuade's position as chief of the asbestos licensing and enforcement division.

Please note that you may not sell protective clothing, respirators, hearing protectors, replacement respirator cartridges, etc. to your employees. If safety shoes are needed, they may pay for these, but not other necessary personal protective equipment. These "sales" may result in a referral to Maryland Occupational Safety and Health (MOSH) and the employee is well within his rights to make a complaint to MOSH.

We have had a lot of rain lately, but unless you are running open-air containments, frequent rain showers do not fulfill the adequately wet requirements.

Please do not send notifications, etc. by fax unless asked to do so. Do not ask if you have to send a revised notification if you end jobs early, start jobs late, etc. The answer is that you have always done this and the rules have not changed.

If you cannot keep fibers, debris, and/or personnel inside the containment, be prepared to do a great deal of extra cleaning at your expense. And you may be further rewarded with AMA-20's and a penalty, courtesy of the Department.

We do not referee contract disputes nor do we question why a school may wish to perform an abatement activity such as floor tile removal under full containment with all the accompanying "bells and whistles". Regulations are minimal requirements so your clients may require anything of you that is legal and makes a legal contract. If you don't like it, don't sign the contract.

Aggressive clearance techniques must be used to finish an abatement project subject to AHERA. This is required regardless of the size of the project [40 CFR 763.90(i)(2)(i)].

Please ask for a variance before the job starts and not the day before you are set to begin, UNLESS it is an emergency!!

# TRAINING PROVIDERS...

Please note that Ms. Manger has and will return certification submittals that have mistakes. We do not call you and correct these via the phone. Social security numbers are a requirement now and any submittals without these will be returned. The MDE-265 form or certification form should be filled out by typing or by printer. It is at times difficult to read the numbers and names so it is easy to make mistakes entering the data in the database. Please list the photo id card numbers in order on the form. Make sure that you include a copy of the completed photo identification card along with the MDE-265 and color photos.

After the beginning of the new fiscal year (7/1/00), I will be ordering the photo id cards that can be used with a laser printer. If you use a digital camera, it would be VERY easy to place the pictures on the cards. So far only one training provider has taken me up on the offer of sending submittals by e-mail. This provider's submittals are of excellent quality and give the training provider an electronic copy as well as one that I am able to print out for our records.

Voided cards must be returned as soon as possible. Please make sure that voided cards are separated from any other documents in the package. We do check the photo card inventories when we review applications. Check your math!! After you subtract the cards on hand from the cards supplied during the year, add 1 i.e.  $750-200=550+1$  or 551. We are looking for the actual number of cards, not the just the differences in totals.

Each application requires an inventory of all cards received in the year PRIOR to the application. But the application only requires a list of courses covered relevant to the application e.g. PDR courses for a PDR application. This is for *one year prior* to the date of the application.

Please send all new schedules and any changes to Sharon Manger. Unless it is an emergency, do not call. Send hard copies, a fax, or e-mail Ms. Manger at [smanger@mde.state.md.us](mailto:smanger@mde.state.md.us).

# NET NIBBLES...

Keep an eye on the OSHA website at [www.osha.gov](http://www.osha.gov) for updates on the ergonomics standard and the bloodborne pathogens standard. The ergonomics standard is nearing completion. The compliance guidelines for the bloodborne pathogens standard have been updated at the federal level and the state is making the required changes also.

Some of you may have heard about the asbestos in crayons. The asbestos was found in the talc that is used to strengthen the wax and coloring agent mixture, the basis of crayons. For further reading, please see the following for some interesting reading. The "*Seattle Post-Intelligencer*" ran a series of articles on asbestos and crayons: [www.seattle-pi.com/crayons](http://www.seattle-pi.com/crayons). (The same folks that brought us the stories about Libby, Montana.) The Crayola company issued a press release at [www.crayola.com/safety/presss\\_release.pdf](http://www.crayola.com/safety/presss_release.pdf).

# STATESIDE...

This calendar of asbestos classes is only for state employees. All training is at Rosewood HC.

<p>July 2000</p> <p>6 Auto Worker I 11 Supervisor R 13 Worker R</p>	<p>August 2000</p> <p>2 BIMP R 30 Auto Worker I</p>
<p>September 2000</p> <p>6 Worker R 14 AS &amp; HS I 18-21 Worker I 25-29 Supervisor I</p>	<p>If you must cancel, call Sharon Manger at (410) 631-3801 or (800) 633-6101,-3801 or email:  <a href="mailto:smanger@mde.state.md.us">smanger@mde.state.md.us</a></p>