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Environment

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Asbestos 101

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

Happy New Year!!

EDITOR'S NOTES ...

We are pleased to welcome Molla Sarros to the asbestos group. She started as a full time employee on November 1 to fill Jim Hourihane's vacancy created in March. Ms. Sarros is fast at work, studying and making field visits to prepare for obtaining the EPA credentials that she needs to inspect schools.

It is that time of year when contractors should be reminded of the dangers of **CARBON MONOXIDE POISONING**. Many of you are using auxiliary carbon-fuelled heating devices to keep the worksites warm. This may be a recipe for disaster if you do not ensure that the work area is properly ventilated. Carbon monoxide is an odorless, colorless, and tasteless gas that causes symptoms not unlike those of influenza such as drowsiness, body aches, throat irritation, etc. A properly installed and working carbon monoxide detector can save lives.

It is also that time of year when **COLD STRESS** can cause injury and even death. Go to OSHA's website (www.osha.gov) to view or order some of the cold stress pocket cards. Just as with heat stress, one of the ways to prevent cold stress problems is to ensure that your employees are acclimated, dressed in layers, and not drinking liquids with caffeine or alcohol. Rather they should drink hot, sweet drinks such as cocoa. Be sure to provide a place where they can warm themselves. Remember your employees need training in cold stress just as you would make sure that they are cognizant of heat stress symptoms.

For those of you who do your annual respirator fit-testing as required by OSHA's 29CFR 1910.134, note that OSHA has approved an additional quantitative fit-testing method. It is the controlled negative pressure REDON (CNP REDON) fit testing protocol. This had been added to the mandatory appendix A of 29 CFR 1910.134. The rule

became effective September 3, 2004 and is different from the previously approved protocol. CNPREDON allows for three exercises, followed by two redonnings of the respirator. For the full federal register citation, go to 69:46986-46994 or find it on OSHA's website: www.osha.gov.

ASBESTOS FOR ALL ...

On November 7, 2005 in the Federal Court in Alexandria VA, Ethel Mae Holmes was sentenced to five months in jail and three years' supervised probation for falsifying certifications. You may remember she bought asbestos training certificates from the Frank Babonis at F&M Environmental, Inc. in Virginia. She used these false certificates to bid on asbestos and lead projects both in state and federal facilities. She had been found guilty on all 12 counts of the indictment in March 2004.

Due to changes in the federal sentencing guidelines that came as a result of a Supreme Court decision in January 2005, Ms. Holmes received only five months in jail. Under the old guidelines, her minimum mandatory jail sentence was 78-92 months. The government may appeal the leniency of the sentence.

The long-awaited EPA five-year plan has come out and is posted on the EPA's website at www.epa.gov/asbestos. It is called the Asbestos Project Plan. The EPA has identified three areas that it plans to focus on: "(1) improving the state of science for asbestos, (2) identify and address risk and exposure reduction opportunities in products, schools, and buildings, and (3) characterizing and reducing asbestos exposure through assessment and cleanup."

Many interesting things are planned by the EPA such as more studies on the naturally occurring asbestos (NOA). In Region IX, the EPA

tested the Clear Creek Management Area (CCMA), the site of the now closed Atlas asbestos mine. The mine has been cleaned up, but the area is one very large site of NOA. The trails through the area are used by bicyclists, motorcyclists, and ATVs. The studies were performed with personal monitors on people using CCMA and showed levels of exposure such that the Bureau of Land Management closes the CCMA to recreational use during the dry season. For more information go to: <http://www.epa.gov/region09/toxic/noa>. You will also find information there about what the EPA did in the Eldorado Hills area to reduce exposures to the school children.

The vermiculite attic insulation is due for more scrutiny. A proposed method of analysis, the "Cincinnati Method", (www.epa.gov/asbestos/pubs/vairesearchmethodfinal.pdf) is scheduled for further study so it may be validated.

Along the same line, EPA will improve its methods of collecting and analyzing soil, dust, and insulation. There are no standard methods for collecting these samples, making any comparisons among investigators somewhat meaningless.

The Fort Worth Excel Project involved the process of removing some asbestos and wetting down a building while being demolished. The Texas legislature passed laws that did not allow this method in Texas. EPA still wishes to further test this method and offer it as an alternative NESHAP demolition practice. The method with some refinements will be tried again at Ft. Chaffee AR using old housing facilities there. This is very controversial, but if the EPA feels that it works, it will be allowed as an alternative method for asbestos removal in NESHAP projects. Of course, the states will not have to allow this method in their jurisdiction.

The Agency for Toxic Substances and Disease

Registry (ATSDR) and the National Institute of Occupational Safety and Health (NIOSH) will be conducting studies to determine dose-response patterns in animals and applying this data to humans. The two agencies will also be looking closely at the disease dynamics in places like Libby MT and other sites where there is evidence of asbestos disease from the Libby vermiculite.

SCHOOLS ...

The asbestos group has just received information about a company that may be analyzing bulk samples without accreditation. This is not wrong in of itself, but schools always and public and commercial facilities in many instances, **MUST HAVE** samples analyzed by a laboratory that is part of the National Voluntary Laboratory Accreditation Program (NVLAP). Make sure to always have the lab results, and if necessary, ask for a copy of the the lab's NVLAP certificate.

Visit <http://ts.nist.gov/nvlap/> to check the NVLAP directory of labs for those accredited to analyze bulk samples. The same is true of the TEM labs that must be used for analyzing clearance air samples for projects greater than NESHAP-size. Schools must use accredited labs for bulk samples and TEM samples. There is no other way to say this other than to say that if the samples are not analyzed in an accredited lab, then the samples have not been analyzed for the purposes of AHERA. There are enforcement penalties that may be issued for using an unaccredited lab.

If you have any questions, please call our office and we can help you with this issue. Please note that there are only two laboratories in MD at this time accredited in both bulk sample analysis and TEM sample analysis. (The state lab is only for state use.) You may send samples out of state as long as the lab is properly accredited.

The AHERA regulations have a requirement for notification of short-term workers. [40 CFR Part 763.84(d)] Workers, such as electricians and plumbers, must know asbestos locations and you must make sure they fully understand the consequences of disturbing the material. To avoid enforcement consequences for the school as well as the contractor, we strongly recommend that the contractor sign off on the notification. Visit the site if they are working without your employees' supervision, or even better, have one of your employees monitor the whole job.

CONTRACTORS' CORNER ...

Ceiling tiles in MD for the purposes of complying with COMAR 26.11.21 Control of Asbestos **are considered friable and are regulated**. This means that all of the relevant work practices have to be followed. Notification is required for these projects. The project begins at setup meaning when protective plastic, etc. is installed. When the ceiling tiles are lifted from the grid or pried from the substrate, all precautions must be in place. The ceiling tiles are considered friable and any disturbance of these is a regulated activity. This is an issue if work is done around the tiles by unlicensed contractors who move the tiles or cut little holes or notches in them for wires, conduit, etc. The bottom line is - contractors cannot disturb the tiles without a license!!

Remember, forgetting to notify MDE of a job does not constitute an Emergency.

If you have any questions concerning demolitions and the applicable requirements, there are folders left from the demolition contractors' workshop held in October. If you would like one, please call our office and request a folder from the demolition contractors' workshop.

TRAINING PROVIDERS ...

The next training providers' meeting is Thursday March 9, 2006 from 9:30 to noon here at MDE headquarters in Baltimore.

In April or May of 2006, Tia Chambers, the regional asbestos coordinator in Region III, and Mardel Knight will offer workshops targeted to those who do inspections and management plans and those who teach these courses. Workshops are free and will be held at least at two different sites. The topic of discussion will be the deficiencies MDE inspectors have seen many times in the past years. There are recurring deficiencies that we see and really don't wish to see any longer.

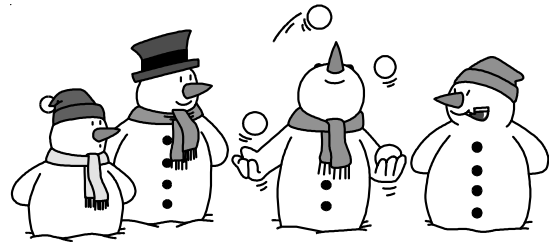
On November 1, 2005, the EPA issued a determination about storage of management plans in an electronic format. Contact Robert Courtnage at 202-566-1081 for a copy or more information. Or ask us for a copy of the "Karlovič letter". The EPA says that you may scan the documents even those with signatures and store them in an electronic format, but these must be available and accessible in their entirety as required under 40 CFR Part 763.93(g)(2) or (3).

The other issue that has come up is determinations that the EPA made stating that when a mechanical buffer with solvent is used to remove floor tile, the activity is regulated. Yes, regulated. There are two determinations posted at the applicability determination index (ADI) for asbestos issues. These are A04002 and A04001. The website is <http://cfpub.epa.gov/adi>. If you have any trouble getting these, contact Mardel Knight at 410-537-3200 and these can be sent to you. There is another determination dated 12/5/05 on the same topic, but it is not yet posted on the ADI. Interesting reading!!

STATESIDE ...

Management plans for the facilities are due by the end of December. This is a requirement under the Executive Order. You also need to have submitted management plans and made any corrections to these before the AOC will consider any projects for FY'08 funds. It is time to start preparing your list of FY'08 projects. For these projects we do not want the floor tile that is in good condition!!

Fibrous Sample



You may only have this much fun if schools in Baltimore City or Baltimore County are cancelled due to inclement weather. Then there will be no training classes!!

(These classes are only for state employees.)

January 2006	February 2006
5 Worker R - MDE TR 19 Supervisor R - MDE TR	2 Worker R - MDE TR 9 IMPR - MDE TR 23 Auto Worker - Rosewood
March 2006 2 Worker R - MDE TR 16 IMPR - MDE TR 21-24 Worker Initial - Rosewood	If you must cancel, call Sharon Manger at 410-537-3200 or (800)633-6101, -3200 or email: smanger@mde.state.md.us