



Maryland  
Department  
of the  
Environment

Air & Radiation  
Management  
Administration

1800 Washington Blvd.  
Baltimore, MD  
21230-1720

Published by  
Asbestos Accreditation &  
School Assistance  
Division

Editor:  
Mardel Knight  
(800) 633-6101, ext. 3200  
mknight@mde.state.md.us

FAX (410) 537-3924  
TTY USERS:  
(800) 735-2258



Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor

Shari T. Wilson  
Secretary

Volume XIII, No . 2  
March 2007

# Asbestos 101

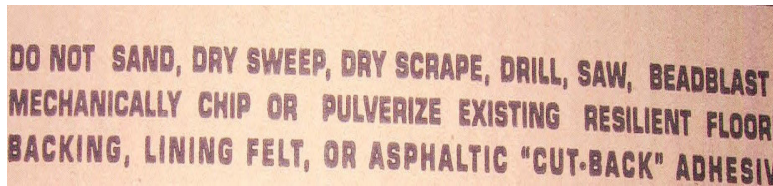
This newsletter is on the MDE web site: <http://www.mde.state.md.us/asbestos>

## EDITOR'S NOTES ...



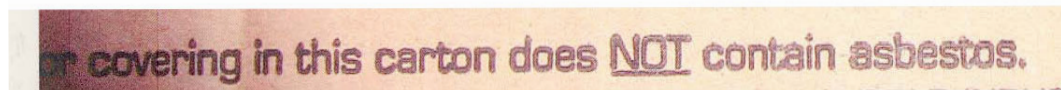
### SPECIAL ALERT!

A public school system in West Virginia recently purchased 12x12 floor tiles and mastic. In their efforts to be proactive in checking replacement materials for presence of asbestos, they tested the mastic and floor tile by TEM. The floor tile tested trace-to-2.5% and the mastic tested 2-3% for asbestos! These figures are pictures of the warning on the box of floor tile regarding care to be taken removing old floor tiles, etc. (Figure 1) and the disclaimer on the box (Figure 2).



**Figure 1.** Warning on box giving precautions when handling the floor tile being replaced.

**Figure 2.** ..[The flo]or covering in this carton does NOT contain asbestos.



What to do? This is a conundrum because the box says it has no asbestos, but tests show that it does! The best advice would be to test replacement materials, even if asbestos is listed as not being a part of the product. This tile was manufactured in the United States.

**SOCIAL SECURITY NUMBERS (SSN).** Asbestos training providers are required to collect and submit a SSN for each trainee for all asbestos training courses in MD. MDE is a licensing authority, and we must record your SSN on the application according to § 10-119.3 (Annotated Code of MD)., "Suspension of occupational license for arrearages." Training providers and the MDE office staff have been instructed not to issue a photo card ID if no SSN is provided. Neither entity verifies that the social security number belongs to the person to whom the photo identification card is issued.

A number of invalid SSNs, belonging to deceased person or for a series not yet issued, have been used. The Department has many options: (1) do nothing, (2) check for numbers in current series and those that belong to the deceased person, (3) or collect the numbers and consent forms to send to SSA for vetting.

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

For those who could not attend last fall's contractor workshops, you may still obtain materials that were distributed during the workshop. Please call Lorraine Anderson at the numbers on the masthead or email: landerson@mde.state.md.us.

Do not send checks without accompanying paperwork when submitting new applications or renewal applications. There may be a delay in determining where the money goes. We do not work on applications without knowing the fees have been paid.

## **TRAINING PROVIDERS ...**

*The next training provider meeting will be Thursday, September 6, 2007, here at MDE from 9:30 to noon in the Test Room (the usual room).*

Please do not send checks without paperwork to the lockbox. An application is not complete without the paperwork and the money. We will not work on an application without knowing the fee has been paid.

If you need an additional stock of photo identification cards, please tell Mardel Knight how many you have left and how many are being used that day or week. She does check

the database for unused, submitted, and voided cards. This is to track the number of blank cards and avoid having too many in circulation. You will not be issued more cards just by calling and asking for them. Missing class(es) information in our files will make the number of unused cards seem higher than the amount you have on hand. This may be the only way that we discover that a package was not received.

When emailing class submittals, avoid sending large attachments to Mardel's email address to assure it was not rejected by our server. Try to keep your attachments under one (1) megabyte.

When you receive the cards, check for the correct amount and that all of the numbers in the sequence are there. The sequence starts with a number ending in "1" and ends with a number that ends in "0". Please inform us of any cards missing, immediately.

When the applications come in, we immediately check the inventory. Normally Mardel queries the database for issued cards, voids returned, and other information, for one year **PRIOR** to the date written on the inventory page.

Again a reminder that if the application is not received **PRIOR to the expiration date**, you may not teach that class until it is approved. Mrs. Manger sends out reminders, but your certificates from last year contain the expiration dates. It is your responsibility to submit these on time!

It is important for the management planners to sit down with school officials and spend time explaining what actions the schools need to do each 6 months, once a year, every 3 years, etc. The inspections show that some of the management planners send the

finished plan to the school and do nothing else. Although AHERA requirements do not demand management planners to follow up, providing excellent service, instead of just providing the minimum this would help avoid future problems.

## **SCHOOLS ...**

**MONACACY VALLEY PUBLIC CHARTER SCHOOL. This school received a Consent Agreement and Final Order (CAFO) in December 2006.** The CAFO went to Frederick County Public Schools (FCPS) because charter schools are considered schools in the county school system. The CAFO had one count that assessed a \$2432.00 penalty for failure to use an accredited inspector to assess all known or assumed asbestos at the time of the inspection or reinspection.

The FCPS certified that they had spent at least that amount in correcting the violations since the 2005 inspection. Thus, FCPS agreed to the assessment of the \$2432.00 penalty with a cash component of zero dollars (\$0).

### **AHERA INSPECTION VIOLATIONS.**

The following are all violations of 40 CFR Part 763, the Asbestos-Containing Materials in Schools; Final Rule and Notice. (Also referred to as the AHERA regulations.) These are found in about half of the inspections receiving the Notice of Noncompliance (NON) and/or the Request to Show Cause (RSC) in the past year.

**(1) Two-hour awareness [763.94] Training.** This training must be given to custodial and maintenance workers if there is any asbestos in your facility, assumed and known. It needs to be documented *in writing* and made part of the management plan.

**(2) Annual Notification [763.93(g)(4)].** This is the notification that goes to parents, staff, and teachers each year. It must be dated and part of the management plan. This notification is required **even if the school has no asbestos to assure that any new teachers, staff and/or parents are informed.**

**(3) Failed to conduct Periodic Surveillance [763.92(b)(1)].** This must take place every 6 months in facilities that have any assumed or known asbestos!

**(4) Failed to train Designated Person [763.84(g)(2)].** The school is required to provide training **commensurate with their responsibilities.** The person must be trained before taking over the position. The designated person does not need refresher training as a designated person, but will need refresher training to maintain any accreditations

**(5) Failed to Update Management Plan [763.93 (g)(3)].** This means that copies of all of the items such as periodic surveillance, copies of training rosters, notifications, etc. must be placed in the management plans, both at headquarters and the local schools. Management plans must be kept current at all times.

**(6) Failed to Inspect School Buildings [763.85(a)].** This is simple. The school must inspect their buildings for asbestos before the school opens unless it is an emergency. This violation also extends to the portables that move around in a school system. This also includes any failure to obtain an exclusion for new buildings, such as portables **[763.99(a)]** at the school.

**(7) Failed to Prepare and Submit Management Plan [763.93(a)].** This follows no. 6 above, if there was no inspection nor any management plan. or record. This violation

refers to the requirement that the "first" management plan be submitted to our office for review. If you have lost the plan, generate another. Our office does review these for deficiencies. Returning the list of deficiencies in writing to the school within 90 days, means the school must make the corrections.

**(8) Failed to Maintain Records [763.94].**

There are many records to maintain. When you are cited for failing to perform a requirement, you will usually be cited for failing to maintain those records.

**(9) No Designated Person [84(g)(1)].** Schools failed to appoint a person to be the designated person.

When submitting management plans to us, we would appreciate double-sided copies (this applies to training manuals, too).

If you receive a NON or RSC and have questions, please call the case development officer whose name and phone number is listed on the last page. The time frames for responses are defined and not long. ***If you miss these or fail to make the corrections in a timely fashion, the EPA may go directly to the penalty phase with criminal charges. You can work with EPA on issues, BUT DO NOT WAIT!!***

Some of these violations are the school's responsibility, such as appointing designated persons and providing them with training. Other actions such as failure to assess materials is the responsibility of the inspector. MDE's asbestos office urges you always to include the costs of corrections in your contract with an inspector/management planner. These penalties may be more than what you spend to correct the violations. Zero dollars cash value penalties are not always awarded!

## NET NIBBLES ...

An oldie, but goodie: The Asbestos Shingle, Slate and Sheathing Company touted in 1910: "...these asbestos Singles (sic) or Slates are so immeasurably superior in point of practical merit to that of any natural slating that nothing remains to be said."

For more information on asbestos shingles, go <http://www.dustomtileroofing.com> or <http://www.cr.nps.gov/hps/tps/roofingexhibit/asbestoscement.htm>.

For more information on the different sites around the country that used Libby vermiculite, see [www.atsdr.cdc.gov/asbestos/sites/national\\_map](http://www.atsdr.cdc.gov/asbestos/sites/national_map).

## STATESIDE ...

Management plans are now overdue. About half of the agencies/facilities required to submit management plans have not met the deadline. ***The 9/30/06 deadline!***

If you need AOC money for projects, please submit your requests ASAP. Only approved building management plans are re eligible for this money.

### STATE EMPLOYEES' TRAINING CALENDAR

<b>APRIL 2007</b> 17-20 WORKER INITIAL-ROSEWOOD	<b>MAY 2007</b> 1 IMPR - MDE 15 WR - MDE
<b>JUNE 2007</b> 12 AUTO WORKER - ROSEWOOD	If you must cancel, please call Sharon Manger at <b>800-633-6101, -3200</b> or email <a href="mailto:smanger@mde.state.md.us">smanger@mde.state.md.us</a>