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A sbestos 101

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

EDITOR'S NOTES ...

The EPA issued a press release on May 21, 2003 to announce the launch of EPA's campaign to educate consumers about vermiculite insulation (www.epa.gov/asbestos/verm.html). Many of you may remember the story of Libby, Montana and the vermiculite contaminated with tremolite asbestos that was the impetus for many of the EPA's activities regarding vermiculite in the past three years. Go to the EPA website for more information (www.epa.gov/region8/superfund/libby) and the *Seattle Post-Intelligencer* (www.seattlepi.nwsource.com) series of articles about Libby, Montana and the vermiculite mine.

The EPA and the Agency for Toxic Substances and Disease Registry (ATSDR), are coordinating this campaign to inform consumers about the health effects of the insulation, how it should be handled, etc. There are several documents on the EPA website. If you do not have access to the internet, but do have email, I can send documents as attachments. You may also order documents about vermiculite from the TSCA hotline at 800-471-7127. There is a link to this page on our website. At the asbestos home page (url at top of this page), on the right hand side of the page, click on "EPA's Asbestos and Vermiculite Home Page" for a direct link to that page.

On the same EPA vermiculite page, there are two other documents of interest to anyone who deals with asbestos. These are the long-awaited report on strategies in dealing with asbestos and the draft of EPA's *Action Plan for Asbestos*. The *Action Plan for Asbestos*, issued May 21, 2003, will address improving the science for asbestos, identifying and addressing exposure and risk reduction opportunities associated with asbestos in products, and reducing exposures incurred as a result of cleanup at contaminated sites.

The EPA commissioned the report, *Findings and Recommendations On the Use and Management of Asbestos*, to study how the EPA should move forward in dealing with asbestos, both short-term and long-term. Some of these recommendations include update the "Purple" book, consider a ban on asbestos, update model training curricula, and reduce unintended asbestos contaminants in products.

SCHOOLS ...

Laboratories—Bulk samples must be analyzed by a laboratory accredited for PLM analysis. The TEM samples must also be analyzed by an accredited laboratory. Check the National Voluntary Laboratory Accreditation Program (NVLAP) website for the current list of accredited labs (<http://ts.nist.gov/ts/htdocs/210/214/scopes/programs.htm>). The list is updated quarterly and as of April 2003, there are only three accredited laboratories for PLM and two for TEM analysis in Maryland. (The laboratory at DHMH is only for use by state facilities.) Failure to use an accredited laboratory is a serious violation of the AHERA regulations. Any accredited laboratory will provide a copy of their NVLAP certificate and you may check with the National Institute of Standards and Technology (NIST) at (301) 975-4016 or email: NVLAP@nist.gov.

On May 22, 2003, Governor Ehrlich signed SB 75, Public School Charter Act of 2003. The text of the bill is available at www.mlis.state.md.us. If your school board is leasing buildings to the charter schools, ***you as the owner and the charter school*** are responsible for the management plan. If you sell a building to the school, then responsibility for the management plan rests with the charter school. The EPA will bring enforcement action against both the owner and the school. Check the March 2003 newsletter for details about the EPA, Montgomery County Government, and the private schools that were part of a consent agreement.

Note—The EPA is already dealing with AHERA compliance issues in charter schools. The Souderton Charter School Collaborative in Souderton, PA has agreed to address violations of AHERA requirements to ensure that students and staff are not exposed.

Management Plans—If your school system has headquarters and local schools, the management plan for the local school must be a mirror image of the plan at headquarters. For example, the Baltimore City School Board offices on North Avenue should have the same plan as the one at General Wolfe Elementary School.

The AHERA school inspector has inspected some public schools recently and the plans at headquarters and in the local school do not match! You may not remove items from the plan such as prior reinspections when you update the management plan with the current reinspection. The inspector has also found that the local school plan was not updated. The latter situation holds true for private schools that have allowed the years to go by and not done any reinspections, etc. since 1988-89!!

In October and November this year, we will be offering regional one-half day workshops for AHERA designated persons. There are so many new persons in charge of the asbestos programs for both private and public schools that the time has come to offer guidance for these new persons. Since the AHERA regulations have not changed in the last 15 years, the workshops are not updates, but rather will be a primer on AHERA requirements. There will be no charge. The training providers that offer the inspector/management planner training will also be invited so everyone can hear the same information.

The school inspector recently came across a situation in a high school that has a large boiler room. There was only one caution label in the boiler room. The AHERA regulation on warning labels is very clear: "...the local education agency shall attach a warning label immediately adjacent to any friable and nonfriable ACM and suspected ACM assumed to be ACM located in routine maintenance areas (such as boiler rooms) at each school building."

The OSHA danger label (red, black, and white) that is also required in MD may be used in lieu of the warning label. It has more stringent language than the warning label. Make sure the labels are still in place since many were put up 14-15 years ago and have since fallen off or been removed. Put labels on the doors or as close as possible to the entrance to the "routine maintenance areas." Be generous with the labels because EPA will never penalize you for too many labels, but will certainly penalize you for none or too few!

Lack of supervision by the owner has caused many of the problems that have occurred recently in schools and other facilities, especially in areas with a great deal of thermal insulation such as boiler rooms. It is imperative that the contractors doing other work be fully aware of where the asbestos is and the owner needs to keep an eye on what they are doing so the asbestos is not accidentally breached. As has been said many times, it is difficult to retrieve fibers once they are released!

Our inspectors frequently cannot find a management plan when they go to the school so it follows that the contractor cannot find it either. Other trades may be unaware of the existence of the plan so it is essential that the owner make sure these persons know where the asbestos is located. Occasionally the person at the school doesn't know that they have a management plan either!

The other problem that occurs is a management plan even when present can be very difficult to scan for the needed information. Every school system has different organizational schemes for their plans, due in part to the way the original inspector/management planner put the plans together. Many of these plans are 14-15 years old and if these have been updated as required, contain a large volume of documents. Many plans are in need of reorganization.

CONTRACTORS' CORNER ...

UNLESS asked by one of the asbestos staff to fax an item, do not fax notifications, do not fax waste manifests, do not fax air sampling results, etc. A faxed notification is not official!

Contractors, please, read the "Schools" section in this issue as much of it pertains to you folks.

Failure to notify can be expensive. Southern Insulation signed a settlement agreement with the EPA in April. The EPA cited the company for failure to provide timely notification of two asbestos projects in the District of Columbia. ***Southern Insulation agreed to pay \$4080 and neither admitted nor denied liability for the alleged violations.***

TRAINING PROVIDERS ...

Application Primer—The regulations require that you submit certain items along with your application (COMAR 26.11.23/10). 1.—As far as the application itself is concerned, submit only one copy of page one with the application. There is room on this page for any and all courses that you are applying for or are renewing. 2.—Include a detailed outline with approximate time for each topic. What we want to know is what sub-topics you are teaching and how much time you are spending on each item. 3.—You must supply a copy of the examination and the answers so that we may check the questions and answers. 4.—Please provide an example of the certificate that you issue (if you issue one). This certificate must include the course expiration and examination dates. 5.—Please go to the website and download a revised application form. It contains the space for the workman's compensation binder number, the correct address for the

lock box, and more explicit instructions on how to fill out the photo identification verification page. 6.—List the classes taught in the past year, separately, e.g. one class list per course application! Again we are looking for the prior year's activity i.e. one year prior to the date **you put on the application.**

Photo Identification Cards—Please ask the students to remove their caps, hats, etc. before you take the pictures. Make sure that the color photos are securely attached to the Form 265. When we send a submittal package back to you, please return the whole package. If we see errors or omissions the package is sent back to you prior to processing the submittal. Remember that the Form 265 package is due 10 working days after the end of the class.

The training provider meeting is scheduled for September 11, 2003 here at MDE. It starts at 8:30 and will be over by noon. Again, please let me know the names of the persons attending so that we can notify building management to ensure that there is enough parking space. For the providers who offer inspector and or management planner training, see the "SCHOOLS" section because you are invited to those meetings.

Hot weather is upon us and it time to emphasize heat stress in all of your classes. See the OSHA web site for information and handouts. There are also new documents that have been added about silica, a potent health hazard for construction workers.

Check out the "What's New" section for reports of injuries and illnesses. As always, slips, trips, and falls are the cause of many work-related injuries and deaths. This is a hazard to asbestos-related work as well as to any other construction activity.

OSHA published on June 6, 2003 two new proposed rules that would amend the respiratory protection standard. The proposals include a new fit testing procedure and will incorporate new Assigned Protection Factors (APFs). OSHA estimates that these proposals would prevent approximately 4,000 injuries and illnesses and prevent 900 deaths annually from cancer and other chronic diseases.

NET NIBBLES ...

The Senate Judiciary Committee is working on a bill (S.1125) to reform asbestos litigation and has added an amendment to ban asbestos. The bill would take effect within two years of passage. Many of the provisions of Senator Patty Murray's bill (S.1115) introduced earlier this year became part of the Senate bill, S.1125. (Editor's Note: This is the only asbestos legislation that we are aware of at this time.)

STATESIDE ...

The management plans for the facilities are due September 30, 2003. For those of you with schools in your facilities, you need to do the annual notifications to parents, teachers, and staff. The six-months periodic surveillance is necessary where there are still asbestos-containing materials in the building.

(These classes are for state employees only.)

July 2003 NO CLASSES!!!	August 2003 NO CLASSES!!!
September 2003 4 Worker R 18 Supervisor R 25 Asbestos S & H Specialist 9/29-30 & 10/1-3 Supervisor I	If you must cancel, call Janice Lafon at (410) 537-3801 or (800) 633-6101, x-3801 e-mail: jlafon@mde.state.md.us