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A sbestos 101

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

EDITOR'S NOTES ...

Yes, we are celebrating! The Maryland Department of the Environment (MDE) finished moving into its new offices and most of the unpacking is done. The last group finished moving during the weekend of Sept. 6. So it is now business as usual. Please visit our Web site at <http://www.mde.state.md.us> to find information on our new offices, driving directions, etc. Our email addresses are the same. The phone numbers for the Asbestos & Industrial Hygiene Program are 410-537-3200 or ext. 3801. The fax number is 410-537-3924.



The schedule for obtaining new or replacement photo identification cards is back on track. It is the first and third Tuesday of each month. **There is one exception to this schedule: Nov. 5 is Election Day, a state holiday, and our offices will be closed.**

The office hours are 8-10 a.m. No appointment is necessary, *UNLESS* you are sending more than three people, and then some paperwork must be done ahead of time, which will help speed things up for your employees when they come in. (We are only bringing two people at a time up to our offices for the process so it takes time.) The fee is \$25 per discipline (one discipline per card) and checks are not accepted. This process can only be done only at MDE and remember, photo identification cards are never issued via mail.

Be sure to bring your current certificate (the original version and not a photocopy) with you. The certificate will be returned to you after we verify its validity and make a copy of it. *IF* there are any questions about the validity of the certificate, a photo identification card will not be issued.

When coming to our offices for the photo identification card or to drop off paperwork, please park in the "Red Lot", the visitors' lot. No trucks please. Come in the front door and go to the left through the glass doors to MDE's reception desk. Just tell the receptionist that you are there for a photo identification card and she will call us at Ext. 3801. If you have notifications or other paperwork, leave it with the receptionist, just as you did at our Broening Highway location.

SCHOOLS ...

If your school was the recipient of one of MDE's 60-day letters (the latest mailing was at the end of June), responses are due ASAP, if not already overdue. If MDE does not have your response by Oct. 15, the name of your school will be turned over to EPA Region III, for possible enforcement action. As a reminder, the 60-day letter advised your school that we do not have an asbestos management plan on file for your school. The letter was part of a package of materials that was sent out by certified mail with a return receipt. The 60-day time frame began from the day that the school received the package.

If you need any further information or clarification, please call Jim Hourihane or Larry Vermont, who will provide any assistance that you need, at 410-537-3801. MDE can also arrange to visit your site if that will help. Regrettably, there are no federal or state funds that can assist you in complying with the requirements of these federal regulations, the Asbestos Hazard Emergency Response Act (AHERA).

These mailings are part of MDE's outreach effort to inform schools about the AHERA requirements that deal with asbestos, a substance that is a serious health hazard. The Maryland Department of Education has cooperated with MDE in this effort by providing copies of the letters of registration, change of address, etc. that were sent to your facility.

For those schools that already have a management plan in place, please make sure that you have a **CURRENT** reinspection. The reinspection must be done every **THREE YEARS**. Periodic surveillance must be performed every six months. All schools must make an annual notification to all interested parties and place a copy of same in the management plan. (For profit schools are exempt from AHERA requirements.)

Just a reminder that the EPA is still issuing Notices of Noncompliance (NON) to schools for failing to have a management plan, failure to perform reinspections, failure to issue the annual notification, etc. A minor Local Education Agency (LEA), a small group of schools, in this case a group run by a religious organization has been issued a NON for these same reasons. The LEA will be given 45 days to respond to the NON. Nonpublic schools are subject to the requirements of AHERA.

A county government in Maryland is being issued a penalty of \$22,000 for failure to conduct reinspections for schools to which space had been leased. They will only pay \$4,000 of this penalty because the EPA will forgive the rest of it for money already spent bringing the facilities into compliance. MDE just came across a nonprofit school that is leasing space from a state-owned facility. The state in this case is the "owner of the nonpublic, nonprofit elementary, or school building." (40 CFR Part 763.83). Earlier this year, two public school systems found out that they, too, were leasing space to small private schools. These are not the only ones. So beware of any educational programs run by outside providers that are leasing space from your facility. Don't assume that all of these are for profit and therefore exempt from AHERA. Maryland state-owned buildings have management plans that will satisfy ***SOME of the requirements of AHERA.***

Remember, also, that in Maryland the definition of elementary and secondary education is pre-school through grade 12, not K-12.

CONTRACTORS CORNER ...

Recently one of the contractors who had received an AMA 20 (notice of violation) for allowing his employees to work without the proper protective

Continued on next page

clothing offered a very "interesting" excuse for doing so. His employees were seen in containment with their hoods down and wearing towels on their heads. The contractor claimed that this idea of towels on their heads in lieu of a proper hood had been taught in training class. Let MDE assure all contractors that this is not an approved technique and it is not taught in the training classes that the department audits. If heat stress is a problem for your employees working in containment, consider other methods of lessening their heat load. Putting towels on the head will cause the body to retain heat since the head is one of the body parts where a lot of heat is lost. (Which would explain why people usually wear head coverings in the winter.)

It may be necessary to shorten the times that workers spend in containment, which would allow them to come out and cool down properly. You also have to remember that not all workers become acclimatized to working in the heat at the same rate. When people are out sick or on vacations, they can lose some or all of their acclimatization to the heat.

TRAINING PROVIDERS ...

MDE's second semiannual training providers' meeting was held on Sept. 12 at the Anne Arundel County Public Schools' maintenance facility. *The next meeting will be Thursday, March 13, 2003 at MDE's new headquarters.*

Requirements for inspectors and management planners who prepare asbestos management plans for Maryland schools were discussed during the training session. This is information that those who train this specific group of people can use in their training class. One of the main requirements is that there are mandatory forms to be used in preparation of the management plan and plan must include a diagram of the facility. This need only be a simple scale drawing, but it must show the location of homo-

ogeneous areas and the exact sampling locations (if any samples are taken). Don't forget the fire doors. Since many schools ask about the cost of the management plan, we discussed some ways that a school might save some money such as obtaining several estimates, preparing the drawing, etc. Nothing in the AHERA regulations requires the accredited inspector to make the drawing or write down the dimensions of the rooms, etc.

One of the training providers received a letter from the Maryland Higher Education Commission (MHEC). These are the folks who regulate the beauty schools, computer schools, etc. This letter told the provider that they needed to "cease and desist" from training. The MHEC felt that the training provider may be covered by their regulations as a "private career school." MDE's attorney is working with one of MHEC's attorneys to determine if these training providers are indeed private career schools and then need to be approved by MHEC. This ruling will affect those offering training for lead, hazardous materials handling, confined space, etc. As soon as we receive a determination from the attorneys, each provider will be notified individually.

The other issue discussed was the applications for training course approvals and in particular, the photo identification card inventory. The time frame used is one year prior to the date of the application. The database is queried for cards issued to the training provider by MDE, cards issued by the training provider to trainees, voided cards and the "nondisposed" cards. The nondisposed cards are those that you have on hand and have not been used or voided. The agency is looking for agreement between your numbers and ours! The other requirement is that you use a separate sheet for each discipline to list the classes taught in the past year.

When photo identification cards are received from the department, please check the amount against

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your receipt. If there is an error, let MDE know immediately, not a year later.

ASBESTOS FOR ALL ...

Remember F&M, the training provider from Virginia that distributed fraudulent training certificates? In early July 2002, Region III EPA sent letters to building owners who had work done by certain abatement contractors. Existing records from F&M and other sources indicated that these contractors had used persons with fraudulent F&M training certificates. However, not all certificates issued by F&M were fraudulent and the contractors may or may not have known if any of the certificates were fraudulent. EPA has still not advised the states which certificates were fraudulent or valid. It is estimated that at least 65 percent of the certificates were fraudulent.

Still confused? The letters advised the recipient to call us if there were any questions, many calls followed.

More letters are being sent to those building owners not contacted the first time. Callers were advised to make sure they had all the necessary records for any of the abatement projects named in the letters. Licensed contractors in Maryland are required to keep their records for six years. Be sure to obtain any copies of air monitoring reports.

Unfortunately, there is little that can be done at the job site at this time. If the site was cleaned properly and the air monitoring reports showed an acceptable clearance level before reoccupancy; there is really nothing further that an owner can do. Remember that most of the work was not done by persons with fraudulent certificates and that the work was also done by and supervised by properly trained persons.

It was disturbing to note the number of owners who allowed the contractor to hire the air moni-

toring firm to conduct the air sampling for final clearance. It is really not advisable to have the air monitoring firm employed by the contractor because the potential for a serious conflict of interest exists. Many contractors will not hire this company in order to avoid just these problems.

It is not illegal to allow the contractor to hire the air monitoring professional except in one situation. In the case of schools subject to AHERA, the air monitoring firm must be independent of the abatement contractor if final clearance by TEM is required,.

Just a reminder to all of you who have employees/co-workers dealing with asbestos that there are specific recordkeeping requirements. Training records are kept for one year after the last date of employment, medical records for employment plus 30 years and exposure monitoring for 30 years.

NET NIBBLES ...

Visit OSHA's web page if you have not done so recently. It has been redone and looks great.

STATESIDE ...

Just a reminder, management plans for state facilities are due Sept. 30. The forms are on MDE's Web site.

(Training classes for state employees only.)

October 2002 8 Worker R 17 Worker R 22 BIMP R	November 2002 13 Auto
December 2002 NO CLASSES!!! Happy Holidays!!!	If you must cancel, call Janice Lafon at (410) 537-3801 or (800) 633-6101, -3801 e-mail: jlafon@mde.state.md.us