



Maryland
Department
of the
Environment

Asbestos 101

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

Season's Greetings!

EDITOR'S NOTES ...

The Department's website has a new look that came out in October. Please note the URL for asbestos at the top of this page. This URL will take you directly to the Asbestos & Industrial Hygiene (AIHP) page. When you get to our page, please note location of items. On the left panel are the documents that were formerly at the top of the AIHP home page. The newsletters are now on the left panel, too. In the center are the forms that you are have been using and that are still valid. The forms have been updated with the new address and phone numbers and, in some cases, have had further substantial revisions. So check the revision dates and be sure that the forms that you are using show revision dates between October and December 2002. On the right panel, the proceedings from last year's National Asbestos Conference are still available. On the right panel, you can also find the lists for licensed contractors, training providers, and consultants. The home page for the Department is still at www.mde.state.md.us.

Since our move to Montgomery Park, all of the previous after hours and emergency numbers have been consolidated into one single, 24-hr line. This number replaces any other emergency number that you have used in the past to contact the Department. It is active now, so please use it for all emergency reporting needs.

The number is 866-633-4686. It is toll-free.

During normal business hours, calls will be handled by the Emergency Response Division staff and directed to the appropriate program for further action. After normal business hours, calls to the emergency line are answered by the Maryland State Highway Administration's Statewide Operations Center (SOC). The SOC screens the calls and directs the information to the appropriate MDE duty officer. For any questions, please call Mike Sharon at 410-537-3000 during normal business hours.

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CONTRACTORS' CORNER ...

This section was written by Lorraine Anderson, Division Chief of Licensing & Enforcement Section. If you have any questions, please call her at 410-537-3200.

Emergencies come up from time to time in the asbestos removal business. As stated previously in this column there are justified reasons for requesting a variance to the 10-day notification requirement for a NESHAP project. An emergency is when through some unforeseen circumstance, a job has to be done immediately, such as the repair of a leaking pipe. The proper way to notify an emergency is to call the Department and speak to an inspector. If you are calling before or after regular working hours, or during a holiday, there will not be an inspector available, so please call as soon as possible when the offices are open. You will need to follow up the phone call with a paper version of your notification as soon as possible.

Variations are only required on NESHAP projects. **The requirement is to notify before commencing the job.** The variance request must come from the contractor who will perform the abatement activity. We have been receiving requests for variances for the 10-day notification requirement for Non-NESHAP jobs. Glove bag variances are not required for Non-NESHAP jobs.

It has come to our attention that there have been questions concerning the treatment of possible asbestos in window caulking and glazing in schools and how it should be handled and regulated. If a building has had an asbestos project of less than 160 sq. ft or less than 260 linear feet (NESHAP quantity) during the current calendar year, the window project would not be regulated by the federal NESHAP regu-

lation and reasonable precautions would have to be taken. The school would have to keep accurate records of asbestos removed during a calendar year to show that the building has not reached the NESHAP threshold. If a building has had NESHAP quantity of asbestos removal done during the current calendar year, then any disturbance of possible asbestos-containing caulk or glazing compound would be considered a NESHAP project and the federal requirements, such as using full containment for removal, would have to be followed. A little effort in recordkeeping could result in significant savings.

ASBESTOS FOR ALL ...

The applications for asbestos training providers and abatement contractors have changes that you need to make note of. The address for submitting the application and fee is that of the lock box at our bank. **DO NOT SEND THE FEE AND APPLICATION TO OUR OFFICE.** This will actually speed up the process! Make the instrument of payment payable to "Maryland Clean Air Fund". Attach the check to the first page of the application and make sure the rest of the pages are securely fastened together.

If you do not receive an acknowledgment of your application and fee within 7-10 days of sending it to our office, **PLEASE CALL.** We do send an acknowledgment of the fee and application as soon as we receive it. The approval time does not begin until we have the application and the fee!

Please continue to send any corrections, variance requests, notifications, etc. to our office on Washington Blvd.

Contact Janice Lafon at 410-537-3801 if you want to be on the consultants' list.

The other item that the training providers and abatement contractors need to provide from this time forward on applications is evidence of compliance with the Workers' Compensation Act. (Environment Article, § 1-202. Compliance with Workers' Compensation Act.). This may be either a certificate of compliance with Maryland Workers' Compensation Act or the number of a workers' compensation insurance policy or binder. We will not issue the abatement license or training provider approval *unless* you provide this information. If you have any questions, please contact the Department of Labor, Licensing & Regulation at 410-230-6020.

If you want copies of the regulations, we can send you copies or you can access these immediately from the Division of State Documents' website. These are the latest versions for COMAR 26.11.21 *Control of Asbestos* and COMAR 26.11.23 *Asbestos Accreditation of Individuals, and Approval of Training Courses*. Go to www.dsd.state.md.us and click on the "COMAR" online button. Choose the No. 1 search option. Type 26.11.21* or 26.11.23* in the box. This will give you a list of all the regulations in each chapter. These can be printed. Unfortunately you will need to print each one separately. For COMAR 26.11.21, there are 13 regulations and for COMAR 26.11.23, there are 15 regulations.

The federal regulations can be found at the EPA's website: www.epa.gov/asbestos. There you can get copies of the NESHAP and the Model Accreditation Plan (MAP). Or we will send you copies if you don't have access to the website. When you reach the EPA's asbestos page, please take a few minutes to see the other asbestos-related items such as the publications, fact sheets, the national directory of training providers (NDAAC), etc. If you want to use the NDAAC to check on a training provider, keep in mind that this information is not current on the day that you look at it. I would recommend that you contact the state that approved the train-

ing provider to check on the training provider's status and status of the particular course. The contact and phone numbers for the states are listed. Remember that enforcement actions can occur and change the status of a training provider and/or course very quickly.

Remember F & M Environmental Technologies, the training provider from Virginia Beach, Virginia? *The saga continues*. Potomac Abatement, Inc., a Washington, D.C. area abatement contractor, and William Gutierrez, Potomac Abatement's operations manager, each pleaded guilty on October 1 in U.S. District Court for the Eastern District of Virginia in Alexandria, VA to making false statements in connection with a scheme to purchase false asbestos abatement training certificates. Gutierrez and Potomac Abatement then performed asbestos abatement work, without certified training, at the Pan American Health Organization and the Washington Navy Yard. The defendants purchased falsified training certificates from F & M Environmental Technologies, a Virginia Company which previously pleaded guilty to selling hundreds of such false certificates in Virginia, Maryland, and the District of Columbia. Failure to receive proper asbestos abatement training can expose workers to the inhalation of asbestos fibers, which is a cause of lung cancer, a lung disease known as "asbestosis" and mesothelioma, which is cancer of the chest and abdominal cavities. When sentenced, Gutierrez faces a maximum sentence of up to five years in prison and/or a fine of up to \$250,000. Potomac Abatement faces maximum fine of up to \$500,000. (For further details, go to the compliance and enforcement section of EPA's website. It is listed under press releases.)

The Libby, Montana superfund cleanup is still ongoing. For updates on the status of the work, please see the EPA's Region 8 website at www.epa.gov/region8.

Cold weather is here and this means space heaters are being used, people are sitting in vehicles with the motors running, etc. Space heaters, forklifts, water heaters, etc. that use a combustible fuel do emit carbon monoxide (CO). This includes those forklifts that use propane! Worksites, buildings, and homes are tightly closed up to save energy and this in turn increases the danger from carbon monoxide if equipment is not properly vented and/or is not working properly. CO is particularly dangerous because it has no odor, no taste, or no color. CO is insidious because the early symptoms may mimic the flu and people don't realize they are being exposed to CO. Go to the OSHA website, www.osha.gov, for more information on CO. Along with the danger of CO at this time of the year, comes cold stress. OSHA has a fact sheet on this topic at the website. Cold stress is not just uncomfortable; it can result in severe damage to the extremities. It, too, sneaks up on workers.

SCHOOLS ...

The management plan forms, exclusion forms, and the elements' checklist have been extensively revised. I have added detailed instructions for schools and management planners about the schools covered by AHERA, how to use our forms, the basic requirements, etc.

There is one omission that we run across frequently that can have a severe financial impact on the schools. Many schools fail to include a requirement in their contract for an inspection for any required corrections. We have seen cases where required elements were missed and the management planner has agreed to make the changes only if more money is paid. There is an AHERA requirement for schools to make corrections to their management plan, if these are provided in writing to the school within 90 days after the state receives the plan. We are doing this review now. Many of these corrections involve

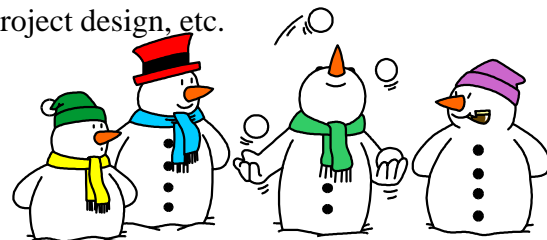
failure to collect enough samples, failure to assess suspect materials, etc. These are tasks that require an accredited inspector or management planner to take care of. There should be no need to pay for required items or tasks that were missed!

Please do not send notifications, reinspection reports, or periodic surveillance forms to our office. We do not require these items. The schools need to make sure these documents are part of the management plan.

STATESIDE:

Many agencies have still not submitted the management plans for their facilities. These were due at the end of September.

The Industrial Hygiene Division has a new member, Mike Sweeney, who started in October. Mike will be doing training, site visits, project design, etc.



You can only have this much fun if schools are closed in Baltimore City or Baltimore County due to inclement weather!! Then training classes will be cancelled!!!

(These classes are for state employees only.)

<p>January 2003</p> <p>No Classes!!</p>	<p>February 2003</p> <p>No Classes!!</p>
<p>March 2003</p> <p>6 Worker R 20 BIMP R 24-28 Supervisor I</p>	<p>If you must cancel, call Janice Lafon at (410) 537-3801 or (800) 633-6101, -3801 e-mail: jlafon@mde.state.md.us</p>