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# Asbestos 101

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

## Season's Greetings!!

### EDITOR'S NOTES ...



This will be the last mailed issue of *Asbestos 101*. The newsletter will always be available at MDE's website ([www.state.md.us/asbestos](http://www.state.md.us/asbestos)) at the end of every quarter. At this time access to the internet is widespread and more people have email than 8 years ago when the choice of delivery methods was offered to the readers. For this issue updated sets of labels from the Department of Education for the schools as well as MDE's own updated labels for contractors, training providers, etc. are being used.

*IF* you would still like to receive a hard copy mailed to you, let the program know by contacting us at the numbers in the left margin. Beginning in March of 2005, no hard copies will be mailed unless someone specifically asks.

**Environmental Compliance Workshops in September and October.** Workbooks are still available. This includes the materials on mold and indoor air quality. Please ask for a package. Contact information is in the left margin of this page.

**Applications & Fees.** ALL applications for a contractor's license and training provider approval MUST be sent to the lockbox. It is P.O. Box 2037, Baltimore, MD 21203-2037. The Department is still receiving some checks mailed to our offices on Washington Blvd. Make sure that page one is on top and that the materials are securely fastened together.

Be sure to use the revised (revised 10/02) application forms that are on MDE's website or the ones sent to you along with renewal reminders. The revised forms have the space for the workman's compensation binder number and these forms also have the correct zip code for the P.O. Box.

**Photo Identification Cards.** There is some confusion about the use of the cards. COMAR 26.11.23.03.C(1) says: "Each individual accredited to engage in an asbestos occupation shall carry, while engaged in the asbestos occupation, a photo identification card issued by the training provider or by a state with an EPA-approved Model Accreditation Plan."

This means that the worker, supervisor, inspector, etc. must have their photo identification card with them while they are performing asbestos activities. This does not mean that the card is back in their office nor that the card at the job is a copy of the original. The contractor or consultant can be cited for this. The job may be shut down, too. If you have a photo identification card from another state, and this card does not have the training expiration date on it, you will need to have your current certificate with you. Many states, such as Pennsylvania, do include this date on the their license. There are several, such as the District of Columbia and West Virginia, that use an expiration date that is the expiration date of the license, not the expiration date of the training.

In Maryland, your training expires after one year and you may not perform any asbestos activity until you have renewed the training. This is why it is crucial to see the current training certificate along with any other state photo identification card that does not have a training expiration date.

If you need a photo identification card, you may obtain one at MDE on every first and third Tuesday of the month. The cost is \$25 cash or money order. You must also have your current training certificate. We need to see the original, not a photocopy of this current certificate. The hours are 8-10 A.M. There is no need for an appointment unless the company is sending more than four persons at a time. If there are any problems with your documents, MDE may pre-

pare the photo identification card, and mail it to you after your certificate is validated.

## **TRAINING PROVIDERS ...**

**NOTE.** The next training provider meeting will be held at MDE on March 10, 2005 from 9:30-noon..

Please include the application checklist with the application. If you do not use the revised forms, the application will be returned. If there are any tax liabilities (HB 935) outstanding at the time of renewal, you will be notified. The renewals may not be issued until any liabilities are satisfied. (This also applies to contractors' license renewals.)

Include detailed outlines for each discipline in the application. If it is the same as last year's, put this information on the application checklist. Detailed means that you list the topics, sub-topics, and the approximate time for each topic. Please include answers for exams, too.

## **SCHOOLS ...**

Region II EPA has reached a settlement with the Yonkers' (New York) school system for \$131,000. This is for Asbestos Hazard Emergency Response Act (AHERA) violations found in five of the 43 schools in Yonkers. These violations included failure to train the designated person, no training records for the custodial and maintenance staff, no annual notification, no records for regular inspections, and no operations and maintenance plans. The school district will spend this money towards repairs, training, etc. whatever needs to be done to bring the schools into compliance by September 2005. Fortunately the EPA did not find any hazardous conditions.

There seem to be some "urban myths" out there about asbestos in schools.

**MYTH NO. 1:** The AHERA program is not alive and well. Not true. Our staff does compliance inspections and the results are forwarded to EPA Region III for any enforcement action. Just because a school has not been inspected, does not mean that you do not have to comply with the AHERA requirements. By the way, the penalty has gone up to \$6500 per violation per day per building.

**MYTH NO. 2:** The EPA is only worried about exposures to the students. This is partially true, but the goal of AHERA is to **prevent** the exposures, not handle the situation when an unintended exposure occurs. The requirements for recordkeeping, reinspections, etc. are designed to prevent problems by making sure that the school knows where its asbestos is and what condition it is in.

**MYTH NO. 3:** Telling our inspectors that you did something is good enough, no, you must have the records to prove this. In many cases this may mean that you will have to repeat tasks such as the 2-hour awareness training.

**MYTH NO. 4:** Asbestos in schools isn't big news anymore. Ask school officials and parents in Yonkers NY, New Britain CT, Miami FL, Kanohe HI, or Ledyard CT. In all except Yonkers, these schools made the news and the front page of the local newspapers because parents and teachers weren't informed, that workers disturbed asbestos-containing materials when they were doing renovations, etc. The teachers' union in Hawaii is advising all of its teachers to get chest X-rays. The parents in Florida called the local "Action Line" to get information, etc. that they felt was not forthcoming from the school. Almost all of this would not have happened if the school had notified the parents and staff what was going to happen or did happen. The principal of the school in Florida said she had not received any calls from parents about the situation because they were calling the local "Action Line" to get the information they didn't feel was being given to them.

The parents in Florida were upset when they noted the asbestos danger sign on the door to certain parts of the school. The parents in Connecticut and Hawaii were upset when elevated asbestos levels were found and they were concerned for their children's health. These two schools also closed early for the holidays.

**MYTH NO. 5:** Not to worry if there is no designated person for a few years. Not to worry if this person has no real authority to do his job. Not to worry if this person has had no training.

These are big worries! During our inspections, we find the lack of a trained designated person to be one of the most important items of non-compliance. The AHERA regulations give this position a large number of responsibilities. In addition these persons must be trained so their responsibilities can be carried out. The training choice is left up to the school, but it must be done. There must always be a designated person even if all of the asbestos is removed from the school.

We find too often that the designated person is someone new to the system, who may be very low in seniority, etc. AHERA regulations are very clear on what the responsibilities of the designated person are. This person has to be a senior person in the system so that they can perform duties properly. Another problem that is not discussed in the AHERA regulations, is scattering responsibility for parts of the asbestos program among different departments. The inspectors have found the designated person in one office and plans in another office or even another building!

One of the big problems is that one division lets contracts for renovation work and does not consult with the asbestos group to determine if asbestos is present in the area covered by the scope of the contract. Then the renovators disturb the asbestos, exposures may occur, there is the added expense of the cleanup, etc.

**MYTH NO. 6:** Schools really don't have to do what AHERA required of them in 1987 when AHERA took effect! The AHERA regulations have not changed at all since 1987!! This means that management plans must be at the headquarters of the school system and an identical copy of this plan at the local school. These plans must be updated and copies of updates placed in the plans so that the one at headquarters is the **SAME** as the one at the local school.

Any and all response action records e.g. removals, repairs, etc. must be with the management plan. This includes all such records since the management plan was implemented. Yes, it might be fourteen years' worth of records.

**MYTH NO. 7:** All of the information in the original management plan is completely reliable. This is not true. Some inspectors missed materials that have never been addressed. During the reinspections these materials may have been found. MDE inspectors found materials that appeared and disappeared during reinspections. However, once materials are found or removed, there is no good current inventory of the asbestos materials. The inspectors have seen schools reinspecting new schools, schools with all asbestos removed; all of which is not necessary.

**MYTH NO. 8:** Portables are not part of AHERA. This is not true. These buildings are subject to the same requirements as fixed buildings.

## NET NIBBLES ...

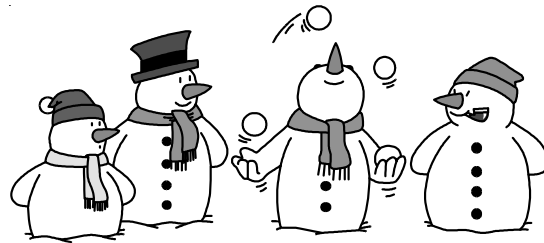
Cold weather is upon us. Please visit the OSHA web site at [www.osha.gov](http://www.osha.gov) and check out the pocket card for cold hazards. At this time of year, many folks are using carbon-fuelled space heaters and other equipment like forklifts indoors that are a source of carbon monoxide. Carbon monoxide is a colorless, tasteless gas that has symptoms of the flu or a cold. It can be lethal. Keep generators outside of buildings.

## STATESIDE ...

Please remind your staff that are attending training that all classes, **EXCEPT** the automotive, worker initial, and supervisor initial classes are given here at MDE in the TEST ROOM. These classes will be held at Rosewood Hospital because of space and equipment requirements.

Management plans were due on September 30 and there are many we have not received!!

Changes have occurred in the state employees' medical monitoring and training program. Jim Lewis has moved over to the Radiological Health Program. Mardel Knight will be the division chief for this program. She and Lorraine Anderson will share duties for the Asbestos Oversight Committee. Frank Courtright, the program manager of the Air Quality Compliance Program, is now the executive director.



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

(Note: These classes are only for state employees.)

January 2005 NO CLASSES!!	February 2005 NO CLASSES!!
March 2005 3 WR-MDE/Test Rm. 17 BIMPR/Test Rm. 3/29-31 & 4/1/05 W Initial (Rosewood)	If you must cancel, call Sharon Manger at 410-537-3200 or (800)633-6101, -3200 or email: <a href="mailto:smanger@mde.state.md.us">smanger@mde.state.md.us</a>