



# Asbestos 101

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

September 2010

## EDITOR'S NOTES . . .

Another school year has begun, and it's time to make sure that the annual asbestos notification has been distributed to parents, staff, and teachers. Many schools with new principals or assistant principals may not know the location of their asbestos management plan, so please follow up to ensure that they know the location of the plan. In the past, principals of large school systems that just finished their reinspections have no idea of where the asbestos management plan is located in their school. If this happens during a compliance inspection, it's a serious violation of the Asbestos Hazard Emergency Response Act (AHERA) regulations.

## TRAINING PROVIDERS . . .

Some of the training providers have received Notices of Violation. The notices have been issued for late reporting of classes well beyond the 10 working days that are allowed in COMAR 26.11.23J(2). (These are MDE working days.) If your application has been sent to our office after the previous certificate has expired, you will not be able to conduct training until the application has been approved. Please make sure that all applications are sent to Department of the Environment, P.O. Box 2037, Baltimore, Maryland 21203-2037.

Please check the quality of the training provider submittals. The Department has received some submittals recently with dark pictures, fuzzy scans and spelling differences between the MDE 265 and the photo ID card.

## SCHOOLS . . .

**CHARTER SCHOOLS...** There are a number of charter schools that have opened recently. According to the Maryland State Department of Education (MSDE), charter schools are public schools and are a part of the public school system that approved their application. They are not a separate Local Education Agency (LEA), but are part of an LEA that is simply run differently. Fulfilling the requirements of AHERA seems to be confusing. Some of the confusion results from the charter school agreement that was crafted by the LEA. It seems at this time that most of the LEAs will be responsible for AHERA requirements for the charter schools housed in buildings owned by the LEA. However, the confusing part comes for those that are housed in facilities not owned by the LEA. How this is handled will depend upon the charter school agreement that was reached with these schools. The bottom line is that these schools must comply with AHERA.

1800 Washington Boulevard | Baltimore, MD 21230-1720 | [www.mde.state.md.us](http://www.mde.state.md.us)  
410-537-3200 | 800-633-6101 | TTY Users: 800-735-2258

Martin O'Malley, *Governor* | Anthony G. Brown, *Lt. Governor* | Shari T. Wilson, *Secretary*  
Air & Radiation Management Administration

Published by Asbestos Division, Lorraine Anderson, Editor



For those charter schools that are open and have no management plan at this time, the school is in violation of AHERA requirements. Schools that have asbestos are required to develop a management plan, have a trained designated person; perform periodic surveillance; send an annual notification to parents teachers and staff; give 2 hour awareness training to maintenance and custodial staff; place warning labels on or near asbestos materials; and use accredited people for all response actions. If a school does not have asbestos, they are still required to develop the management plan, have trained designated person and send an annual notification to parents, teachers and staff before the school opens. The only time that the inspection does not need to be done before the school opens is if there is an emergency and the school is forced to relocate to another site. Then an inspection must be done within 30 days of the move.

**NOTE:** The above requirement applies to all schools, not just the charter schools.

During the latest quarter of AHERA inspections, the following schools were found to be in compliance with the regulations. Good job!

- Mount Pleasant Christian School (Baltimore County)
- Dr. Henry A. Wise Jr. High School (Prince George's County)

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

**(Tim O'Hare, Section Head, Asbestos Licensing & Enforcement Section)**

### Some Thoughts Concerning Notifying Vinyl Asbestos Tile (VAT) and Mastic

If you want to skip the 10-day notification, and the job entails more than 160 sq ft of VAT or mastic (National Emission Standards for Hazardous Air Pollutants (NESHAP) amount), your only option is to use hand methods on both tiles and mastic. This means no plows, no chippers and **no buffers!** Notify the project as a non-NESHAP renovation, list VAT as Cat 1, mastic as Cat 2. Don't put yourself in the position where we have to make a judgment call about whether you rendered the tiles friable or not. If you don't care about the 10 days, call the project a NESHAP renovation and list the square footage as regulated asbestos containing material (RACM).

### Hoods

Quite a few of you have found out that the Department is serious about hood violations. Some have suggested that we fine the workers, but we do not have the authority to do that, and ultimately, the contractor is responsible for the actions of his/her employees. Here are the names of some workers who have cost their employers serious fines: Eduardo Berganza, Marco Bol, Jose Lopez Santos, Santiago Perez, Jose B. Vasquez, Deny Avelar, Bianca Edith Villalobos, Francisco Escobar, Gloria Renoj-Vasquez, Mildred Rojas, Jerrett Judy, Santos Campos, and Antonio Cruz. A bandana over the head is not a suitable substitute for a hood.

As some of you may have noticed, we have been issuing Administrative Settlement letters (ASL). This is an enforcement tool used when a significant violation has occurred and has been corrected. Please note that penalties may increase if violations are repeated, showing a recurring pattern. The following are some examples of ASLs that have been completed since the last newsletter.

---

1800 Washington Boulevard | Baltimore, MD 21230-1720 | [www.mde.state.md.us](http://www.mde.state.md.us)  
410-537-3200 | 800-633-6101 | TTY Users: 800-735-2258

Martin O'Malley, *Governor* | Anthony G. Brown, *Lt. Governor* | Shari T. Wilson, *Secretary*

Air & Radiation Management Administration

Published by Asbestos Division, Lorraine Anderson, Editor



- ASL mailed 8/11/10 for \$1,000 – Violation – asbestos workers at the site were found to have their hoods down during an asbestos project inspection.
- ASL mailed 8/11/10 for \$2,000 – Violation – asbestos workers at the site were found to have their hoods down during an asbestos project inspection.

## STATESIDE . . .

State facilities need to be sure to account for ALL asbestos containing materials. A recent incident involving planting tables at a State facility greenhouse has brought to light the need to account for all Asbestos Containing Material (ACM) at a facility even when it is not a building material.

Examples of such ACM objects may include but are not limited to: lab tables, planting tables, theater curtains, lab gloves and Bunsen burner pads, brakes/clutches, fire doors etc. It is important to account for these objects and inform personnel who may work in the area, so that the ACM is not accidentally or deliberately disturbed. You should note the type, quantity, and the location of the object(s) in the facility asbestos management plan which is due September 30<sup>th</sup>.

Facilities have been asked to update their information for their employees. Please make sure that Sharon Manger receives the updated information. This will facilitate medical monitoring and training scheduling. Ms. Manger can be reached at 410-537-3200 or at [smanger@mde.state.md.us](mailto:smanger@mde.state.md.us).

## STATE EMPLOYEE TRAINING CALENDAR

These classes are only for state employees.

October 2010	November 2010
13 Supervisor Recert – Aqua Conference Room	17 Worker Recert – Aqua Conference Room
December - 2010	January 2011
<b>NO CLASSES</b>	<b>NO CLASSES</b>
February 2011	
16 Asbestos Management Planner Recert – Aqua Conference Room	If you must cancel your scheduled training, your supervisor must call Sharon Manger at 1-800-633-6101 ext. 3200 or e-mail <a href="mailto:smanger@mde.state.md.us">smanger@mde.state.md.us</a>

Anyone interested in being added to our list for the newsletter, please e-mail Larry Vermont at [lvermont@mde.state.md.us](mailto:lvermont@mde.state.md.us) or call at 410-537-3200 to get the newsletter mailed.

