



Maryland  
Department  
of the  
Environment

Parris N. Glendening  
Governor

Jane T. Nishida  
Secretary

Air & Radiation  
Management  
Administration

2500 Broening Hwy.  
Baltimore, MD  
21224-6617

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The Asbestos  
Accreditation &  
School Assistance  
Division

Editor:  
Mardel Knight  
(410) 631-3801  
(800) 633-6101  
mknight@pcbanc.net or  
mknight@mde.state.md.us

FAX (410) 631-3924  
[TTY USERS:  
(800) 735-2258  
Maryland Relay  
Services]

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# Asbestos 101

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

## **EDITOR'S NOTES...**

Thanks to all of you who used the postcards in the last newsletter. About 50% were returned. About 2/3 of the respondents wished to receive the newsletter by mail and the rest by email. (We mailed 1328 newsletters!!) So if you had to go to the website to read this issue, I didn't get your postcard! If you wish to go from regular mail to email or vice versa, please let me know. I did appreciate the little notes that some of you wrote on the cards.

*As promised, in the 12/99 newsletter, IF I did not receive a postcard, the address was dropped from the mailing list including training providers and abatement contractors!!!*

For those "new" schools, you have been left on the mailing list for a year. This is to make sure that you are current with asbestos issues for schools. At the end of the year, we will do a mailing to you with a postcard for your response. Then you can decide whether or not to receive the newsletter and choose the method of delivery if you still want to receive it.

*News Flash: On 2/23/00 Omar Gonzalez, the owner of ITSS (a training provider) who was indicted for tax fraud, creating false documents i.e. fraudulent training certificates; was sentenced to 27 months in a Federal Penitentiary and must pay restitution of approximately \$160,000. See last newsletter for more details.*

## **ASBESTOS FOR ALL...**

Frank Whitehead, the Program Manager for the Asbestos & Industrial Hygiene Program, and I attended the annual Mid-Atlantic Regional Environmental Consortium (MAREC) meeting in Rehoboth Beach, DE on March 13<sup>th</sup> and 14<sup>th</sup>. This group meets once or twice a year to discuss asbestos issues, both Model Accreditation Plan and NESHAP. This group includes representatives of all states in Regions III and the District of Columbia along with representatives from the EPA.

The dreaded floor tile topic keeps coming up and each jurisdiction treats it differently so you need to check with that state's regulatory authority for NESHAP. For example, Allegheny County (which is Pittsburgh) in Pennsylvania and the City of Philadelphia treat floor tile as friable and you must follow the NESHAP for regulated projects as well as any other rules that these two jurisdictions enforce. In most instances these two jurisdictions are more restrictive than the rest of Pennsylvania.

The other topic of interest was some information about new products that were used recently in the Pittsburgh area. One of the Pittsburgh inspectors noted a warning on boxes of *NEW* floor tile that said it "may contain asbestos". The manufacturer said that the warning was intended to make installers aware of a potential problem with the asbestos-containing floor tiles that are being replaced by these new ones. However, the floor tile was tested and contained more than 1% asbestos!! So be aware of this fact, check labels, check Material Safety Data Sheets, and have it tested if necessary.

A contractor replacing asbestos-containing roof flashing noted a warning on the box of the replacement material that said "Contains fibrous material". *The fibrous material was asbestos!!* The replacement contained more asbestos than the material it replaced.

Unfortunately, many people are still under the impression that all asbestos uses were banned by the EPA. *Certain applications of asbestos were banned in the early 70's and remain banned by the EPA:*

- (1) spray-applied uses for fireproofing/insulating and decorative purposes, \*
- (2) installation of wet-applied and pre-formed (molded) asbestos pipe insulation, and
- (3) installation of pre-formed (molded) asbestos block insulation on boilers and hot water tanks.

Note: Trowelled-on applications of surfacing asbestos-containing material (ACM) are not banned.

In 1989 the EPA attempted to ban the manufacture, importation, processing, and distribution in commerce of many asbestos-containing products [The Asbestos Ban and Phaseout Rule (40 CFR 763, Subpart I, Sec. 762.160-763.179)]. The original 1989 ban was set aside by the U.S. Fifth Circuit Court of Appeals in 1991. The EPA published a notice in the November 5, 1993 Federal Register (58 FR 58964) that explained EPA's position on materials banned and not banned.

*BANNED:* corrugated paper, rollboard, commercial paper, specialty paper, flooring felt, and new uses of asbestos.

*NOT SUBJECT TO THE BAN:* vinyl-asbestos floor tile, asbestos clothing, roofing felts, asbestos-cement shingle (a.k.a. transite or "Baltimore shingle") used on homes, asbestos-cement pipe, automotive products such as automatic transmission components, clutch facings, and brake pads, linings, and blocks; non-roofing and roofing coatings. (This is not the whole list.) \*

And so what does this mean?? If you are replacing older products with new ones that are not banned, check the labels, and if in doubt, the only definitive answer is sampling of the material!! Yes, this is painful, but do you wish to replace carefully and expensively removed floor tile with asbestos-containing floor tile?? Remember this material if it contains more than 1% asbestos is still subject to AHERA and will remain a part of your management plan.

\* Go to MDE's web site for the complete document on the status of EPA's bans. When you get to the website, go to the "choose topic" box and open the list and select "Asbestos & Industrial Hygiene". There you can read or download a copy of the document for yourself. It is in the Adobe Acrobat Reader format. You may also visit EPA's web site at [www.epa.gov](http://www.epa.gov), choose search, type in

the word "asbestos", and you will find a list of items that include regulations, Federal Register documents, etc. (Part of EPA's website is inaccessible so that the security for the web site can be upgraded, but this part is available for access by the public.

Another topic came up at the meeting that some of you may be unaware of concerns the asbestos problem in Libby, Montana. Libby, Montana is the site where W.R. Grace operated a vermiculite mine. The vermiculite deposits also contained tremolite, one of the asbestos fibers. Obviously the tremolite was disturbed when the vermiculite was mined and became airborne, etc. The mine is now closed, but there are still vermiculite mines open in the U.S. that the Mine Safety & Health Administration is looking at.

In late 1999 and early 2000, the *Seattle Post-Intelligencer* ran a series of articles titled "An Uncivil Action". Go to their website at [www.seattlepi.com/uncivilaction](http://www.seattlepi.com/uncivilaction) and you can read the articles. Libby also has its own website ([www.libbymontana.com](http://www.libbymontana.com)) that details what the EPA and community are doing to address the asbestos problem.

## **SCHOOLS...**

At the MAREC meeting, school compliance with the AHERA regulations, was discussed. As some of you may know, our office is notifying all those schools that are "new" to our office about the requirements for complying with the AHERA requirements. "New" means to this office that we have received copies of your correspondence with the Maryland State Department of Education. We do know when you move, when you become registered as a religious-exempt school, and when you are approved to provide nonpublic educational programs. This notice takes the form of a certified letter with return receipt. Included with letter is a package of materials including the regulations, etc. We have advised these schools that they have 60 days to respond to the letter.

*EPA officials at the MAREC meeting informed us that our efforts with the certified letter, etc. will constitute EPA's Notice of Violation (NOV). These NOV letters put the schools on notice that they had not complied with AHERA by preparing a management plan and had to respond to the NOV within a certain time period. This means for those of you who have not responded to the Department's notice, your next correspondence will be from the EPA with a demand for money. The basic proposed penalty for failure to inspect and prepare a management plan is \$5500.00 and you still need to do the inspection. Trust me, a management plan is much less expensive. So we do need to hear from you.*

For those of you who have moved to a different facility, you must prepare a management plan for the new facility. Compliance with AHERA was not a one time only activity. If it is a building completed after 10/12/88, the facility may be eligible for an exclusion. Whatever the status of your facility, you must address the requirements of AHERA.

An interesting aside, a school elected to not receive the newsletter because it is asbestos-free. This is nice, but there are still a few things that the school must do even if it is asbestos-free. These are: (1) maintain the management plan or exclusion package in the school office, (2) maintain a designated person with the appropriate training whose job will be to maintain the documents in the school office, (3) and send out the annual notification to all interested parties. This notification is important because it shows the parents, teachers, and staff new to the school that your school has complied with the requirements of AHERA.

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

*Don't forget to send in revised notifications when you cancel, end early, change project dates, etc. Phone calls are not official!!*

Power washing has come up again. It is still the subject of a variance request because the Department considers it an alternative procedure that requires the contractor to ask for a variance. You may ask, but there is still very little chance that your request to use this method will be approved. Power washing has the potential to disperse large amounts of asbestos fibers into the air.

All floor tile projects in state facilities that are procured by the Department of General Services (DGS), *will be conducted as though subject to NESHAP*. This means that there will be a 10-day notice to the Department, containment, etc. This decision was made as part of the State's desire to prevent any mishaps that might make the State subject to severe penalties if the EPA deems that the State has violated the consent decree signed with DGS last year.

## TRAINING PROVIDERS...

*There is a meeting scheduled for Tuesday, April 25, 2000 at MDE in the Patuxent room. The issue of collecting social security numbers and some other information will be discussed. This is very important so please try to send someone.*

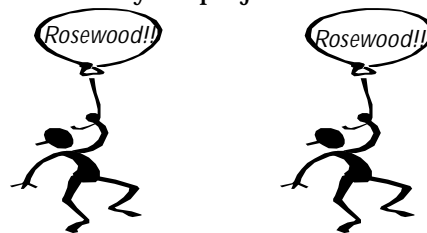
This meeting will take place after the National Asbestos Meeting so that we can give you that update at the same time.

Our auditors have noticed that some of you are becoming a bit careless teaching the review courses. I realize that the same topics have to be taught every year, but all of these topics have to be covered. It is up to you to make it more interesting. There seems to be a lot of chit chat back and forth between trainees and instructors. We all enjoy "war stories" and learn from them, but don't let this interfere with your coverage of the required materials.

## STATESIDE...

Jim Lewis is putting out an urgent SOS for you folks to send in your projects ( a.k.a. asbestos project wish list) that you want considered for FY2002. The Asbestos Oversight Committee will shortly make its budget request and needs to know what projects are out there in need of funding.

Steve Epps will be joining our staff shortly to work with Becky MacEwen and Jim Lewis. Steve is not a new face to us and many of you know Steve from the old days at DHMH and have seen him on some of your projects as a consultant.



Yes, indeed the move to Rosewood is being or will be completed as you read this newsletter. At any rate, all classes beginning in April, will be held at Rosewood Hospital Center. If the training center is not quite ready at the beginning of April, classes will be held in the multipurpose room above the canteen at Rosewood. There will be a note posted on the door at the training center if this is the case.

These are training classes for state employees and are not open to the public.

April	2000	May	2000
4	Supervisor R	4	Worker R
6	BIMPR	9-12	Worker I
19	Supervisor R	25	Auto Worker I
25	Worker R		
27	BIMPR		
June	2000	If you must cancel, call Rebecca MacEwen at (410) 631-3801 or (800) 633-6101,-3801 e-mail: rmacewen@mde.state.md-.us	
1	Supervisor R		
8	Auto Worker I		
15	BIMPR		
21-23	Inspector I		
27-28	Manag. Plan. I		