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# Asbestos 101

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

## EDITOR'S NOTES...

There is good news for training providers and the asbestos abatement contractors. In the near future you may pay application fees and any penalties with company checks. *You will no longer need certified checks, cashiers' checks, or money orders!*

We will be changing the regulations in both COMAR 26.11.21 (Control of Asbestos) and COMAR 26.11.23, (Asbestos Accreditation of Individuals and Approval of Training Courses) to allow these changes. Call Mardel Knight at 410.631.3200 for more information. Please remember, that whatever method of payment that you use, include information with the payment that clearly identifies what the money is for. It is amazing the number of payments that we get with no information about what it is for...we do not read minds. This lack of information will significantly delay the review of the application because applications are not reviewed until we have proof of payment.

For individuals who need to come to the Department for photo identification cards, you will still have to pay with cash or a money order.

**Social Security Numbers:** The training providers have, for the most part, had no difficulty in collecting these from the trainees. Please note that we also require a social security number from those persons who come to the Department for a replacement photo identification card, etc. The Department has still not made a decision about how it will collect the addresses of the trainees. And so far we have not received any requests from the Child Support Enforcement Administration (CSEA) for information on any trainee!! Please remember that this is the measure of last resort for CSEA to collect child support in arrears.

By October 10<sup>th</sup>, 2000, a short notice will be on our web page listing the federal and state laws and regulations that led to the requirement for collection of social security numbers. For those of you who asked, the law that started this process, along with other welfare reform requirements, is titled "*The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193)*". President Clinton signed this bill into law on August 22, 1996.

## SCHOOLS...

This is the beginning of a new school year and now is a good time to make sure that the designated person or his designee has notified parents, teachers, and other staff as required by the Asbestos Hazard Emergency Response Act (AHERA). The AHERA regulations will be 13 years old next month and there have been no changes in these regulations.

We have received calls from individuals who are newly appointed designated persons and are wondering what they need to do. Here are some basic requirements:

**Designated Person:** Take a training course appropriate for your duties or study on your own. If you do training on your own, make sure that you read the AHERA regulations, the "The Hundred Questions", and the "Self-Study Guide for the Designated Person". You may obtain a copy of the regulations from our office. The other two documents are on our website and can be downloaded. You will need the free Adobe Acrobat® Reader in order to view these documents. These are located on our website and the address is at the top of page 1 of this newsletter. When you arrive at the MDE home page, you will see a box on the right side that says "Choose Topic". Click on the down arrow on the right side of the box and it will open a list of topics. Choose "Asbestos and Industrial Hygiene" and you will find the documents, any forms that you need, and back issues of the newsletter. Scroll down the page so you may see all of the items on the page.

**Locate the management plan:** Make sure that your office staff knows where it is. If you cannot locate it, you will need to have another plan prepared. You will need to make sure that the inspector/management planner used the required inspection/management plan forms found on our website. If you need hard copies of the forms, please call. If you submitted a management plan

to our office in the last 2-3 years, it may still be on file, and we can give you a copy.

**Keep the management plan:** The plans are to be kept for the life of the building as long as it is a school. This includes schools that have an exclusion because of the construction date.

**Respond to the "60 day" letter:** I would remind "new" schools that you must respond to this letter. If not, your school's name is turned over to the Region III EPA office for further action. This could be a notice of violation (NOV), penalty assessment, etc. The "new" schools are those that recently registered with the Maryland State Department of Education (MSDE). The MSDE has provided us with copies of the letters that you receive from MSDE acknowledging that you are approved to operate a nonpublic school. This includes facilities that are registered as schools operated by bona fide religious organizations.

**Keep plan current:** If the initial inspection showed that your building(s) have asbestos-containing materials subject to AHERA, a reinspection is required every three years. Periodic surveillance is required every 6 months. These activities must continue until all of the asbestos-containing materials subject to AHERA have been removed from the building(s). The reinspection and periodic surveillance reports are to be kept with the original management plan!!!

**Notification:** This is a requirement to be carried out on an annual basis. The notification must be made every year, regardless of whether or not your school contains asbestos! Notification of parents, teachers, and staff is one of the key features of AHERA. Even if the school has an exclusion, the notification is necessary to inform interested parties that your school has complied with AHERA and where to find the management plan or exclusion documents. Even if your school has no asbestos, you will have new parents, teachers, and staff every year who need this information.

If the notifications have not been done every year, make sure one is done immediately!! There is no way that you can get out of doing the notification...no exceptions!!

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

Be sure to check this column in the December newsletter. Lorraine Anderson, division chief of the licensing and enforcement division will write a primer on variances.

Suffice it to say at this time, a variance must be submitted and approved before you may take advantage of the variance. Only the contractor who will be doing the job may apply for the variance. Allow enough time for us to review the variance request. Some sites may need to be visited prior to making a decision on the variance.

The end of the calendar year is approaching. For those contractors who have notified the Department about jobs that will extend past December 31, 2000; you will need to re-notify for these jobs. A notification is only good within one calendar year.

Unsolicited faxes for notifications, etc. fall into the same category as junk mail and we dispose of junk mail without reading it.

While we applaud good manners in dealing with people, the licensing folks do not want nor are they asking for "courtesy" notifications. It is not a courtesy, but a requirement to notify on a NE-SHAP size job that involves removing materials in a boiler room!! If you don't need to notify, you don't have to notify the Department!!

## **TRAINING PROVIDERS...**

For those who were unable to attend the meeting on 9/21/00, I will send you a packet of materials and notes on the proposed changes to CO-MAR 26.11.21, Control of Asbestos.

The Schedule II Photo Identification form in the application continues to cause some difficulty for applicants. This inventory is for the year prior to the date on the form. We do expect you to do the inventory within a few days of the date of the application. If the inventory is deficient and returned for corrections and you wait more than two weeks to make the corrections, then you may need to do another inventory in order to be current. This inventory is for all of the cards that you have, not just the ones used for the course(s) on the application. We do pay particular attention to the voids that must be returned immediately. And we do check your math!!

For each course application, list the classes taught in the past year for that course.

Larry Vermont and Jim Hourihane have been doing recordkeeping audits in the last couple months. Most of you are doing an excellent job of recordkeeping. However, we have found one problem that is a bit disconcerting. For the training providers located in Maryland, we expect that the forms and any materials that you need will be ready on the third day by 1 P.M., and no later than 2:30 P.M. (Unless, of course, you have made other arrangements with Larry or Jim.) The auditors do not expect to wait while you fill out the forms! For those located out of state, you must return the materials by COB on the third day after you receive your package.

The time constraints are in place to be fair to all training providers, no matter where located. We also call you before sending the UPS package so that we know you will be there to receive the package and able to work on it. The time frame for completing the forms, etc. is the 3 business days after you receive the package.

The certificates that you receive for the application approvals and course audits must be posted in a public place for the "public" to view. A drawer is not public.

The certification forms for the operations & maintenance classes are due within 10 working days after the end of the class. You must also supply the social security numbers for these persons. Your record keeping requirements for these are the same as for the ASHARA classes.

If you are teaching any classes, other than the worker or O & M disciplines, you are required to use at least 2 instructors. These must be listed on the certification form. If this information is missing we will return these forms for you to fix. This is also true for forms without color pictures, etc.

Here are a couple items that will add interest to your classes, particularly the review classes. This is information on vermiculite and silica. As you may remember, vermiculite mined in Libby, Montana, was contaminated with tremolite asbestos. (See the March 2000 newsletter.) The vermiculite was used in many products such as gardening products, attic insulation, packing material, ceiling tiles, etc. The EPA has a report on its web site that provides information on testing for asbestos in consumer products containing vermiculite. The report and a fact sheet on vermiculite can be found at [www.epa.gov/verm.htm](http://www.epa.gov/verm.htm).

Another item that you can discuss is silica. As you know many of the asbestos workers also do demolition work or other construction work after the asbestos has been removed or when they have no asbestos jobs. At the OSHA web site, [www.osha.gov](http://www.osha.gov), there is a silicosis fact sheet for construction workers and a pocket card with a series of questions and answers for the workers about silicosis.

In the past few months some questions have come up about the requirements for the medical

surveillance required for use of a respirator and who can conduct the exams. The respirator standard was very clear about the need for the medical evaluation PRIOR to conducting fit-testing. The person who may carry out this medical surveillance is known as the Physician or other Licensed Health Care Professional (PLHCP). This is a person who is licensed, registered, or certified in Maryland to provide independently or with delegated responsibility, the health care services that are specified in the standard. Please go to the OSHA web site where you will find letters of interpretation indexed by the standard numbers. There are several recent ones that address these issues.

## STATESIDE...

The state facility management plans are due September 30, 2000.

We have a new secretary, Janice Lafon, who is scheduling state employees for training classes. So call Ms. Lafon if you need to add employees to the training and medical monitoring program or have any questions about the training status of any of your employees.

In case you have missed the last newsletter, training classes are being held at the Rosewood Hospital Center. Training classes will be cancelled if Baltimore City or Baltimore County close schools due to inclement weather. These classes are only for state employees.

<p>October 2000</p> <p>3-6 Worker I 12 AS &amp; HS I 19 Worker R 25-29 Supervisor I</p>	<p>November 2000</p> <p>1 Auto Worker I 14-17 Worker I 28-30 Building Inspector I</p>
<p>December 2000</p> <p>5-8 Worker I 12-13 Management Planner I</p>	<p>If you must cancel, call Sharon Manger or Janice Lafon at (410) 631-3801 or (800) 633-6101,-3801 or email:</p> <p><a href="mailto:smanger@mde.state.md.us">smanger@mde.state.md.us</a> <a href="mailto:jlafon@mde.state.md.us">jlafon@mde.state.md.us</a></p>