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Environment

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A sbestos 101

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

EDITOR'S NOTES ...



MARDEL KNIGHT 2/12/08

and always will be the people that make work or life rewarding. If anyone needs any information or whatever, you may use this email: mardelknight@msn.com.

For those of you still working hard, contact Larry Vermont or Sharon Manger if you need more photo identification cards. Contact Larry Vermont, Rebecca MacEwen, or Mike Sweeney for AHERA questions and questions about school inspections. Mike and Becky are still your contacts for state facilities. Larry is reviewing training provider applications so contact him if you need information on your application status. Call Lorraine Anderson for other program questions. They may all be reached at 410-537-3200 or 800-633-6101, ext. 3200.

The issue of using material safety data sheets (MSDS) in lieu of sampling or assuming that materials contain asbestos is still active. There is now a workgroup at EPA headquarters that is considering this issue. For further information, you may wish to contact Tom Leary, Asbestos Program Manager for Anne Arundel County Schools. His email is tleary@aacps.org. Tom is part of the work group that the schools and representatives of the MSDE

Tuesday, February 12, 2008 will be my last day at MDE as I am retiring. I will be doing whatever I can that has no deadline, no performance evaluations, etc. It has been fun because I have met many very nice folks over the years some of whom have become good friends. It has been an interesting 26 years working for the State, both at MOSH and at MDE. It is

School Construction Division put together to address the MSDS issue in order to maintain compliance with AHERA.

ASBESTOS FOR ALL ...

Two defective photo identification cards were found at a jobsite this week. One of the cards had a black and white picture. The second card was just a paper copy, not the laminated card. The numbers on the cards were matched to the employees holding the damaged cards. Our files had copies of the original photo id cards and the picture was in color. Obviously the cards had been damaged/altere for any number of reasons. The regulations require a color picture and the cards are issued as laminated cards. Our inspectors will pull workers with improper cards from the job. After all of these years of using the same basic format for the cards, it makes little sense that cards like these make it to the job site. Anyone with a damaged card needs to have it replaced. Replacement will have to be done at the Department on any 1st or 3rd Tuesday of the month. Contractors need to make sure that these cards are checked and that supervisors are fully cognizant of the requirements for a proper photo id card.

The procedures for acquiring a photo identification card from the Department can be found on the website titled ***Photo Op Day Schedule & Instructions***. As mentioned above, photo id cards are only done on the 1st and 3rd Tuesday of each month. If that Tuesday is a holiday or the Department is closed that day, there is no "rain

date" for that Tuesday. You will need to come in on the next scheduled Tuesday. The hours are 8-9:30 A.M. here at MDE. You will need your current certificate, the original and \$25 in cash or money order. We do not accept checks or credit cards.

For those companies sending more than four persons, the procedures are slightly different. We require that the fee be prepaid and copies of certificates sent in. Once we have the money and have verified the authenticity of the certificates, we will contact you to set up an appointment. This will not take place on the regular Tuesday as a large group is too hard to accommodate on the regular Tuesdays. When your employees come in they will need to bring their original certificate with them so that we can compare it to the copy that we have received.

CONTRACTORS' CORNER ...

It has come to the Department's attention that questions have been raised concerning notification requirements. The following should clarify the notification requirements. There are two types of notifications, one for NESHAP jobs, and one for non-NESHAP jobs or state facility jobs.

The NESHAP notifications should be postmarked at least 10 working days before the project begins. The notification must be sent to EPA Region 3 and to the Department. A good rule of thumb for any revision to a notification is to call in the change as soon as possible and then follow up with the written notification. It would

make it easier for us if you would highlight the changes that you make. When you revise the start date, you still need to notify at least 10 working days before the project begins.

For non-NESHAP notifications, the notification has to be provided to the Department **BEFORE** the job begins. These notifications do not have to be sent to EPA and can be faxed to our office at 410-537-3924. Contact Lorraine Anderson at 410-537-3200 or 800-633-6101, ext. 3200 for more information on notifications.

TRAINING PROVIDERS ...

There is a training provider meeting scheduled for March 13, 2008 here at MDE. Please note that the meeting may be postponed or cancelled. You will be notified as to the status of the meeting. If you have any questions, call Larry Vermont.

While digging through my files, I found a copy of the policies and procedures that EPA put out in 1990 regarding training. I also found a checklist for applications denoting the frequent deficiencies that we find. For either item, please contact Larry Vermont.

A disturbing situation has arisen again. Employees are mixing and matching the worker and supervisor review courses. It seems that an employer wants a supervisor so sends an accredited worker to a supervisor review class. ***This is not allowed! If you want to upgrade to supervisor, you will need to take the initial supervisor course. If you have not taken the correct review course***

at the proper time, you are no longer accredited! Supervisors may not take the worker review course.

It is strongly recommended that the training providers check whether the persons are taking the proper review course. The same goes for the foreign language worker course that may only be followed by the foreign language worker or worker review course. If the trainee cannot speak English, then they may not take the supervisor class. We have heard rumors that a supervisor class in Spanish may be being offered to trainees. The only class that may be taught in a foreign language is the worker class!

When you request more blank photo id cards, please tell us how many you have on hand not used and how many have been used, but not sent in yet. We do check to see how many cards you have as you will not be issued another batch of cards if there is a substantial number of cards unaccounted for. Voids are to be returned to the Department as soon as they are voided.

SCHOOLS ...

Please make sure that if you are preparing your first inspection and management plan that you use our mandatory forms that may be found at our website under Forms. If you have lost your plan and need to replace it, you will need to use these forms, too.

Our inspectors are still finding the same violation of the AHERA rules: no management plan, no reinspection, no periodic surveillance, no annual notification, etc. In

other words, it seems to be violations as usual. If you need help, please call us and not wait for an inspector to find the problems.

This past quarter saw no Consent Orders and Final Agreements (CAFOs) issued, **BUT** many notices of noncompliance and requests to show cause have been issued. These do result in CAFOs.

NET NIBBLES ...

The asbestos regulations are old and well known, but OSHA still catches any number of miscreants. Examples:

1. Two contractors in NM who are alleged to have failed to contain the fibers, label waste containers, to provide a competent person, to launder clothing, to train the workers.
2. Another contractor at White Sands NM is alleged to have failed to do the same things as the contractor in no. 1!!
3. A contractor in NY was issued 10 alleged willful violations for removing fireproofing and ceiling tiles without proper training, no proper respirators, no training, no use of wet methods, etc.

The good news is that OSHA published proposed rules to extensively update the construction standard for confined spaces. This was published 11/28/07 in the Federal Register.

On December 28, 2007 OSHA published notice of proposed rulemaking to include an abbreviated Bitrex® qualitative fit-testing protocol in the respiratory protection standard. OSHA is proposing to change the duration of the exercises from the current 60 seconds to 15 seconds.

Comments are due by 2/25/08.

Another use of asbestos was noted in an old Johns Manville ad. It said that the asbestos fiber could be a "cap for the tiny nerves in a sensitive tooth"!!

There is a website: www.ibasecretariat.org that can provide some very interesting information on asbestos issues in this country as well as around the world. This can be helpful for the review classes.

STATESIDE ...

Please submit the management plans that were due last September. If you do not have an approved management plan, your projects are not eligible for AOC money. It is time to get the information together for these projects. You will shortly receive a letter asking for these.

As some of you may know the state is closing Rosewood. As of this time the initial supervisor class scheduled for April will take place. Stay tuned for further developments.

STATE EMPLOYEES' TRAINING CALENDAR

APRIL 2008 3 WORKER R - MDE 14-18 SUPERVISOR - ROSEWOOD	MAY 2008 1 IMPR - MDE 8 AUTO-ROSEWOOD 15 WORKER R -MDE
JUNE 2008 5 SAFETY & HEALTH SPECIALIST - MDE	If you must cancel, please call Sharon Manger at 800-633-6101, -3200 or email smanger@mde.state.md.us