



Maryland
Department
of the
Environment

Air & Radiation
Management
Administration

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A sbestos 1001

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

EDITOR'S NOTES ...

The Asbestos in Schools workshops went well, but we could have used more attendees. This was an opportunity for Local Education Agencies (LEAs, also known as schools) to bring in their management plans for the staff to review and make sure that the plans were up to date, etc. This consultation was not a compliance situation, we were offering free and valuable information on your management plan. We had a number of attendees who had not done anything in their school yet and we were able to get them started on compliance. Remember that AHERA requires that you have an up to date management plan at all times.

If you could not attend the workshops, there is a CD available that has copies of the regulations, 100 Questions, ABCs of Asbestos, etc. Please contact Mardel Knight using the address, phone numbers, or email address on the masthead on this page.

Deja vu! (Sounds like another F&M training scheme. See the newsletter of June 2001 on MDE website for more details.) On August 22, 2007, the owner and an employee of **Environmental Compliance Training (ECT)** of Methuen MA were indicted in federal court on charges of supplying workers with phony training documents and no training. Many were apparently undocumented immigrants. The training provider also owns a temporary staffing agency that apparently used many of these allegedly improperly trained and documented workers for asbestos work. According to the Massachusetts officials, this training provider provided more than half of the asbestos licenses to persons trained in Massachusetts.

This is only an indictment and the company is innocent until proven guilty. You do need to be cautious about accepting any of these certificates. Contact Laura Martin at the Massachusetts Division of Occupational Safety (617-969-7177) for more information. The MA officials may be able to tell you which are the "good" certificates and which are not.

If convicted the defendants face up to five years in jail, three years supervised probation, and a \$250,00 fine.

Photo Identification Cards (PID). Each accredited person in Maryland who works as a supervisor, worker, foreign language worker, project designer, inspector, and/or management planner must carry a PID while performing any of the above jobs. This means that the card is with the person at the job, not in the office, and is not a copy of the card. Inspectors must be able to see the original at the time of the inspection.

A PID from an approved out of state training provider may be used if the card shows a training expiration date. If not, then the person must, in addition, have their current training certificate with them. The reason for this is that a person may work in MD for only one year with a training certificate before they need a review course. The inspectors must be able to tell if your training is current. If you have a MD PID, note that the training, expiration, and exam dates are clearly stated on the card. In many states the date on a PID has nothing to do with training dates except the person had a valid certificate when he applied for the license.

Any employer in MD may ask that a person with out of state documentation obtain a MD PID and that can be done in our office on the 1st and 3rd Tuesday of each month. It is not wrong for the employer to ask for the MD PID. See the web site for more information in Asbestos Forms (Photo Op Day Schedule and Instructions.)

If you need an accredited person for any work at your facility, make a copy of the PID for your records. (Especially schools.)

SCHOOLS ...

CONSENT AGREEMENTS & FINAL ORDERS (CAFOs)

The following CAFOs have been issued to Maryland schools since June 2007. A CAFO is issued after the LEA has been inspected by one of the Department's inspectors and deficiencies are found that are subject to penalties. The school will receive a Notice of Noncompliance and Request to Show Cause that gives the LEA a certain number of days to respond to the EPA's notice. Failure to respond may result in criminal penalties that may be quite large.

Save all invoices, receipts, etc. for any expenses that are incurred while coming into compliance. These costs will be used to offset the penalties.

- 1. 6/29/07 Barnesville School, The (Montgomery County).** The count was a failure to reinspect every three (3) years as required.
- 2. 6/27/07 Ashland Preschool (Baltimore County).** The counts included a failure to inspect the school, failure to prepare a management plan, and failure to submit the management plan to the Department.
- 3. 6/11/07 School of Original Thought (Baltimore City).** The counts included a failure to inspect the school, failure to submit the management plan for the school to the Department, and a failure to make the annual notification to parents, staff, and teachers.
- 4. 8/1/07 Bowie Montessori Children's House (Prince George's County).** The

single count was a failure to use an accredited inspector to collect bulk samples during a reinspection.

If your LEA has not prepared a management plan or has lost its original plan, then the inspector/management planner must prepare the plan using Department forms. **These are at www.mde.state.md.us/asbestos under Asbestos Forms. The forms are MDE/KP254: Initial Management Plan Forms – Mandatory.** You will also need the School Facility Asbestos Management Plan Instructions.

Management planners, we urge you to take 20-30 minutes (or less) time to explain to the LEA personnel what they must do each 6 months, each year, and/or every three years, etc. What has to be done each year depends upon the asbestos situation in the school, **BUT explain the requirements to them!** Point out the places that the designated person has to sign in the management plan. Make sure that the designated person understands the need for the appropriate training. If you have this information, add it to the plan. Otherwise make it clear to the designated person that this information needs to be added to plan as soon as the training is finished. This training only has to be done one time! The AHERA regulations require that the LEA provide training for this person that is commensurate with their duties.

Schools, please remember that there must be a designated person at all times. If the original designated person retires, that is not the end of the line for that position. The school still needs a designated person even after all of the asbestos is removed! Even if your school has an exclusion, the

designated person needs to ensure that the annual notification goes out and retains a copy for the asbestos folder each year. **The asbestos folder consists of the exclusion package and all of the copies of the annual notifications.**

If this is the LEA's first management plan, a copy must be submitted to the Department. We will review it and if we provide the list of deficiencies within 90 days of submittal, then the LEA must make those corrections. These need to be made within 90 days of receiving the list of deficiencies from the Department.

Just a note - if you have lost your management plan, then you need to have a new one done as soon as possible. The AHERA regulations require that you maintain an updated management plan at all times!!

CONTRACTORS' CORNER ...

There is a policy concerning Vinyl Asbestos Tiles (VAT) in non-state-owned buildings. The requirements for these projects are splash-guards, covers on critical barriers, negative air and a 3-stage decontamination unit. Full containment **IS STILL** required for all jobs in state-owned buildings.

Questions are being asked about training upgrades. The questions concern what review course may be taken after an initial course. The worker course requires the worker review, the supervisor course requires the supervisor review. There is no mix and match allowed. The title "supervisor" is an AHERA title and refers to specific training. This title has nothing to do with the person's job title. An AHERA trained

supervisor may do "worker" activities on the job, but still must take the supervisor review course.

A rumor has reached the Department's attention that employers are asking about foreign language training for supervisors. **This is absolutely not allowed in MD or any other state.** The foreign language worker course in MD is only for workers.

HAZPORT SOLUTIONS.

On Monday, September 17, 2007, the owner, Terrance Yeates, of the firm was sentenced in federal court to 200 hours of community service and ordered to pay \$55,700 in restitution. He abandoned trailers full of asbestos waste at a site in Severn MD. Licensed contractors had engaged his services to haul the asbestos waste to an approved landfill in PA. Instead of taking it there it was placed in trailers and Yates provided falsified manifests to the licensed contractors indicating the waste had gone to the proper landfill.

In July of 2006, the EPA and MD inspectors found 12 trailers full of waste on a parking lot. The trailers were not properly lined, had no signs posted indicating the trailers contained asbestos, and some bags had broken open and spilled the waste. The EPA required the original contractors to remove the waste. This took about four months and cost about \$57,000.

TRAINING PROVIDERS ...

The next meeting is scheduled for Thursday, March 13, 2008. It will be from 9:30 to noon here at MDE headquarters.

STATESIDE ...

The management plans for facilities are due at the end of September. Please remember that you need to have an approved management plan before you may receive funds from the Asbestos Oversight Committee for asbestos abatement. We can help you in preparing the management plans. Just call and ask.

Another issue has arisen that facilities (agencies) need to think about. In the past year we have noticed many persons not coming to training, and missing medical monitoring repeatedly. It is very time-consuming to schedule persons who are no shows at medical and do not attend the classes. If you have employees who do not perform asbestos-related work, then they do not need any training except the Class I training. They may also not need medical monitoring. Think about these folks and perhaps they need to be redesignated.

Many employees who come to training tell us that they do no asbestos work and have done none for several years!! Many facilities hire a contractor to do all of their asbestos work.

STATE EMPLOYEES' TRAINING CALENDAR

OCTOBER 2007 4 IMPR - MDE 18 AUTO WORKER ROSEWOOD	NOVEMBER 2007 1 SR - MDE 15 WR - MDE
DECEMBER 2007 NO CLASSES!!	If you must cancel, please call Sharon Manger at 800-633-6101, -3200 or email smanger@mde.state.md.us