



Maryland
Department
of the
Environment

Parris N. Glendening
Governor

Jane T. Nishida
Secretary

Air & Radiation
Management
Administration

2500 Broening Hwy.
Baltimore, MD
21224-6617

Published by
The Asbestos
Accreditation &
School Assistance
Division

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

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

Volume V, No. 3
June 1999

Asbestos 101

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

EDITOR'S NOTES...

This will be the last year that we send the newsletter to everyone via the bulk mail route. Beginning with the first issue of the newsletter in FY'00, December 1999, it will be sent as first class mail to those who cannot receive e-mail, access the website, or still wish to have a hard copy in their hands. HOWEVER you will not receive a copy by mail unless you let me know that you still want it delivered that way. Just let me know that you still want the newsletter by mail by sending a postcard, letter, or an e-mail to me at the e-mail addresses along the left side of this page. The newsletter will always be available on the website at the address above and is ready for downloading on the last day of each quarter. This issue and the next one in September 1999 will be mailed first class to all of the current recipients to ensure that everyone has adequate notice of these changes.

The labor and costs for bulk mail are tremendous and in the end, we are not assured of timely delivery of the newsletter. Our workload is changing and we are trying to do more with less as the saying goes. Be assured that the newsletter will still be mailed to anyone who wishes to have it mailed to their office. Many of you have e-mail and access to the web so please use it if you can. We do appreciate your cooperation in this task.

Did you know that not all asbestos-containing products are banned?? I have a summary prepared by Bob Jordan at EPA headquarters which clarifies the NESHAP bans and TSCA bans, lists what is not banned, etc. It will be on our website by July 15, 1999 or you can ask for a hard copy.

ASBESTOS FOR ALL...

Frank Whitehead, the program manager for the Asbestos & Industrial Hygiene Program and Mardel Knight attended the second annual National Asbestos Conference in Saratoga Springs, New York in April. The conference was sponsored by the EPA and the National Conference of State Legislatures.

This year's theme was forging partnerships between states and the EPA, particularly on enforcement issues. The first conference was held last year and was so successful, that we did it again this year.

At last year's conference the big topics were as always "floor tile", "what's friable", changes to the Model Accreditation Plan (MAP), changes to AHERA, and changes to NESHAP. Guess what, these were still popular this year.

Last year the EPA previewed a draft of proposed changes to the MAP. These changes included changing to a two year interval for review classes and modular training. The majority of the attendees agreed that changes are needed, but the modular training concept which sounded good on paper would be a recordkeeping nightmare. The "nightmarish" features are the use of prerequisites that are common to some of the AHERA courses, different intervals between the core courses and the module particular to a certain course, the ensuing difficulty in keeping records on such a scheme etc. There was also the proposal for certain individuals such as CIHs who would need less training, etc.

There was a great deal of spirited discussion about these proposals, but the most contentious item was modular training and the complicated and convoluted recordkeeping regime that would be required. Many attendees noted that the majority of trainees are taking review courses and that a two year interval would hurt training providers who would object vociferously to these changes.

The topic that brought the house to its collective feet was "floor tile" and "friability". There is a great deal of inconsistency in how the states regulate floor tile activities and what each state considers friable. Work practices that are allowed vary widely from jurisdiction to jurisdiction. Then we heard about the differences in enforcement policies among EPA regions. Obviously no

consensus was reached on any topic. However all agreed that there was a great deal of interest in having another meeting.

The good news and the bad news at this year's meeting was that there will be no changes made to the MAP any time soon because the EPA noted the great outcry from states about the proposed changes. The bad news is that there are absolutely no changes on the drawing board for NESHAP even though the current revision is almost 9 years old. The AHERA regulations, too, are not going to be revised any time in the near future. The AHERA regulations have not been changed since the publication of the final regulations in October 1987.

There is a work group that formed as a result of this meeting to look into electronic notification. This is something that all states are interested in so that we can diminish the paper handling, etc.

The other interest for this group is the enforcement of the current regulations, particularly taking a look at schools that have failed to comply with the AHERA requirements for an inspection and management plan.

There seem to be three tiers of schools not in compliance with AHERA. TIER ONE schools never had an inspection and say they know nothing about asbestos requirements. TIER TWO schools had an inspection and management plan that has never been updated since 1988-89. TIER THREE schools have very nice management plans that were not consulted prior to performance of asbestos activities ensuring that some very serious situations were generated. In many instances some very large quantities of asbestos were removed as non-asbestos containing materials.

Then there is the category that can only be described as irresponsible. There are some superintendents and principals who decided that cost

savings could be achieved by using school staff and students for weekend projects and summer, too, to remove the asbestos. It goes without saying that these persons had no training, etc. For the schools that have not complied there is very little sympathy for the failure to comply and the EPA is looking at ways to make the schools take notice that AHERA is alive and well.

SCHOOLS...

For the last three years the Maryland State Department of Education has sent copies of their notifications to the nonpublic schools to our office. Our compliance inspector, Charlie Kobal, has called many of you and given you information on the AHERA requirements. Some of you have complied and some have not. Beginning August 1, 1999 our office will send you a packet of information on the AHERA requirements via certified mail. You will be given 60 days to prepare a management plan and submit it to our office. If we have no management plan by the end of the 60 days, your facility's name will be referred to the EPA in Region III.

The EPA is serious about renewing enforcement action against schools that fail to heed AHERA requirements. If we did nothing, but refer your name to the region you would get a notice of noncompliance, which would demand that you provide evidence of compliance with AHERA within 45-60 days. The EPA may decide to impose fines that in most cases are much more than the cost of compliance. If we can tell the EPA that your school is in compliance with the AHERA requirements, then you should hear no more from the EPA. By working with our office, we can help your school by providing technical assistance that is free, provide informational materials, etc.

The bottom line is that a school has to comply with the AHERA regulations. Be sure to visit our website and download the mandatory forms for

the inspections and management plans and the information for designated persons, etc.

CONTRACTORS' CORNER...

A question about TEM clearance monitoring has come up several times recently. The AHERA regulations *clearly state that the TEM monitoring professional is to be completely independent of the contractor who is performing the abatement in a school.* This is the only conflict of interest clearly prohibited by AHERA and is found in Appendix A of the AHERA regulations, 40 CFR Part 763, Subpart E-Asbestos-Containing Materials in Schools. This does not apply to the individual collecting samples for PCM analysis. However, we do recommend that schools hire an individual for this task who is independent of the abatement contractor.

Again and again, faxes are not allowed for notifications, etc. UNLESS you have received permission to do this. Otherwise, the unauthorized faxes go straight to "file 13". If, and that's if you are allowed to fax an item, it must be followed up immediately by a hard copy.

TRAINING PROVIDERS...

Each training course for which you have approval is a separate course and MAY NOT be taught simultaneously with any other course. This applies to the O&M courses as well as the MAP courses. You are required to have approval for any course that you teach including O&M!! Notifications for courses and cancellations of courses are required for O&M just as it is for the MAP courses.

Application processing time in our office would take less time IF you would read and fill in the application CAREFULLY!!!



BULK RATE
 U.S. POSTAGE
 PAID
 BALTIMORE, MD
 PERMIT NO. 2489

Please check your calendars for a meeting in September and let me know if September 9 or 16 is your first choice. It will be similar to the meeting we had last November. It will be here at MDE and will take place from 9:30-11:30 A.M. Let Mardel Knight know by July 15, 1999 so that the room can be scheduled. Meetings with the training providers will be scheduled approximately every 6 months.

NET NIBBLES...

Some websites have changed addresses. The OSHA website is <http://www.osha.gov>. The NIOSH site is now <http://www.cdc.gov/niosh>. Some of the sites published earlier for material safety data sheets (MSDS) have also moved: <http://www.nadn.navy.mil/ChemDept> is the website for the US Naval Academy and it will link you to other federal government sites. Sources of MSDS at both international and US sites can be found at <http://www.chemdex.org>. The University of Kentucky's site has thousands of MSDS, and it has excellent links to other sites: <http://www.chem.uky.edu>. Cornell University: <http://msds.pdc.cornell.edu/issearch/msdssrch.htm>, has a long address, but the information is worth looking at because of the large number of MSDS and the links to other sites. The EPA has a new page for asbestos: <http://www.epa.gov/asbestos>.

STATESIDE...

Management plans for state facilities are due on September 30, 1999. The forms are now available on-line. *BUT* the state facilities must still send a hard copy to Rebecca MacEwen. If your inspector/management planner credentials were not current when the plan was submitted, it will be returned to you. It will need to be reviewed and signed by a person with current credentials. Please read the instructions carefully. If you have any questions, please call Rebecca at (410) 631-3801 or (800) 633-6101,-3801. Her email address is: rmacewen@mde.state.md.us. Hard copies of the forms have been handed out at training.

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

July	1999	August	1999
8	AS & HS I	17	BIMPR
15	Worker R	24	Supervisor R
		31	AS & HS I
September	1999	If you must cancel, call Mrs. Manger at (410) 631-3801 or (800) 633-6101,-3801 e-mail: smanger@mde.state.md.us	
2	Worker R		
21-24	Worker I		