



Ohio Department of Health Asbestos Program Training Update

The purpose of this circulation is to provide updated information regarding our asbestos program, suggestions on training issues, and current events dealing with the regulated asbestos industry to those who provide asbestos training to professionals for certification in Ohio.

WEBSITE

⇒ Within the past year, the Asbestos Program has made several improvements to our homepage located on the Ohio Department of Health's website. The ODH website address is <http://www.odh.state.oh.us>. From the ODH homepage, you can locate the Asbestos Program and obtain information including frequently asked questions (FAQ); information for homeowners; copies of ODH memorandums; lists of Ohio approved contractors, evaluation specialists, and training providers; direct links to other internet sites; pertinent regulations; and access to ODH application and notification forms. You may also contact us via the e-mail address provided on the homepage.

COURSE NOTIFICATIONS

⇒ Prior Notification of Asbestos Training Course forms may be either faxed to (614) 752-4157 or sent to the:

Ohio Department of Health
Attn: Asbestos Program
246 N. High Street
P.O. Box 118
Columbus, Ohio 43266-0118

NOTE: Marketing calendars do not constitute proper training course notifications.

⇒ If you submit your notifications via facsimile, please do not follow up with a hard copy of the notification via regular mail. This situation may cause confusion.

⇒ Notification of a training course cancellation should be received at least 24 hours prior to the start date of the training course. ODH recognizes that in some instances, students may be scheduled for the course and not show up on the start date. In this

instance, the notification canceling the training course should be received on the morning of the course start date.

⇒ The instructor section of the training course notification form (Box #6) was developed so that records will show which individuals actually provided instruction during that specific training course. This section was not meant to be a place to put all individuals who are approved to be instructors. From this point on, only the approved individuals who are actually performing instruction should be listed in this section of the notification form. If an instructor change is needed during the course, please submit a properly revised notification.

⇒ From January 1, 2000 to December 31, 2000, ODH received 945 notifications of which 276 (29.2%) were cancelled.

COURSE AUDITS

⇒ The Asbestos Program has conducted several announced and unannounced training course audits for the purpose of determining training course approval status and compliance with Federal and State regulations. Any questions or problems regarding the course audits may be directed to Josh Koch, Sanitarian Program Specialist, or Mark Needham, Program Administrator.

⇒ As of January 1, 2001, there are twenty (20) training providers approved by ODH and eighty-seven (87) approved training courses. See the table below for a breakdown of the approved training courses.

Approved Training Courses by Discipline		
	Initial	Refresher
Abatement Specialist	12	18
Abatement Worker	14	15
Evaluation Specialist (BI/MP)	6	11
Project Designer	4	6
Air-Monitoring Technician	1	0
TOTAL	37	50

CERTIFICATES

⇒ A few training providers use a unique certificate number on training course certificates that is similar to the student's social security number. ODH has noticed that when this practice is used, the unique

certificate number is sometimes believed to be the student's social security number. ODH recommends that a different numbering system be used for the unique certificate number to prevent possible confusion.

EPA POLICY MEMO

⇒ A number of questions regarding accreditation issues have been posed to ODH over the past year. The U.S. EPA issued a memorandum in 1990 entitled *AHERA Accreditation-Policy Issues and Recommendations* that addresses many of the questions being asked. (Copy attached)

ACCREDITED/NON-ACCREDITED COURSES

⇒ The combination of "accredited" training courses with any other training courses ("accredited" or "non-accredited") will not be permitted in Ohio. The U.S. EPA explained their position on this matter in an August 30, 2000 letter addressed to Mark Needham, ODH Asbestos Program Administrator. (Copies of the ODH memo and U.S. EPA letter are attached)

REGULATORY UPDATE

⇒ On November 15, 2000, a final rule was published in the Federal Register whereby the EPA has amended both the Asbestos Worker Protection Rule (WPR) and the Asbestos-in-Schools Rule. The WPR amendment protects state and local government employees from the health risks of exposure to asbestos to the same extent as private sector workers by adopting for these employees the Asbestos Standards of the Occupational Safety and Health Administration (OSHA). The WPR's coverage is extended to state and local government employees who are performing construction work, custodial work, and automotive brake and clutch repair work. This final rule cross-references the OSHA Asbestos Standards for Construction and for General Industry, so that future amendments to these OSHA standards are directly and equally effective for employees covered by the WPR. EPA also amends the Asbestos-in-Schools Rule to provide coverage under the WPR for employees of public local education agencies who perform operations, maintenance, and repair activities. EPA is issuing this final rule under section 6 of the Toxic Substances Control Act (TSCA). This final rule became effective December 15, 2000.

⇒ ODH reminds training providers that the Asbestos Model Accreditation Plan requires any changes in Federal, State, and local regulations to be discussed during refresher training courses.

ASBESTOS PROGRAM ISSUES

Applications for Certification/Licensure

⇒ When completing applications for certification and licensure, please be sure that the following items are addressed:

- all questions are answered completely;
- all requested information is included;
- discontinue the use of the term "N/A" (Not Applicable), all questions are applicable, please provide a proper response;
- the applications are signed and notarized properly;
- the original application is submitted to ODH (not a copy);
- Copies of training certificates are acceptable (original certificates should not be submitted);
- A separate application must be submitted for each accredited discipline;
- Unless otherwise stated on the application, ODH worker certification cards are sent to the applicant's home address and all other disciplines are sent to the employer's address.

⇒ When making initial application for ODH certification, a copy of the initial training course certificate and all refresher training course certificates up to current are required (except for ODH worker certification, only the initial training certificate and the most recent refresher training certificate are required). When applying for renewal of your ODH certification, refresher certificates from all training courses taken since your last ODH certification must be included with the application.

⇒ As a reminder, all refresher training courses must be taken within one (1) year from the expiration date of the previous training course or the initial training course must be repeated.

NOTE: Mixing of training disciplines to continue certification is not allowed. (i.e. an individual who has taken initial worker training may not take contractor/supervisor refresher training to continue certification.)

⇒ Individuals who drop off their applications at the ODH office in Columbus will not receive their ODH certification card on the same day. The application approval process generally takes two (2) weeks.

Mid-West Regional Environmental Consortium

⇒ In 1999, all six states (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin) under the purview of Region 5 of the U.S. Environmental Protection Agency (U.S. EPA) established a consortium to improve communications amongst themselves and U.S. EPA Region 5 officials with respect to relevant asbestos programs. This consortium is known as the Mid-West Regional Environmental Consortium (MWREC).

⇒ The first task undertaken by MWREC was to create training course audit forms that would be used by all six states and U.S. EPA, Region 5. The purpose for creating the MWREC audit forms was to provide consistency in the auditing process throughout the region and allow for a state to accept audit results that are performed by another state in the region. The forms were completed and agreed upon in the fall of 2000 and are currently being utilized by all members of MWREC.

⇒ The ODH has also compiled licensing and certification requirements from all six MWREC states and posted the information on the ODH Asbestos website at www.odh.state.oh.us.

Rule Clarifications

⇒ ODH was asked for clarification regarding encapsulation on thermal system insulation (TSI) and paper-type duct insulation. ODH considers TSI and paper type duct insulation to be friable asbestos-containing materials, regardless of condition. If greater than fifty linear feet or fifty square feet of unencapsulated TSI or paper type duct insulation is to be encapsulated the activity is regulated under Ohio law. Such activities would require project notification and the work to be completed by a licensed company using certified individuals. If either of these materials have been previously encapsulated and have been assessed to be in "good" condition by an asbestos hazard evaluation specialist, then ODH will allow the material to be coated, covered, or resurfaced again and this activity would not be regulated under Ohio law.

⇒ ODH was asked for clarification in regards to a building owner's responsibility as it pertains to oversight of an asbestos abatement activity. The owner or the owner's employees cannot provide oversight of an asbestos hazard abatement project unless they are certified asbestos hazard abatement specialists (AHAS). The owner may stop any work however, once the owner has stopped the abatement work, only an AHAS can determine if there is an issue of noncompliance with contractual,

performance or regulatory standards affecting the safety of the asbestos hazard abatement activity. In addition, only the AHAS can give direction to the asbestos hazard abatement contractor on how to correct the issue of noncompliance.

ASBESTOS INDUSTRY ISSUES

⇒ The following issues have been included to aid the training provider in the preparation of initial and refresher asbestos training courses. This information was gathered through conversations and experiences with the asbestos industry (contractors, training providers, certified individuals, ODH inspectors and other regulatory agencies). The ODH Asbestos Program would like to see the following topics addressed in more detail during training courses:

Building Surveys

⇒ The abatement specialist on-site should have a copy of the building survey. This would allow the abatement specialist to address possible conflicts between the scope of the abatement project and the actual field conditions.

⇒ ODH, EPA (NESHAP) and OSHA recommend that inspections to identify asbestos-containing materials be conducted in a manner pursuant to 40 CFR Part 763, Subpart E (AHERA). With this in mind, ODH has observed several problems with asbestos building surveys.

⇒ When samples of a homogenous material are procured, all of the samples must be 1% or less to make the statement that the material is not an asbestos-containing material. Also, remember EPA's requirement for point counting. Even if you procure more than the recommended nine (9) bulk samples, the above-mentioned still holds true.

⇒ Laboratory accreditation for analysis of samples to determine the presence of asbestos:

- **AHERA** requires the use of laboratories accredited under the National Voluntary Laboratory Program (NVLAP);
- **EPA (non-AHERA)** recommends the use of NVLAP accredited laboratories;
- **ODH** recommends the use of NVLAP accredited laboratories or laboratories that participate and American Industrial Hygiene Association (AIHA);
- **OSHA** requires the use of persons or laboratories with proficiency demonstrated by current successful participation in a nationally recognized testing program such as the National Voluntary Laboratory Accreditation

Program (NVLAP) or the National Institute for Standards and Technology (NIST) or the Round Robin for bulk samples administered by the American Industrial Hygiene Association (AIHA) or an equivalent nationally-recognized round robin testing program.

⇒ Be aware of possible issues with building surveys that may cause conflicts with the actual scope of work, including:

- clauses like “only exposed pipes were tested, but there may be pipes not visible”;
- multiple surveys of the same site that have conflicting results;
- surveys that list TSI as Category II non-friable material.

⇒ In performing surveys, make sure to check for paper between floorboards and lightweight cement used as floor leveler.

Prior Notification of Abatement Projects

⇒ With regards to the ODH Prior Notification of Asbestos Hazard Abatement Project form, the owner contact should be someone familiar with the project and the contact phone number should be a number where the individual may be reached, not a voice mail account.

⇒ The site address should be complete and include all identifiers (i.e. Cities may have four different 248 5th Street addresses, one in each quadrant NE, SE, NW, SW).

⇒ The ODH Prior Notification of Asbestos Hazard Abatement Project form has spaces for three dates (set up, abatement, & completion). “Set up” means the date when containment of the work area begins (this includes activities such as hanging polyethylene sheeting/glove bags and building decontamination structures). “Abatement” means the date when the asbestos-containing material is directly disturbed. “Completion” means the date when all abatement activities have been completed (this includes taking down containment or removal of barriers after the area has met air clearance).

⇒ This past year (2000), the ODH received 2263 Prior Notification of Asbestos Hazard Abatement Projects. In comparison, the number of prior notifications received by the ODH in prior years include: 1999 (2207), 1998 (2498), and 1997 (2373).

Issues Observed in the Field

⇒ According to OSHA, all Class I asbestos jobs involving over 25 linear or 10 square feet of TSI or surfacing ACM and PACM shall have a decontamination area that consists of an equipment room, shower area, and clean room in series. (This includes glove bag operations!)

⇒ All individuals working on an ODH notified asbestos job in Ohio must have their ODH asbestos certification card available on-site.

⇒ ODH recommends adequate pre-cleaning of the work area prior to set-up and removal phases. Those activities can benefit final cleanup of the work area.

⇒ Only certified Asbestos Hazard Evaluation Specialists are permitted to take bulk samples for the purpose of determining if a material contains asbestos.

⇒ Although danger tape is often used to aid in establishing a regulated area, signs are also required and must be displayed at each location where a regulated area is established. Signs shall be posted at such a distance from such a location that an employee may read the signs and take necessary protective steps before entering the demarcated area.

⇒ Reminder that polyethylene (poly) sheeting used in the construction of the regulated area is still considered contaminated even after the area passes final air clearance monitoring.

⇒ When using poly walls in containment, critical barriers (i.e. windows, doors, etc.) must be sealed prior to the poly walls being erected. This allows the contained area to remain under negative pressure when the poly walls are removed prior to final clearance air monitoring. Erecting poly walls without covering the critical barriers is not acceptable.

⇒ For all Class I asbestos jobs involving over 25 linear or 10 square feet of TSI or surfacing ACM and PACM, all clothing worn inside the contained work area must stay inside the contained work area. This includes coveralls and boots.

⇒ Abatement specialists and workers need to be aware of proper asbestos removal procedures when temperatures are below 32°F and that cold temperatures do not exempt the shower requirements for decontamination.

⇒ If manometer readings drop, smoke-testing is a good way to help find leaks in the containment.

⇒ Glove bags and containments are required to be smoke-tested for leaks prior to starting removal of material.

⇒ The abatement specialist is responsible for ensuring that all workers are following the proper work procedures on-site.

⇒ Asbestos waste and debris shall be disposed of using leak-tight containers. Be aware that 6mil poly bags may not be suitable as leak-tight containers for some materials such as sticks, lath board, and wire mesh which may puncture a poly bag with ease.

⇒ Abatement specialists need to be aware of proper manometer use including correct placement, leveling, calibration, and reading procedures.

⇒ A copy of the ODH Prior Notification form does not constitute compliance with the ODH project agreement requirements. Often, more detailed information regarding the job site is needed in the project agreement (i.e. It may be necessary to state what is not being removed during the project).

⇒ Reminder that ODH requires notification for repair and encapsulation operations involving greater than 50 square feet or 50 linear feet of friable ACM.

⇒ ODH recommends that when using a waste load-out unit (separate from the decontamination unit established for employees) that at least a two-chamber air lock system be constructed. Keep in mind that a minimum of -.02 inches of water (manometer reading) must be maintained during waste load out. It is also recommended that the waste load-out unit be sealed at all times other than during waste load out.

ENFORCEMENT

⇒ ODH enforcement has increased over the past few years. Along with suspensions, revocations, and fines the program has developed other remedies to encourage compliance with the rules and regulations. These other remedies have been included as part of settlement agreements: remedial training, additional prior notifications for asbestos removal projects, requirements for project designs, requirements for project work plans, and requirements for additional certifications.

⇒ The remedial training is a four-hour training class given by an Ohio approved training provider paid by

the party found in violation. The topics cover the provisions of OSHA, 29 CFR 1926.1101 and provisions of the Ohio Administrative Code 3701-34, focusing on work practices and duties and responsibilities of the asbestos hazard abatement specialist. Prior to the training, the course agenda must be approved by ODH.

Contractors

⇒ The ODH entered into an agreement with an asbestos hazard abatement contractor (AHAC) for creating two public health emergencies (PHE). The terms of the agreement include a permanent ban from participating in any and all activities of an AHAC, a fine of \$500.00, and a two-year suspension of an asbestos hazard abatement specialist that was the supervisor on the job where the PHEs occurred.

⇒ The ODH entered into a settlement agreement with an AHAC for allegedly creating two PHEs. The terms of the settlement agreement included a fine of \$7,500.

⇒ The ODH entered into a settlement agreement with an AHAC for allegedly creating three PHEs. The terms of the settlement agreement included remedial training of all asbestos hazard abatement specialists (supervisors) on staff to include the owners of the company and a fine of \$6,000.

⇒ The ODH entered into a settlement agreement with an AHAC for allegedly creating a PHE. The terms of the settlement agreement included a fine of \$3,500 and submittal of prior notification and work plan for ten projects that involve the repair, encapsulation, enclosure or removal of all non-friable material projects.

⇒ The ODH entered into a settlement agreement with an AHAC for creating two PHEs. The terms of the settlement agreement included remedial training of all asbestos hazard abatement specialists (supervisors) on staff to include the owners of the company and a fine of \$10,000.

⇒ The ODH entered into a settlement agreement with an AHAC for creating a PHE and not providing the required prior notification of asbestos hazard abatement project. The terms of the settlement agreement included: remedial training of all asbestos hazard abatement specialists (supervisors) on staff to include the owners of the company, and submittal of prior notification for 15 projects that involve the repair, encapsulation, enclosure or removal of all friable and non-friable materials projects regardless of size, and a fine of \$6,000.

⇒ The ODH entered into a settlement agreement with an AHAC for creating a PHE. The terms of the settlement agreement included a fine of \$1,000 and submittal of prior notification and work plan for five projects that involve the repair, encapsulation, enclosure or removal of all non-friable materials projects.

⇒ The ODH issued an emergency work stoppage order and an emergency AHAC license revocation for creation of three PHEs within six months. Additionally, this contractor was required to obtain the services of another licensed AHAC to complete the work where the work was stopped. A hearing was held and the AHAC was suspended for six months.

⇒ Warning letters have been sent to companies that have conducted asbestos hazard abatement projects without being licensed.

⇒ Warning letters have been sent to AHACs for improper submittal of prior notifications of asbestos hazard abatement projects.

Training Providers

⇒ ODH and U.S. EPA, Region 5 performed a joint training course audit for an Asbestos Hazard Abatement Worker initial training course in November 2000. Based on the on-site audit of the training course and several ODH applications that were fraudulently completed, ODH has revoked the training provider's approval to conduct this training course in Ohio. U.S. EPA, Region 5 has suspended this training course for a period of 12-months.

⇒ A few training courses did not meet the requirements to be considered for "Final Approval" status. The training providers were notified of the issues with the training courses and are urged to correct the issues prior to conducting their next training course. If future on-site audits show that the issues have been corrected, then the training course may be considered for "Final Approval" status.

Asbestos Hazard Evaluation Specialist

⇒ The ODH entered into an agreement with an Asbestos Hazard Evaluation Specialist (AHES) for the following violations. The AHES did not conducting air monitoring in compliance with all federal, state and local regulations and state-of-the air asbestos air-sampling methodologies. The AHES did not conduct a final inspection of a contained work area to ensure that all asbestos debris has been adequately cleaned-up prior to the performance of clearance air sampling. The AHES did not

accurately, truthfully and competently perform and complete asbestos hazard evaluations, reports, records, inspections and any other professional work performed. The terms of the agreement include: submission of a written procedure outlining methods that will be used to conduct clearance air-sampling for review and approval by the ODH, submittal of a faxed written notice prior to conducting clearance air-sampling to the ODH for one year and a fine of \$2,750.00.

⇒ Warning letters have been issued to persons that identified, detected, or assessed asbestos containing materials, determined appropriate response actions, or prepared asbestos management plans while not being certified as an asbestos hazard evaluation specialist.

QUESTIONS/COMMENTS

⇒ If you have any questions or comments regarding any of the above information, please contact Josh Koch or Mark Needham at 614-466-0061 (fax 614-752-4157).

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