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Asbestos 101

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

EDITOR'S NOTES...

"Spring has sprung, there is asbestos to abate, just wait, listen to the tale, and there may be no travail!"

The "tales" are the following scenarios that are true and provide important "lessons" to building owners, schools, contractors, etc.

TALE NO. 1: There are four schools in Maryland that are leasing their space from a public agency and these schools have no management plan. The EPA is taking a careful look at the situation and is considering enforcement action against the school and the owner for failure to have a management plan. If this enforcement action is finalized it will include significant monetary penalties. **LESSON:** The Asbestos Hazard Emergency Response Act (AHERA) says that the owner of the nonpublic, nonprofit elementary or secondary school building is the Local Education Agency (LEA). As such the LEA is responsible for the inspection of the building, submitting the management plan to the state, appointing a designated person, and other responsibilities as outlined in 40 CFR 763.83 General local education agency responsibilities. Even though the LEA is the "owner", EPA officials have said they will take action against the schools as well as the owner.

TALE NO.2: This tale is much more serious. A school that had an up to date management plan including a recent reinspection decided to act on a recommendation from the last reinspection. The management planner had recommended that the material in the boiler room needed to be removed because of its deteriorated condition. So the school obtained estimates from licensed contractors and then went ahead with an out of state unlicensed contractor. The work was done without many of the precautions required for an abatement activity. The end result was that the workers may have been unnecessarily exposed...perhaps even others who stopped by to view the progress of the work. A licensed contractor had to be hired to finish the work and perform cleanup activities. **LESSON:** You cannot hire someone for just one job and think a license is not necessary for "just one job". Companies from out of state need a contractor's license as well as local firms and there is no reciprocity for abatement licenses. The school has apparently violated state and federal regulations by its choice of contractor, poor work practices, etc. All of the licensing requirements apply to private schools as well as the public ones.

TALE NO. 3: A painting contractor was being hired to make repairs to windows with deteriorated caulk that contained asbestos. The owner thought that this could be accomplished as an operations and maintenance activity (O&M) and that the painting contractor wouldn't need a license. There are a few **LESSONS** to be learned here.

First—The definition of an asbestos project according to COMAR 26.11.21.01A is "any activity involving the demolition, renovation, or encapsulation of friable asbestos material".

Second—Even if this were just O&M, a license would be required and there would need to be a supervisor (5 days AHERA training) listed on the license application.

Third—This was not going to be O&M as O&M was meant to be...a small scale, short duration project the purpose for which is not to remove asbestos! (See Appendix B to the AHERA rules, page 41894 of the Federal Register, 10/30/87, for a good explanation of exactly what O&M is.)

Fourth—Once the quantities of material removed exceed the NESHAP quantities, then all of the workers have to have the 4 day AHERA worker training, 10 day notification is required, etc. Since this was a large project involving many windows, NESHAP would be exceeded in a short time., certainly before the end of the calendar year.

TALE NO. 4 : Recently I received a call from a travelling military construction group that had come to Maryland to remove asbestos at a military base. The spokesman was just checking to see what Maryland requirements were for abatement. After I explained the need for a license, etc., he said "We are federal employees, and we never had to get a license before and we have been here many times". **LESSON:** My response was that he was fortunate in that he had not been discovered and cited for doing unlicensed abatement. The military is not exempt from licensing requirements. P.S. They decided not to do the work.

TRAINING PROVIDERS...

The new photo identification cards are here and will be given out the next time that you need more cards. If you did not attend the 3/15/01 training provider meeting, you will need to obtain the template and instructions and some practice cards from this office. Be careful with the cards because although the cards are sequentially numbered, the cards are not fastened together.

I have not tried the new cards in an inkjet printer, but the paper stock was especially selected to perform well with a laser printer. Of course, you may still type on the cards. Please remember that the only items on the cards that can be handwritten are the signature of the trainee and the training instructor. Be sure to add the acronym for the course to the right of your approval number (on the back of the card). The acronym for the training provider's name goes just to the right of the red number on the front of the card.

Reminder—Schedule additions, cancellations, etc. are to be sent to Sharon Manger. This may be done by fax, US mail, or email: smanger@mde.state.md.us. The notices do not go to anyone else!!

There still seems to be a recurring problem with the inventory section on the application (SCHEDULE II *Photo ID Verification*.) The inventory covers the year prior to the application and covers your entire inventory of cards. The totals in the center box should add up to the number received in the year prior to the application (except don't add in the number returned to MDE). The total voided should be the same as the number returned to MDE because all voids have to be returned to MDE! Remember that after you subtract the difference, add one because we are counting actual cards, not just recording

the difference. For example, the difference between the numbers, 50 and 1, is 49, but it is actually 50 cards. We do check this very carefully when the applications are reviewed. If you do very much training, you really need some sort of database to keep track of the activities. If you need some help, please let us know and we will assist you in the recordkeeping efforts.

We are trying to do at least one recordkeeping audit per year per provider. Again it will be done by an UPS overnight package. The 3 days allowed for filling out the audit forms begins the day after the package is received. All responses are due by the close of business (COB), 5 P.M. EST, in our office. We will allow a fax by COB if it is followed up by a hard copy. For those providers in Maryland, we will send out the package and an auditor will come to your office on the afternoon of the 3rd day by 2 P.M. The audit package must be finished at this time and the auditors will spend some time looking at the package, observing how the photo id cards are secured, etc. We will call and make sure that the person in charge of records will be available before we send out the package.

An item that is frequently missing from the application package is the *detailed* outline for the course, COMAR 26.11.23.10A. (1) (b) (iv) for the initial course and COMAR 25.11.23.10A. (2) (ii) for the review course. On the outline we also expect to see the amount of time allocated to a topic. We check this to see that the time allotments are not excessive for a topic, that the schedule meets the time requirements, and that the amount of hands-on activities meets the 14 hour requirement for the worker and supervisor courses. This is also required for the O&M applications. We treat O&M the same way that we treat the ASHARA courses, except there is no requirement for the photo id card inventory.

There is another reason that we know it is spring, there has been a flurry of phony certificates, etc.

If you are suspicious of the credentials, don't honor the certificates. A couple instances of the "funny certificates" purportedly belonged to two Maryland-approved training providers. Usually these certificates can be spotted if you look at the fonts, note that the lines of print are crooked, etc. The bottom line is that if you are suspicious, call us and we can help you check on the validity of the certificate. If possible please keep the paperwork, as this can aid us in the identification of the generator of the certificates.

At the March 15th training provider meeting, we saw an interesting presentation by Ron LeClair from Constellation Power Source Generation about computer-based training. This is a self-study training program for many different topics such as ladders and scaffolds, how-to procedures for removal of special gaskets and valves, etc. Obviously, it is not ready for all of the asbestos courses. However, one of the providers has a free 2-hr awareness training program that could be downloaded. It is located at www.ptainc.com. It is a good example of some of the things that are out there. At this time it looks to be very useful for the 2-hr awareness training required for many people. It could be used by one person and would not require a formal classroom setting to train new custodial/maintenance employees. It would need to be customized a bit for your facility, but most of it is boilerplate that all employees need.

We also had a discussion on changes that all of us feel are necessary to the ASHARA training program. (Of course, EPA will need to change these regulations before MDE considers any changes.)In Maryland the number of review courses has gone from about 50% of the total of number of courses to about 75%. Review courses become a challenge to the training provider to keep fresh since the health effects, uses of asbestos, etc. are not really changing. Most of us think that a 1/2 day refresher might be very appropriate or some sort of core course that would cover

all the topics that are common to all of the courses such as health effects, uses of asbestos, etc. This might be a bit tricky for recordkeeping, but it would certainly benefit those who must attend the same training course again and again. The group feels that training every year would be necessary to keep persons up on changes, new technologies, etc. A half day course would take care of this.

With the technology that is available these days, there are many changes that could be made to training to give trainees and trainers choices. For some of the review courses, self-study at a computer in a setting that includes an instructor to answer questions would be useful. There are distance learning opportunities for persons to work at home on a course. The computers in some cases are equipped with a videocam that tracks what the student is doing so that one can see that there is no one helping, etc. We can see where students might do the lecture portions of the class by video-conference and then get together for hands-on activities. Unfortunately, many of these things cannot happen until ASHARA regulations are changed.

These changes are going to be one of the topics of discussion at our next Mid-Atlantic Regional Environmental Consortium (MAREC) meeting in May and also at the National Asbestos Conference in the fall in Baltimore. For this reason, I would like to solicit comments from other training providers, contractors, school officials, trainees, etc. that I can summarize and present to both MAREC and the National Asbestos Conference. You may send an email to me or send written comments to me at the email and mail addresses that are on left side of the first page of this newsletter. Your input will be gratefully appreciated. The EPA seems receptive to reasonable proposals for some changes to the MAP.

Our auditors have noticed a number of persons in training with beepers and cell phones who have not turned them off. Please ask everyone to turn

these devices off before class starts and after lunch. It is very annoying and will be noted as a deficiency on future audits.

NET NIBBLES...

Visit www.epa.gov/region8/superfund/libby for the latest on the tremolite asbestos in Libby Montana. The Austin (Texas) Statesman newspaper—www.Austin360.com has a series of interesting and sad articles on the use of illegal immigrants and shoddy work practices to remove asbestos. Unfortunately it is becoming all too common to use these folks in abatement situations. There is a pamphlet from NIOSH that describes the illness caused in family members by contamination brought home from work—www.cdc.gov/niosh/thttext.html. It is an excellent reminder of why contaminated clothes and other objects need to be left at work and the importance of showers. Histoplasmosis is a disease that can affect workers who are working in buildings or outdoors where there are bird roosts. The piles of droppings harbor fungal spores that are aerosolized and can be inhaled causing serious disease. It is not easily identified because histoplasmosis can mimic the flu. See www.cdc.gov/niosh/hi97146.html. Go to www.pp.okstate.edu/ehs/LINKS/Asbestos.htm for some asbestos pamphlets, etc. and a link to our own University of Maryland's asbestos inventory.

STATESIDE...

(STATE EMPLOYEES ONLY)

April 12 23-27	2001 Worker R Supervisor I	May 15-18 24 31	2001 Worker I Supervisor R BIMP R
June 5 12 14	2001 Supervisor RI Worker R BIMP R	If you must cancel, call Sharon Manger or Janice Lafon at (410) 631-3801 or (800) 633-6101, -3801 or email: smanger@mde.state.md.us or jlafon@mde.state.md.us	