



Maryland
Department
of the
Environment

Parris N. Glendening
Governor

Jane T. Nishida
Secretary

Air & Radiation
Management
Administration

2500 Broening Hwy.
Baltimore, MD
21224-6617

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The Asbestos
Accreditation &
School Assistance
Division

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

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

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Asbestos 101

This newsletter is on the MDE website: www.mde.state.md.us/arma

EDITOR'S NOTES ...

News Flash: The Maryland Department of the Environment (MDE) is moving to the old Montgomery Ward catalog distribution center on Washington Boulevard, across from Carroll Park. Please check next month's newsletter for the MDE's new address, phone numbers, etc.

The Fifth Annual National Asbestos Conference sponsored by MDE and the National Conference of State Legislatures (NCSL) was held in Baltimore from March 3-6. This conference was originally scheduled for September but was postponed due to the Sept. 11 tragedies. There were 160 attendees from local, state and federal agencies that regulate asbestos — the largest turnout since the first conference in 1997 in San Antonio. The attendance, which has increased every year, demonstrated to everyone involved that asbestos is still a problem, though the Environmental Protection Agency has continued to lower funding levels for asbestos programs.

Dr. William Sanders, EPA's director of the Office of Pollution Prevention and Toxics, indicated that the problems encountered after the World Trade Center (WTC) disaster, EPA may need to rethink its approach to asbestos funding and programs. A number of questions were raised about the approved methods for fiber analysis, which look for only long fibers and not the short, thin fibers found in great abundance at the WTC site.

Questions of toxicity of short versus long fibers, chrysotile fibers versus the amphibole fibers, etc. need to be studied so that risk assessment methods can be further refined. The current risk assessment methods address the risk with the long thin fibers for lung cancer and mesothelioma. There is a great deal of disagreement on the toxicity of the short fibers and whether these are a problem. The EPA and the Occupational Safety and Health Administration (OSHA) regulate all the asbestos fibers at the same level for various reasons. Many countries in the European Union regulate the fibers differently, with crocidolite and amosite considered to be more toxic than chrysotile. The American Conference of Government Industrial Hygienists (ACGIH — publishers of the TLVs®) also have different recommended TLVs® for serpentine — chrysotile and amphibole — amosite, crocidolite, etc.

SCHOOLS ...

The school that was the subject of "Tale number 2" from the March 2001 newsletter just paid MDE \$50,000 to settle the case. This was the school, where officials chose to use an unlicensed contractor to remove asbestos and not take many of the required precautions necessary to remove asbestos properly and prevent exposures to persons. As it has been said before and I will say again, "The department takes a dim and expensive view of using unlicensed contractors."

Remember "Tale number 1" from the same newsletter? In December, the EPA issued a show cause order to the public agency that leased space to the four nonpublic schools. The EPA is currently negotiating with the public agency on how the problem will be corrected and how much the penalty will be. The schools received Notices of Noncompliance (NONs) for their failure to comply with the requirements of AHERA.

MDE has received a number of complaints from parents, teachers, and other staff about "asbestos in the school." Most of these had no valid basis but this is something that can only be determined after the complaint is investigated. However, many of these were really efforts on the part of the persons complaining to have someone from the "state" come out and look at a problem that had nothing to do with asbestos. Many of these are actually indoor air complaints and asbestos is brought in to get MDE's attention.

One complaint in particular involved removal of nonasbestos materials in a boiler room last summer, but the school was perceived as having indoor air problems. One recent complaint from a lot of parents and staff involved an abatement job that was to start and there was a level of concern among the many complainants. Evidently, the complainants weren't really aware of the job until they saw the notification signs go up. MDE strongly recommends that schools notify parents, students and staff about planned projects as far ahead of time as possible and give details.

MDE's Asbestos Accreditation and School Assistance Division is inspecting schools and finding a few issues common to all. The names of the custodial and maintenance people trained in the two-hour awareness course are not recorded in the management plan. There is also an annual refresher training requirement by OSHA. However, OSHA officials have not said how long the training should be, but MDE suggests at least 20-30 minutes for refresher training. If any of your people have been trained in the two-day O&M course, the refresher requirement is at least four hours (COMAR 26.11.21.13).

The 2-hour awareness training can be given by anyone and the instructor can use videos, lecture, etc., to provide the required training. These persons may do no asbestos work, but rather should act as your eyes and ears in the building. It is important that these folks know where the asbestos is and how to use the management plan so that they can ensure that service persons coming to work in the building do not disturb asbestos-containing materials.

There is an incorrect rumor circulating that schools don't need to sample above ceiling tiles and that you don't have to sample surfacing material on ceilings. Check existing management plans, especially recently those prepared recently to see if this is the case in your facility.

Speaking of management plans, don't forget to include the annual dated notification before sending it to MDE. Make sure that the training for the designated person is included in the plan.

By the way, two private schools on the Eastern Shore just received NONs because they didn't have training for the designated person, did not have an updated copy of their management plan in the office and failed to notify all required to be notified. These NONs are not asking for a penalty unless the schools repeat these violations or fail to make the corrections in time. These inspections were done by Harry Boyer from EPA/Region III.

ASBESTOS FOR ALL ...

The Mid-Atlantic Regional Environmental Consortium (MAREC) held its annual meeting on March 3 in Baltimore. Virginia officials presented an update regarding the F&M situation. The state is still working on its enforcement case and really couldn't discuss details, although the news about F&M has spread and a number of people were coming in to turn in their fraudulent certificates.

The good news is that after five years, Virginia has finally put regulations in place requiring the training providers to notify the state 48 hours in advance of having a class and requiring that the training roster be turned in within 24 hours after the class. This should help their enforcement efforts significantly.

The MAREC website hosted by the Pennsylvania Department of Labor & Industry is back in business. It can be found at www.dli.state.pa.us/mrc/site/default.asp. The training providers in Regions I, II and III are listed. It needs updating by the Region III jurisdictions, which should be done by the middle of April.

All of the presentations from the National Asbestos Conference will be on the website for NCSL (www.ncsl.org) and MDE's website at www.mde.state.md.us/arma, then click "Air Programs" and then on "Asbestos," where you will see a link for "2002 National Asbestos Conference." The presentations will be there in the Adobe® Reader™ format and also in the original Powerpoint® format.

Mike Beard and Bruce Harvey from Research Triangle Institute (RTI) discussed asbestos analysis methods and the accreditation process for laboratories. RTI has run the National Voluntary Laboratory Accreditation Program (NVLAP) that schools must use for bulk samples. For more information go to www.nist.gov/nvlap. Here you can find the

currently accredited labs and contact information for each one. This directory also contains the labs accredited to perform U.S. EPA's Interim Transmission Electron Microscopy Analytical Method (TEM) to determine completion of response actions in 40 CFR, Part 763, Subpart E, Appendix A. In other words the TEM analysis required for clearance air samples in a school when a response action exceeds a NESHAP quantity.

The other point of information that Beard wanted to remind all attendees, was that it is not permissible to convert structures/mm² to fibers/cc³. This conversion is not correct contrary to what one may have seen on websites that related to sampling at the WTC. And there is no action level for asbestos as was mentioned on some sites describing the levels found when sampling for asbestos at the WTC.

Beard and Harvey strongly recommend that if you find floor tile tests negative by PLM, then ask for a TEM analysis. They explained that floor tile frequently yields false negatives because of "short-range" chrysotile fiber bundles, low color contrast between chrysotile and the tile matrix, low asbestos percentages and appreciable titanium oxide pigment as interference.

Incidentally the error rate on nonfriable floor tile samples is 7.2 percent for NVLAP and 9.8 percent for AIHA.

The other samples that cause false negatives are ceiling tile with 2 percent short-fiber chrysotile, NVLAP error rate is 17.2 percent and AIHA is 64.7 percent. Acoustical spray with 2-3 percent chrysotile had a NVLAP error rate of 14.6 percent and AIHA error rate of 29.7 percent. Floor tile with 0.7 percent floor tile yielded a NVLAP error rate of 39.7 percent!

TRAINING PROVIDERS ...

Thank you to everyone who attended last week's meeting. If anyone who missed the meeting, wants the handouts, please contact Mardel Knight at (410)631-3801. Those who attended got a sneak peak at the presentations from the conference.

The not so good news from the National Conference is that there don't seem to be any foreseeable changes in the training requirements because OSHA is still requiring the one day refresher course for workers and supervisors. Until EPA and OSHA agree on training requirements, there will be no changes. The danger in all of this is that the MAP is an 8-year-old Interim Rule and the EPA is inclined to just make these final rules without any changes. So there may be no changes to the MAP!

Social security numbers are required for all trainees. Please remember not to issue a photo ID card to anyone who does not provide a social security number. Keep in mind that this rule is true for O&M trainees as well.

When filling in the photo ID card inventory portion of the application, please keep the following in mind:

- The numbers are for the year prior to the date of the application.
- Cards issued are the cards that you issued to trainees.
- Cards on hand is the number of cards that you have that have not been used.
- Cards received are the cards that we issued to you during the year prior to the date of the application.

REMEMBER TO ATTACH THE PICTURES TO THE SUBMITTALS!

NET NIBBLES ...

There are several websites that can provide some great pictures and information on asbestos. Senator Patty Murray (D-Wash.) held hearings last summer on workplace exposure to asbestos. The transcripts and videos from various speakers can be found at <http://murray.senate.gov/asbestos.html>. There is also a link from this website to the *Seattle Post-Intelligencer* and its series of articles on asbestos in general and Libby, Mont., in particular. The U.S. Geological Services site is www.usgs.gov and has information on imports of asbestos, etc. Go to www.epa.gov/swerrinms/ahec/summary.htm for information from a conference last year on asbestos health effects (May 24-25).

STATESIDE ...

There will be no initial asbestos courses for state employees until further notice.

If you wish to receive any AOC funding for asbestos projects, you need to submit the management plans for your facilities. The plan must be approved before any funds can be awarded. Projects are being chosen now for the next fiscal year. The new management plan forms for state facilities only will be on the MDE website by the end of March.

If you cannot download these, call Becky MacEwen at 410.631.3801 for assistance.

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<p>June 2002</p> <p>4 Supervisor R 13 BIMP R</p>	<p>If you must cancel, call Janice Lafon at (410)631-3801, or (800) 633-6101,-3801, or email: jlafon@mde.state.md.us</p>