



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@msn.com or
mknight@mde.state.md.us

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

Volume VIII, No. 1
December 2001

Asbestos 101

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

SEASON'S GREETINGS!! EDITOR'S NOTES...

This is the start of the eighth year of publication. Thanks to all of you who have provided comments, suggestions, etc. So as a way of saying thanks, this newsletter will contain two reviews to fascinate, refresh, inform, and maybe save you money.

The following information is not just for schools or contractors, but is useful for training providers, consultants, and contractors. The first review discusses inspections and management plans required under The Asbestos Hazard Emergency Response Act (AHERA). This has been covered before, but it seems necessary to say it again. The second review covers Operations & Maintenance (O&M) because it is a topic that has come up again many times lately. It seems that there is still misunderstanding about O&M! Remember the goal is to protect human health and the environment.

SCHOOLS...

The following I wrote for a talk that I gave last week on environmental hazards encountered during renovation and demolition in schools. These were written, tongue in cheek, but are true. So have a chuckle on me. I call these the "Rules of Engagement for Schools" or "Schools' Rules".

1. *School must be closed.* (There is no requirement for this.)
2. *All dust is asbestos.* (Even in an "asbestos-free" building.)
3. *Rumor mill says it is asbestos.* ("I know someone who works there...".)
4. *Job must be big surprise...no one knew about it.* (I just heard about it even though the notice was sent home with child and in a letter to parents.)
5. *If you tell anyone about the job, you give the minimalist version.* (No details.)
6. *Upon hearing about the job, staff and/or children must be sick.*
7. *Parents must call all government agencies.* (Trust me, they do so.)
8. *School authorities are not to be believed.* ("I already spoke to them" or "I don't want to talk to them.")

These might seem rather silly, but over the past 14 years, I have heard these repeated and repeated. These are the reasons that people call us and that I call your school in return. I would emphasize that you need to explain in detail what you are planning to do and then update folks periodically. If you must work in an occupied school, spend the money and/or effort on making sure the job is closely monitored at all times.

Now for ways to save money.

I would, again, remind all schools, large and small, that failure to keep records, failure to notify, failure to inspect, etc. can be costly violations for the school system. In EPA Region III, the Colonial School District (PA) was assessed a penalty of \$11,000 for violations of the AHERA regulations by failing to update and maintain their management plans, failure to conduct inspections in all of its buildings that they own, use, or **LEASE**, and failing to notify parents, teachers, and staff. The compliance cost was \$15,550. These were basic violations of the AHERA rules. There were no allegations of exposure as the EPA noted in the October 26, 2001 press release that *"EPA cited the school for violations of AHERA inspection, recordkeeping, and notification requirements. EPA did **not** (EPA emphasis) allege that building occupants were exposed to releases of fibers."*

In the last newsletter, I mentioned the Easton School District (PA) that was assessed a \$27,500 penalty for some of the same violations. Again, there were no allegations of exposure as EPA stated in its press release of July 13, 2001: *These violations involved precautionary measures. EPA did **not** (EPA emphasis) find that students, teachers, or other building occupants were exposed to asbestos emissions."*

There is a misconception out there that there is no problem unless people are exposed. That may be an expensive misconception.

EPA levied large fines on schools during the time of previous asbestos rules, "Asbestos in Schools". Washington County School Board (MD) was fined \$25,000 for failure to have records in the schools at the time of the inspection. EPA also did a press release about the penalty which EPA does to let everyone know about an action as a warning to others. Remember that part of EPA's penalty assessment is to determine what the school can afford and stay in business. Remember, too, that the penalty is in addition to the costs of coming into compliance.

Our inspectors, Jim Hourihane and Larry Vermont, have been out to visit many schools. We visit both major and minor LEA's.

Their findings:

1. No inspection/management plan (IMP) or reinspection. If you have added new buildings, additions, etc. to your school, these need an exclusion. [40 CFR 763.99(a)(7)]
2. For management plans prepared after 4/91, there are mandatory forms that must be used. These can be found on our website. There are no mandatory forms for the reinspections. If the plan is not done on our forms, **the plan will be returned.**
3. Each time school relocates, it must have an IMP. Once is not enough. Having prepared an IMP once just shows that the school has knowledge of the need for an IMP.
4. No periodic surveillance as required every 6 months.
5. Failure to provide the 2-hr awareness training to the custodial and maintenance staff. In MD, OSHA requires an annual refresher. New employees must be trained within 60 days of hire. **Keep the records.**
6. Failure to keep an updated copy of management in the LEA's office and the same copy in the administrative office of the school. When principals leave, it is a good idea to check and

and see if the plan is still there. Principals like souvenirs!!

7. "Rubber stamp" reinspections. Many times we have seen a very cursory reinspection that lacks detail. Reinspection time is the time to make sure that missed materials are taken care of properly. Make sure that the inspector provides detail on where any samples are taken and checks that materials in a homogeneous area are still there and that any changes in quantity are accounted for in the recordkeeping.

8. Don't forget the portables. These come and go and this needs to be recorded!! There is an IMP with each portable and if it contains asbestos, the periodic surveillance and reinspection are the responsibility of the LEA that has the portable at the time any of these actions are due.

9. Response actions of any size required *detailed* reports. See 40 CFR 763.94.

10. *If* all of the asbestos subject to AHERA has been removed, do a reinspection to confirm that all the materials have been removed. From that time forward, all that is required is the annual notification, designated person with appropriate training, and maintain the IMP in the school's administrative office. If you lose it, you must have another prepared as soon as possible because AHERA requires an updated IMP be available at the school at all times!!

11. Don't forget fire doors.

12. During the reinspections, make sure the colors of floor tiles, ceiling tile types, addition(s), etc. to buildings are delineated. In a building with 15 anonymous floor tile homogeneous areas with only the square footage provided ensures that mistakes will be made. Most maintenance people are not going to run around measuring the different floor tile areas to determine that, yes, the 1500 ft² is the blue 9x9 in the cafeteria.

13. Before you send an IMP to our office, use the required elements checklist to make sure that all of the parts and signatures are in the plan. The form is on our website. This is what we use when the plan is reviewed.

15. When writing the contract for a reinspection, make sure that there is a requirement to address any suspect materials not previously identified. This is critical because AHERA says in 40 CFR 763.85(b) *Reinspection*. (1)...a reinspection of all friable known or assumed asbestos-containing building material (ACBM) in each building.....*Nothing is said about any newly discovered materials*. I have had management planners ask me if this is all that they had to do. Yes, technically, this is all that they have to do, but the LEA needs to know where all the ACBM is located!!

O & M...

1. Training Requirements. These requirements are covered in two places, 29 CFR 1926.1101 Construction Standard and COMAR 26.11.21 Control of Asbestos. The O&M activities in most cases require the same training as OSHA describes for the Class III activities. This is the training referenced in AHERA, 40 CFR 763.92(a)(2) for persons performing O&M work. It is 16 hours in length. An annual refresher is required and that is the 4-hr refresher listed in COMAR 26.11.21C(2)(b). These training requirements are a *minimum*. This applies to persons in all facilities, including schools, who are performing O&M work as described in COMAR 26.11.21.

2. The O&M activities in COMAR 26.11.21 are limited to 10 ft² or 20 linear ft. These activities are associated with small repairs or maintenance. Or think of it as the same as the small-scale, short duration activities that AHERA described. In other words, the *purpose* for the activity is *not asbestos abatement*, but the *asbestos must be disturbed* as part of the activity.

3. Persons with only the 2-hr awareness training that OSHA describes as adequate for Class **IV MAY NOT DO ANY ASBESTOS ABATEMENT IN MD, NOR MAY THEY PICK UP ASBESTOS DEBRIS AFTER CLASS I, II, OR III ACTIVITIES.** If there is any asbestos debris left after abatement activities, the abatement activity is not complete. These people have

no training on use of respirators, protective clothing, work practices, etc. **The 2-hr trained person cannot do any asbestos activities that disturb asbestos or clean up asbestos debris.!!!**

4. Contractor's license. If the school or other entity, **including government facilities**, chooses to do O&M activities, then the entity needs a license. It does not matter how little you plan to do, the entity needs a license. The O&M workers need medical monitoring annually and must use the required protective clothing and respirators. Then the license requires that there be a currently accredited supervisor (ASHERA 5 day) listed on the license at all times.

5. The other requirement of note is that the asbestos quantities removed from a facility accumulate on a calendar basis. Once you have removed the NESHAP quantities: more than 160 ft², or 260 linear feet, or 35 ft³ **THEN** you must use 4-day trained workers. The 2-day trained person cannot be upgraded, but would have to take the entire 4 day course. So in most cases, it makes little sense to train anyone for O&M, if you anticipate very much work. The other drawback to O&M trained persons is that they are not allowed to perform jobs larger than either the 10 ft² or 20 linear feet quantity. So if a job turns into something larger, these persons should stop and tell the supervisor that he may send in 4-day trained workers. The chances of this happening are very slim!

6. Bottom line. There are not many reasons for training persons just for O&M. The costs of training may be a little more for a 4-day class as opposed to a 2-day class, but all of the other costs for equipment, medical monitoring, etc. are the same. And you have to have the 5-day supervisor. If you do use O&M, be aware of all of the requirements and restrictions.

TRAINING PROVIDERS...

Check the inventory of photo id cards carefully on the application. Don't forget the cards that

that were traded for new cards at the March 15, 2001 training providers' meeting. The next meeting is scheduled for March 14, 2002 (Thursday) at the same time in the Patuxent rooms.

STATESIDE...

The Asbestos Oversight Committee (AOC) is asking State Facilities to submit projects considered imminent health hazards to the Maryland Department of the Environment's (MDE's) Industrial Hygiene Division for inclusion in the AOC's FY'04 budget request. Submit requests through Departmental Asbestos Coordinators and these are due by March 1, 2002. To be eligible to receive AOC funding, the requested project must have an on-site evaluation by an industrial hygienist from MDE. The proposed project must not be on the Capital Improvement List or have other sources of funding. In addition, the AOC will not consider funding any project unless there is a current and correct Asbestos Management Plan on file with MDE. For further information contact Jim Lewis at (410) 631-3801.



You can only have this much fun if schools are closed in Baltimore City or Baltimore County due to inclement weather!! Then training classes will be cancelled!!!

<p>January 2002</p> <p>Happy New Year</p>	<p>February 2002</p> <p>Happy Valentine's Day</p>
<p>March 2002</p> <p>7 WR 12-15 WI 21 BIMPR</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>