



Maryland Department of  
the Environment

# Asbestos 101

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

December 2011

## TRAINING PROVIDERS . . .

Our next training provider meeting will be held in the Aeris Conference Room at MDE on March 7, 2012 from 10 am to noon. Please call our office if you have any suggestions for the agenda.

## SCHOOLS ...

This year, the Maryland Department of the Environment (MDE), Asbestos Accreditation & School Section participated in two Conferences where our office made itself available to the public for the purpose of educating and offering any assistance to the parents and/or administrators of schools in the State. The first conference was the School Health Interdisciplinary Program, held on August 1-2, 2011 at the Sheraton North Hotel in Towson, Maryland. The second conference was the 22<sup>nd</sup> Annual Chesapeake Region Safety Council's Conference and Expo, held on September 15, 2011 in Laurel, Maryland. Both conferences provided MDE the opportunity to reach out to the community and provide an educational experience for all in attendance. We had the pleasure of meeting many individuals at our booth who we believe walked away better informed.

The Department's school asbestos inspectors have been very busy inspecting a number of small nonpublic schools. Some of the excuses we heard are listed below. None are acceptable; so, if any sound like what you may be thinking, please contact us so that we can help you be better prepared for an inspection at your school

- Had never heard about Asbestos Hazardous Emergency Response Act (AHERA)
- Only provide day care services,
- Lease space from a religious entity
- Thought AHERA was no longer applicable
- Had a management plan, but there have been several changes in personnel, and (MDE) doesn't have a copy, and so on.

The AHERA regulations will be 24 years old on October 30th of this year! This newsletter, Asbestos 101, has been in publication for 17 years! For the newer non-public schools, the Maryland State Department of Education (MSDE) has added MDE's school asbestos group to its letters of approval and exemption. They are "cc" (copied) as one of the entities that the school must contact before opening the school.



If your facility is for day care only, it does not need to be registered as a school. However, AHERA in Maryland does cover preschool age children that are part of a school. If the words "school" or "academy" appear in the name of the institution, it may not be used in the name of a daycare facility.

MDE inspected 50 Local Education Agencies (LEAs) over the course of federal fiscal year 2011. 3 LEAs - the Bethel Christian Pre-School in Howard Co., the Chesapeake Academy in Anne Arundel Co. and the Covenant United Methodist Preschool in Montgomery County - were found to be in full compliance with AHERA, federal and state regulations. A summary of the inspection results at the 50 LEAs is provided in the chart below.

Summary of 50 AHERA Inspection Results (Sent to EPA)  
October 2010 thru September 2011

# Times Violated	Regulation
3	The LEA appears to be in compliance with AHERA, Federal, State regulations
8	Failed to conduct an AHERA inspection or reinspection pursuant to <i>40 CFR part 763</i>
8	Failed to develop a management plan pursuant to <i>40 CFR part 763</i> .
1	Failed to use accredited persons.
20	Failed to provide initial or annual <u>notifications</u> to parents/teachers/employee organizations.
17	Failed to <u>notify</u> short term workers.
14	Failed to conduct <u>periodic surveillance</u> .
35	Failed to maintain required records.
13	Failed to ensure proper compliance of <u>response action</u> .
14	Failed to provide training for the designated person, custodial or maintenance staff.
9	Failed to post warnings
8	Failed to qualify for an AHERA exclusion
23	Failed to sample new suspect material
1	Headquarters did not have management plans for all of the schools in the system
3	Headquarters management plans did not mirror the management plans at the schools inspected

	LEA in compliance
	Violations at individual schools
	Violations at headquarters (Major LEAs)

## CONTRACTORS' CORNER . . .

(Tim O'Hare, Section Head, Asbestos Licensing & Enforcement Section)



I'm sorry to say that this hasn't been an exemplary three months since our last issue. Ten inspections yielded 19 violations, 13 involving hoods. The hood violations usually involve vinyl asbestos floor tile (VAT)/mastic abatements. Since your workers almost always have their hoods up when they're working with friables, this indicates to me that an attitude adjustment is required vis-à-vis VAT/mastic. So, for your workers' welfare, as well as for your own sakes, start adjusting!

Back in 2009, we had one of our biggest cases ever. It involved an unlicensed contractor using 15-20 untrained workers without any protective clothing or respirators; there were hundreds of feet of exposed aircell in opened chases, some of it significantly disturbed during the activity. Some of the boiler room insulation that was disturbed was *crocidolite*. The owner paid a fine of \$63,000; the contractor received judgment against his company for in excess of \$1,000,000 (unfortunately uncollectible, though the contractor will never work again in Maryland). The reason I bring this up is not to blow our own horn, but to tell you that this case developed from a tip from a licensed contractor, whose identity we kept anonymous. Unlicensed contractors expose their workers and the general public to potentially hazardous conditions, and they take money out of *your* pockets. If you see something wrong, tell us. We'll do the rest, and protect your identity.

Finally, I want to say that the vast majority of the projects that we inspect are conducted exceptionally well, and the vast majority of the licensed community is a pleasure to work with at inspections. You do good work. Happy New Year from Latoya, Donna, and me.

**Enforcement Actions:**

Administrative Settlement Letter (ASL) mailed 7/26/11 for \$2,500 – Violation – Two asbestos workers at the site were found with hoods down during an asbestos project inspection and the project was not notified as National Emissions Standards for Hazardous Air Pollutants (NESHAP).

**STATESIDE...**

**STATE EMPLOYEE TRAINING CALENDAR**

These classes are only for state employees.

February 2012	March 2012
29 Inspector/Management Planner Review - Aqua Conference Room	14 Supervisor Review- Aqua Conference Room 28 Auto Training- Terra Conference Room
April 2012	May 2012
25 Worker Review- Aqua Conference Room	16 Inspector/Management Planner Review – Aqua Conference Room
If you must cancel your scheduled training, your supervisor must e-mail Sharon Manger at <a href="mailto:smanger@mde.state.md.us">smanger@mde.state.md.us</a> or call at 1-800-633-6101 ext. 3200.	

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