



# Asbestos 101

*This newsletter is on the MDE web site:*

<http://www.mde.state.md.us/programs/Air/Asbestos/AsbestosNewslettersandBrochures/Pages/index.aspx>

December, 2010

## EDITOR'S NOTES . . .

The Department's website has a new look! The home page for the Department is still [www.mde.state.md.us](http://www.mde.state.md.us), but now to reach our asbestos site, once you reach our main website, you will need to click Programs, then click Air & Radiological Health Programs and then click Asbestos to get to our webpage.

## TRAINING PROVIDERS . . .

The applications for asbestos training providers and abatement contractors have changes that you should note. The address for submitting the application and fee is that of the lock box at our bank. **DO NOT SEND THE FEE AND APPLICATION TO OUR OFFICE.** Using the lock box will actually speed up the process! Make the instrument of payment payable to "Maryland Clean Air Fund". Attach the check to the first page of the application and make sure the rest of the pages are securely fastened together. If you do not receive an acknowledgment of your application and fee within 7-10 days of sending it to our office, **PLEASE CALL.** We do send an acknowledgment of the fee and application as soon as we receive it. The approval process does not begin until we have the application and the fee! Please continue to send any corrections, variance requests, notifications, etc. to our office on Washington Boulevard.

If you want copies of the regulations, we can either send copies or you can access these immediately from the Division of State Documents' website. Either option will provide you the latest versions for COMAR 26.11.21 *Control of Asbestos* and COMAR 26.11.23 *Asbestos Accreditation of Individuals, and Approval of Training Courses*. Go to [www.dsd.state.md.us](http://www.dsd.state.md.us) and click on the "COMAR" online button. Choose the No. 1 search option. Type 26.11.21\* or 26.11.23\* in the box. This will give you a list of all the regulations in each chapter. These can be printed. You will need to print each one separately. For COMAR 26.11.21, there are 13 regulations and for COMAR 26.11.23, there are 15 regulations.

The federal regulations can be found at the EPA's website: [ww.epa.gov/asbestos](http://ww.epa.gov/asbestos). There you can get copies of the National Emission Standards for Hazardous Air Pollutants (NESHAP) and the Model Accreditation Plan (MAP). Or we will send you copies if you don't have access to the website. When you reach the EPA's asbestos page, please take a few minutes to see the other asbestos-related items such as the publications, fact sheets, the national directory of training providers (NDAAC), etc. If you want to use the NDAAC to check on a training provider, keep in mind that this information is not current on the day that you look at it. We would recommend that you contact the state that approved the training provider to check on the training provider's status and status of the particular course. The contact and phone numbers for the states are

1800 Washington Boulevard | Baltimore, MD 21230-1720 | [www.mde.state.md.us](http://www.mde.state.md.us)  
410-537-3200 | 800-633-6101 | TTY Users: 800-735-2258

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listed. Remember that enforcement actions can occur and change the status of a training provider and/or course very quickly.

Please continue to send any corrections, variance requests, notifications, etc. to our office on Washington Blvd. Contact our office at 410-537-3200 if you want to be on the consultants' list.

## SCHOOLS ...

The management plan forms, exclusion forms, and the elements checklist are on our webpage for your use. We have added detailed instructions for schools and management planners about the schools covered by AHERA, how to use our forms, the basic requirements, etc. There is one omission that we run across frequently that can have a severe financial impact on the schools. Many schools fail to include a requirement in their contract for an inspection for any required corrections. We have seen cases where required elements were missed and the management planner has agreed to make the changes only if more money is paid. There is an AHERA requirement for schools to make corrections to their management plan, and when the corrections are sent to the State, the State has 90 days to review and respond to the corrections. The State is doing this review. Many of these corrections involve failure to collect enough samples, failure to assess suspect materials, etc. These are tasks that require the involvement of an accredited inspector or management planner. There should be no need to pay for required items or tasks that were missed, provided they were included in the contract! Please do not send notifications, reinspection reports, or periodic surveillance forms to our office. We do not require these items. The schools need to make sure these documents are part of the management plan.

Recently, our school inspectors have found common deficiencies in the schools' management plans that they have reviewed. The following is a list of common deficiencies found during inspections:

- Failed to provide initial or annual notifications to parents/teachers/employee organizations;
- Failed to qualify for AHERA exclusion;
- Failed to maintain required records; and
- Failed to sample new suspect material.

## CONTRACTORS' CORNER . . .

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

Remember, all Large Facility Waivers end as of 12/31. And any individual project above the NESHP threshold still requires a separate 10 working day notification. We are trying to simplify the process; if anyone has any ideas, let us know.

### Hoods

Quite a few of you have found out that the Department is serious about hood violations. Some have suggested that we fine the workers, but we do not have the authority to do that. Ultimately, the contractor is responsible for the actions of his/her employees. Note that a bandana over the head is not a suitable substitute for a hood. This last year started off with a rash of violations, mostly hoods. For the last quarter, though, things have been going along very nicely out on the job sites. Lorraine, Latoya, and I appreciate all your attention to detail and hard work. Have a wonderful holiday and a prosperous 2011.

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As some of you may have noticed, we have been issuing Administrative Settlement letters (ASL). This is an enforcement tool used when a significant violation has occurred and has been corrected. Please note that penalties may increase if violations are repeated, showing a recurring pattern. The following are some examples of ASLs that have been completed since the last newsletter.

- ASL mailed 8/11/10 for \$1,000 – Violation – asbestos worker at the site was found to have their hood down during an asbestos project inspection.
- ASL mailed 8/11/10 for \$5,250 – Violation – asbestos workers at the site were found to have their hoods down during an asbestos project inspection and there was no 3-stage decontamination entrance constructed at the project.
- ASL mailed 8/11/10 for \$1,000 – Violation – asbestos worker at the site was found to have an expired photo id for asbestos training.
- ASL mailed 8/11/10 for \$1,000 – Violation – asbestos worker at the site was found to have their hood down during an asbestos project inspection.
- ASL mailed 10/7/10 for \$6,000 – Violation – asbestos workers at the site were found to have their hoods down during an asbestos project inspection.
- ASL mailed 10/7/10 for \$1,500 – Violation – non notification of a NESHAP demolition project.

## STATESIDE...

Management plans for state facilities were due on September 30, 2010. If you have not sent in your plan, or the corrections, please call your inspector and let them know a date when you will have the management plan done.

### STATE EMPLOYEE TRAINING CALENDAR

These classes are only for state employees.

January 2011	February 2011
19 Auto Worker- Aqua Conference Room	16 Inspector/Management Planner Recert.- Aqua Conference Room
March 2011	April 2011
16 Supervisor Recert.- Terra Conference Room	1 Management Planner Initial- Terra Conference Room
28-30 Inspector Initial- Terra Conference Room	
31 Management Planner Initial- Terra Conference Room	

If you must cancel your scheduled training, your supervisor must call Sharon Manger at 1-800-633-6101 ext. 3200 or e-mail [SManger@mde.state.md.us](mailto:SManger@mde.state.md.us)

Anyone interested in being added to our list for the newsletter, please e-mail Larry Vermont at [lvermont@mde.state.md.us](mailto:lvermont@mde.state.md.us) or call at 410-537-3200 to get the newsletter mailed.

