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Department
of the
Environment

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Asbestos 101

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

EDITOR'S NOTES ...

Legislative Update—House Bill 935, The Budget and Reconciliation Financing Act of 2003, was signed by Governor Ehrlich on May 13, 2003. It took effect on July 1, 2003. This means that when training providers or asbestos abatement contractors renew their approvals, we must query the Comptroller's Office about any tax liabilities that the entity may have in MD. We do this when we receive the license package and if there is a liability outstanding, you will receive a letter telling you whom to call in order to resolve the issue. Our office may not issue the license until we receive an "OK" from the Comptroller's Office. Please make sure that you do submit a correct Federal tax identification number on page one of the applications and make sure it is a **nine-digit** number.

Speaking of applications...please do send the applications and payments to this address: Department of the Environment, P.O. Box 2037, Baltimore MD 21203-2037. Just make sure that page one of the application is on top and that the check along with the other pages are securely fastened together. This mail is opened every day by the bank and the proof of payment transmitted to the Department's Fiscal Services Division. It is actually quicker this way since there is LESS handling of the application and check. It is also a more secure method. If you do mail it to the wrong place, our secretary will call you and tell you not to send it to our office here at Washington Blvd.

Fraud is rearing its ugly head again. We just received copies of photo identification cards and certificates that were altered. Some of the information was valid such as the training date. However, careful examination would have shown that the photo identification card had a six-digit number, not a five-digit number. The numbers were printed crookedly on the photo identification card.

The certificate was a photocopy of the original. **Do not accept photocopies.** This copy clearly showed that most of the information had been altered. Even on the copy, you could see where correction fluid had been used. If you have any questions about the documents, call our office or call the training provider who allegedly issued the certificate. There is no reason to accept fraudulent documents like these. These clearly were fraudulent, not like the F&M certificates that were genuine, although the training was not!! We rarely receive calls from contractors or others questioning the status of documents. Unfortunately technology makes it easier to produce better and better documents. So please call and check on these documents.

SCHOOLS ...

As the year closes on another round of AHERA compliance inspections, the compliance picture is about the same as that of last year. It is dismal. Our inspector has found the same problems again and again. The original plans in many cases have not been updated since 1988-89. The annual notifications either have not been done and/or copies were not put in the file. That is just a short list of the deficiencies. Unfortunately, this is not just a problem in Maryland.

EPA Region III did an environmental compliance survey of schools in the Mid-Atlantic area in May and June of this year. The survey was limited. For the asbestos issues, they found the same things that our inspector finds. One of the big items is that a school doesn't know where its management plan is located! If there was a plan in the local school, it didn't match the one at the school board. If asbestos had been removed the school didn't know what had been removed. One of the AHERA requirements is that the school have an updated management plan.

At the September 11, 2003 training provider meeting, the guest speaker, Tom Simons, from the EPA's Office of Pollution Prevention, spoke about the status of AHERA compliance across the EPA regions. It is very, very poor and the EPA has found the same problems that we have in Maryland. AHERA enforcement nationwide is not very strong. Resources are badly needed nationwide for the enforcement effort. Simons estimated that there are two full time equivalent (FTE's) persons nationwide at the EPA for AHERA enforcement efforts. This works out to 0.2 FTE person for each of the ten regions!!

The recordkeeping issues are not the only problems that face schools. Careless abatement or poorly designed abatement activities con-

tinue to expose individuals in schools. One example occurred recently when a boiler was dismantled in a school. At the time of the original boiler room inspection, there was no thermal insulation detected on the boiler. This boiler had a metal jacket surrounding the asbestos. AHERA inspectors were not required to perform destructive sampling to detect asbestos inside an enclosed item such as these boilers. So the management plan had no information on the asbestos inside the jacket. However, common sense says that an old boiler had some sort of insulation to allow it to perform its function without allowing the heat to escape! The school needed an inspector there to assess the interior when the boiler was first breached by the dismantlers. Instead the boiler was cut open and in pieces so that it could be removed from the boiler room. Asbestos-containing insulation was spilled in the boiler room, outside the building, into a dumpster, etc. Persons were needlessly exposed and scarce resources were used for an unnecessary cleanup. All we can say is that this does not need to happen!!

EPA Region V recently completed an extensive outreach to the charter schools in its region. There were offers of free visits, training sessions, guidance documents provided, etc. There was absolutely "zero" response from the schools. This is just a reminder that charter schools ARE NOT EXEMPT from the AHERA requirements.

It is worthwhile to note that many charter schools are leasing older buildings that have been out of service for some time. The asbestos materials may have deteriorated and need remediation prior to occupancy by the staff and students. AHERA requires schools to conduct an inspection and prepare a management plan **PRIOR** to occupancy of the school building.

Good News! The EPA is planning to update many of its publications such as the Green Book, Gold Book, and The ABC's of Asbestos.

The first in a series of brochures for school personnel titled "Asbestos Training Requirements for School, Public, & Commercial Building Personnel" is on the website in the section with the Asbestos 101 Newsletters. There will three-five more brochures on topics such as the frequently asked questions about AHERA, requirements for management plans in Maryland schools, etc.

CONTRACTORS' CORNER ...

As some of you may have noted, the ten-day waivers for NESHAP notifications are not easy to receive. EPA Region III wants these waivers to be truly emergencies, just not a crisis caused by poor planning. Boilers that didn't work in the spring are not emergencies in the fall since you knew about the repairs that were needed several months ago.

At the OSHA website, check the "What's New" for the safety hazards that are still causing death and serious injury. These are foreseeable and preventable. These hazards will harm your employees immediately, not in 15-30 years like asbestos.

Note: A training provider from New York, ***Aternative Environmental Services*** of Clayville, was stripped of its accreditation by the state of New York in December of 2002. Training documentation was falsified.

After all of these years, it is distressing to see abatement activities going on that are too stupid for words. On August 26, a Canadian citizen was sentenced in the U.S. District Court of Columbia for violating the Ocean Dumping Act. His company moved a ship being converted to a casino from San Diego through the Panama Canal to Mobile AL. While on the way, his crew was observed many times dumping bags of asbestos over the side of the ship.

The next incident occurred in Texas when a contractor hired undocumented aliens to work at night removing asbestos so that the authorities would not discover his activities. However an explosion occurred on the site and he was discovered. He was sentenced August 27 to jail and to pay a fine for these egregious activities. Need we mention that he was cited for failure to use proper work practices?

Two individuals and a company were sentenced on June 16 and 17 for illegally removing and dumping asbestos in Virginia. However, the more disturbing aspect of this case is the fact that they hired homeless people and other untrained workers to remove insulation from boilers and pipes. Need we mention that these persons had no proper equipment or training to remove asbestos?

TRAINING PROVIDERS ...

For those of you who did not attend the meeting on 9/11/03, I will send you a folder with the handouts. **The next meeting is scheduled for March 11, 2004 (Thursday) here at MDE.**

One of the handouts is an application checklist that you must submit with the application. It is a list to help you provide the documents that you must submit with the application. Ms. Manger will be sending it out with the training provider renewals. Use the most current copy of the application that is on the web site under "Asbestos Forms". The instructions on some of the pages have been changed to make the requirements more easily understood. The page SCHEDULE II *Photo ID Verification* still causes problems. ***The photo id card information is required for the year prior to the date that YOU put on the application!!*** The right hand half of the page is for a numerical description of the card distribution. The left hand side is for listing the

cards that you have received from MDE. ***The number of cards issued is the number of cards that YOU HAVE ISSUED TO THE TRAINEES.***

I have been reviewing the Form 265 submittals before Ms. Lafon enters the data in the computer. If there is a problem with the submittal, it will be returned to you. These forms must be submitted within 10 working days after class completion. If the form has to go back for corrections, the submittal time stops after the form is returned!

Please send class notifications to Larry Vermont. If you need to cancel or reschedule a class, please notify Sharon Manger, Janice Lafon, Larry Vermont, Jim Hourihane, and me. Sharon and I are in early and we check our voice mail and emails right away. We can let Larry or Jim know that a class has been cancelled before they head down the road. I do realize that sometimes students fail to show up and you cancel the class after we arrive. That is not the problem, but it is a problem when Jim or Larry arrive to audit a class that was cancelled the day(s) before.

Comments on the instructor evaluation form is due by December 1, 2003. This form in addition to the topics checklists will be used in evaluating a course during an audit.

NET NIBBLES ...

There are a number of items on the internet that are of interest and may be useful for discussion in the training classes, especially the review classes. The EPA's Inspector General issued a report critiquing EPA's response to the disaster at the World Trade Center in 2001. This is at: <http://www.epa.gov/oig>. Click on the document titled: "EPA's Response to the World Trade Center Collapse". At OSHA's web site you will find a report titled "Inside The Green Line". It describes OSHA's response to the World Trade Cen-

ter collapse. It is a summary of OSHA's efforts at the site and has some excellent color photography. It can be found at www.osha.gov. Type the name of the report in the search box and click on the "GO" button.

MDE's web site has all of the forms that training providers and asbestos contractors need. Please use the latest forms for your application. The new brochures will be in the Asbestos Newsletters section.

Again, if you have any problems in downloading documents, printing, etc., please call our office and we can email them to you or make one hard copy for your use.

STATESIDE ...

Management plans for state facilities are due at the end of September.

Remind your employees to be on time for training or they will not be allowed to take the class. Remember to provide a copy of the manual for your trainees who are attending class at Rosewood. If you are having any difficulties in printing manuals from the CD or opening a downloaded .pdf copy, please call and we can send you one hard copy.

THE OCTOBER 9 SUPERVISOR REVIEW CLASS IS RESCHEDULED FROM 9/18/03!!

October 2003	November 2003
9/29-30 & 10/1-3 Supervisor I 7 Worker R 9 Supervisor R 16 IMP R 21-24 Worker I	5-7 Bldg. Insp. I 13 Auto Worker 18-19 Man. Plan. I
December 2003 4 Worker 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