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Asbestos 101

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

EDITOR'S NOTES...



There seems to be confusion, lack of interest, or ??? I have heard from very few of you regarding the mailing of the newsletter. As I said in the June issue, this issue *will be the last issue that we mail directly to everyone*. Publishing the newsletter and preparing the bulk mailing is very labor intensive. We were never sure if every one to whom it was sent actually received it and the incorrectly addressed newsletters were not returned when sent as bulk mail.

Therefore, starting with the December 1999 issue, the newsletter will be posted on MDE's webpage and will only be mailed first class to those who ask for it to be mailed.

YOU WILL NOT RECEIVE A COPY BY MAIL UNLESS YOU ASK FOR IT. Let me know that you still want the newsletter by mail by sending a postcard, letter, or an e-mail request to the e-mail addresses along the left side of this page. A phone call works, too.

The newsletter will be available on the website, www.mde.state.us, and ready for downloading on the last day of each quarter (March 31, June 30, September 30, and December 31).

PLEASE NOTE: The newsletter is important for you and us as we make announcements of meetings, regulation changes, policy issues, etc. Make sure that you notify me before December 15, 1999 if you STILL want the newsletter mailed to you.

This issue will be mailed first class to all of the current recipients to ensure that everyone has adequate notice of these changes. We do appreciate the cooperation of those who have agreed to receive an e-mail copy or download their copy from the website.

ASBESTOS FOR ALL...

I am extremely pleased at the number of calls we have received from folks who are using our website to access applications, etc. This really helps us and allows you to receive your forms, etc. immediately. Some of you have had a little trouble, so here's help on making

access easier. Occasionally you may have trouble getting through the firewall, so try again later, and if all else fails; we can send the forms, etc. as an e-mail attachment or by regular mail.

In order to make your access as easy as possible, please do the following:

- (1) go to the Department's home page at www.mde.state.md.us;
- (2) on the right side of the page is a box that asks you to choose a topic, open the list of topics by clicking on the arrow and select the "Asbestos & Industrial Hygiene" topic; and
- (3) scroll down the page (so you can see all of the documents) and you will see the program's forms in both the Adobe® Acrobat® portable document format (.pdf) and in Word 97. The four documents at the top of the page have the file extension .pdf and can be read only if you have installed the free Adobe® Acrobat® Reader program. There is a link, the yellow, black, and red logo, to the Adobe website from which you may download the program. This is a small program and takes only a few minutes to download and install. This program is useful for other websites such as OSHA and EPA. Please note that some of the documents and forms can only be accessed by using the Adobe® Acrobat® Reader. If you do not have Word 97, please do not download the applications, etc. in that format because the forms will either not open in your word processor or will look very different.

There are several documents available for schools, contractors, training providers, etc. on our website. Two of these are very useful for designated persons. The "100 Commonly Asked Questions About the New AHERA Asbestos-In-Schools Rule" is required reading for the designated persons who are doing self-study for their training. The "100 Questions.." is useful for anyone concerned with asbestos in schools.

A second document, the "Designated Persons' Self-Study Guide" goes into great detail about the

Asbestos Hazard Emergency Response Act (AHERA) and will be useful to the designated persons. DO NOT USE the forms in the manual. There are forms on the website, in both formats, that are mandatory for the initial inspection and management plan.

The MDE 253: Required Elements Checklist is the form that our staff uses to evaluate management plans when the plans are sent to our office. The checklist is also a good way to review the management plan to ensure that the accredited inspector/management planner has completed all of the AHERA requirements for the inspection and management plan.

SCHOOLS...

For some of you this may be your first newsletter, but it won't be the last! For the past 3 years the Maryland State Department of Education (MSDE) has supplied us with copies of the letters that were sent to the nonpublic schools. These are the letters that accompanied your "certificate of approval to operate a nonpublic educational program" and "the letter of registration as a church-exempt school". The latter category of schools are those that are operated by a bona fide church organization. These schools are not exempt from the requirements of AHERA.

Beginning August 1, 1999 we are sending these "new schools" a certified letter and packet of information about the AHERA requirements. Sixty (60) days after you receive the letter (someone at your school did sign the return receipt), we must have a management plan for your facility. If we do not, we will forward the name of your facility to Region III EPA. The EPA may take legal action against your school for failure to comply with the AHERA requirements.

The AHERA regulations require schools to inspect for asbestos and to manage it in place. Schools are not required to remove the asbestos just because it is in a school!!!!

When you receive this certified letter from us, please call so my staff or I may assist you in satisfying the AHERA requirements. We do not perform the inspections, etc., but we will provide guidance on finding an accredited inspector/management planner, provide forms, etc. If you would like to have a site visit, *at no charge*, please call and arrange for one of us to visit your school. My staff and I are fully accredited inspectors and management planners. With more than 10 years experience in reviewing plans, etc. we can provide a great deal of help *at no cost*.

If the EPA decides to take enforcement action for failure to have a management plan, the cost to your school may start at \$5,500!! Trust us, this is much more expensive than going ahead and obtaining a management plan.

For those of you fortunate enough to qualify for an exclusion, (for those schools completed after October 12, 1988,) please use the exclusion forms to complete your exclusion packet and send us a copy. Be sure to include a dated copy of the notification that you made to parents, teachers, and staff. Even with an exclusion, you must still notify all interested parties annually. This requirement is necessary to let the "new" staff, parents, and teachers know that the school has complied with the AHERA requirements.

For all of you with management plans, make sure that you perform the annual notification and insert a copy in the management plan. The requirement for an annual notification is one of 3 critical parts of AHERA in addition to the initial inspection and management plan and reinspections.

TRAINING PROVIDERS...

Just a reminder that the meeting cancelled due to Hurricane Floyd has been rescheduled for October 6, 1999 at the same place and same time.

Foreign Language Courses: There seems to be some confusion about the requirements for these courses. Some of the amendments to COMAR 26.11.23 Asbestos Accreditation of Individuals, and Approval of Training Courses (effective August 24, 1998) affected these courses. These are the foreign language courses for the workers only, both the initial course and the review course.

(1) An application fee is charged for these two courses. COMAR 26.11.23.D.(1)

(2) These are *separate* courses and are not approved just because the English language worker initial and review courses are approved. COMAR 26.11.21D.(1)-(3).

(3) *The instructor must be fluent in the language of instruction and qualified to be an instructor by virtue of training and experience just as any other instructor for any of the other courses. I cannot say too many times and too often, translators are not allowed. Just because a person speaks a language fluently does not equate with knowledge of asbestos training topics!!!* COMAR 26.11.23.12.C.(1)(a)(iii)

(4) You must include a statement with the course applications that the materials have been translated accurately to the best of your knowledge. The training materials used in class must also be translated into the language of instruction. Obviously if these people need a foreign language course because of difficulties with English, THEN these trainees require that the overheads and slides, videos be presented in their language!! COMAR 26.11.23.10.D.(2)-(3)

The auditors have noticed recently that some training providers need to have more instructors for the hands-on portion of the classes. This is particularly true when the work stations are in separate rooms. Good instructors know that if you do not keep an eye on trainees that some will dash through their exercises or stand around doing as little as possible. Even though our regu-

lations do not specify an instructor/trainee ratio, professionalism demands that there are enough instructors for effective training.

CONTRACTORS' CORNER...

Again some counterfeit certificates have surfaced. Contractors, you need to scrutinize the certificates more closely. When you see photocopies of certificates, check carefully and be suspicious of poor print quality, crooked text, evidence of correction fluid on the forms. All individuals performing asbestos activities as workers, supervisors, inspectors, management planners, and project designers **MUST** have the Maryland photo identification card while engaged in asbestos projects covered by COMAR 26.11.21 (except O&M projects) Control of Asbestos and for asbestos-related activities in schools as described in COMAR 26.11.23. The card is required for work in public and commercial facilities as well as schools. The Virginia license is not acceptable. These persons will have to come to our office for a photo identification card. These are done on the 1st and 3rd Tuesdays of each month. The individual must pay \$25.00 (no checks) and bring a copy of the most current certificate, originals only. We do not accept photocopies and we reserve the right to refuse providing the card if there are any questions about whether the card is legitimate or not.

NET NIBBLES...

Visit the OSHA web site at www.osha.gov and click "New". Read the September 10th Region 6 News Release and note the size of the fine levied by OSHA against an asbestos abatement contractor in Texas. The really sad part of this story is that the problems were not discovered until a fire and explosion seriously injured three workers.

There is a new interactive training program for lockout/tagout procedures on the OSHA website. Failure to correctly perform these procedures can be deadly, especially on an asbestos abatement site that has water (or should have).

For those of you concerned with exposures to silica, there is a "silica advisor" that is similar to the "asbestos advisor".

STATESIDE...

Management plans for state facilities are due on September 30, 1999. The forms are now available on-line, *BUT* the state facilities must still send a hard copy to Rebecca MacEwen. If your inspector/management planner credentials were not current when the plan was submitted, it will be returned to you. It will need to be reviewed and signed by a person with current credentials. If you have any questions, please call Rebecca at (410) 631-3801 or (800) 633-6101,-3801. Her email address is: rmacewen@mde.state.md.us.

The training center at Spring Grove is moving to Rosewood late 1999 or early in 2000—stay tuned.

These are training classes for state employees and are not open to the public.

October 1999	November 1999
7 BIMPR	2 Supervisor R
19 Auto I	16 Auto Worker I
28 Worker R	30 Auto Worker I
December 1999	If you must cancel, call Mrs. Manger at (410) 631-3801 or (800) 633-6101,-3801
<i>No Classes!!</i>	e-mail: smanger@mde.state.md.us
<i>Happy Holidays!!</i>	