



Maryland
Department
of the
Environment

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Kendal P. Philbrick
Secretary

Air & Radiation
Management
Administration

1800 Washington Blvd.
Baltimore, MD
21230-1720

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The Asbestos
Accreditation &
School Assistance
Division

Editor:
Mardel Knight
(410) 537-3801
(800) 633-6101
mknight@mde.state.md.us

FAX (410) 537-3924
[TTY USERS:
(800) 735-2258
Maryland Relay
Services]

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Asbestos 101

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

EDITOR'S NOTES ...

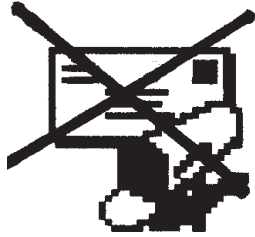
Fall has arrived and we are kicking off the season with workshops for the schools, and asbestos and demolition contractors. These are free and light refreshments will be served.

WORKSHOPS for SCHOOLS—It is not too late to attend one of our workshops, Environmental Compliance for Maryland Schools. The workshops are a collaborative effort of EPA Region III's Office of Enforcement, Compliance, & Environmental Justice, Maryland State Department of Education (MSDE) and Maryland Department of the Environment. The workshops are a half day, 8-12:30. The workshops are being offered at four different sites: **9/28/04** at MDE in Baltimore, **9/29/04** at Western Maryland Hospital Center in Hagerstown, **10/5/04** at Charles County Board of Education Headquarters in LaPlata, and **10/6/04** at Horn Point Laboratories in Cambridge. The directions, registration form, etc. are on our website at www.mde.state.md.us/asbestos. The information is on the right hand side of the page under "Related Materials".

The workshops are for public and private school personnel who need to be current with environmental matters and know how to achieve and maintain compliance with the regulations. These workshops are especially important for new personnel and/or new schools. Each participant will be given a manual and other materials that detail what the school must do to comply with the pertinent regulations and provides contacts for further information. Please contact Mardel Knight for further information at the email address or phone numbers on the left hand side of this page. If you cannot attend the workshop, please email Ms. Knight so that she may send you a packet of materials after the workshops are over.

WORKSHOP FOR CONTRACTORS—This workshop is being given on October 26, 2004 here at MDE. Watch the mail for an announcement. It is a half day in the morning from 8-12:30. This is for asbestos and demolition contractors. Come for clarifications, commiseration, and camaraderie!

ASBESTOS FOR ALL ...



At this time the newsletter, Asbestos 101, is being distributed via e-mail, our website, and as regular mail.

Beginning in March 2005, we will no longer mail hard copies of the newsletter to anyone UNLESS they specifically ask that it be mailed to them. Technology has improved tremendously over the past few years and most folks have email and/or internet access. In December we will mail a hard copy to all of the readers so that we are sure that they see this message and act accordingly. Again, there will be no more hard copies unless you ask for it. As always, the newsletter is on our web site by the end of the quarter at:

www.mde.state.md.us/asbestos.

PHOTO ID CARDS—All asbestos activities that are required to be performed by accredited persons **REQUIRE** a Maryland Photo ID Card. Contractors, please note this fact. Your job is subject to being stopped by an asbestos inspector if your employees do not have photo id cards at the work site. The COMAR regulation, 26.11.23.03C(1), states that "Each individual accredited to engage in an asbestos occupation shall carry, while engaged in an asbestos occupation, a photo identification card...". This is clear and unambiguous language. This requirement is not satisfied by having the documents at your office and not at the job site! Photocopies are not acceptable!

For those who hire accredited persons, ask for the photo id card and make a copy of it for your records. If the work is not done by an accredited person, it is the same as not having the work done.

For those who have the required training, but not the photo id card, we still issue photo id cards every 1st and 3rd Tuesday of the month, unless it is a holiday. The hours are 8-10. A.M.

This year, November 2nd is a state holiday, election day, and our offices are closed. We do not offer this service by mail. If you send four or more persons, we need the money and paperwork ahead of time. By doing this you will save your employees time when they come for the photo id.

SCHOOLS ...

Compliance with AHERA will be one of the topics at the workshops. Some of you may think that you have heard all that you need to hear about AHERA. Unfortunately hearing about asbestos in schools and doing the right thing are not necessarily compatible actions.

Our inspectors have been busy this summer looking at several school systems and individual schools. Their findings are troubling in many cases. The most frequently found deficiencies are: (1) no management plan at the local school, (2) long delayed reinspections, (3) no 2-hr awareness training of the custodial and maintenance personnel (or at least the school could not produce records), (4) failure to have a trained designated person, (5) failure to notify or at least maintain copies of the annual notifications, and (6) failure to maintain abatement records.

No. 6 is especially troubling because one of the key requirements of AHERA is to know what and where asbestos materials are in your school, in other words to have a current inventory. We have been to a number of buildings where all of the materials described in the original management plan are gone. There are no records in the plan to support these response actions.

Another serious problem that has come up many times is that officials at the local schools do not know what a management plan is or where it is located in their building. Some of this confusion would be cleared up by deciding who is in charge of the management plan at each school and where it is to be stored. This information needs to be in the annual notification that is distributed to all parents, staff, and teachers. It was also a bit unsettling to hear a number of principals say that they didn't know what the inspector was talking about and in some cases, did not seem to care, either! One designated person has given a talk at the principals' inservice training in his school system to address this lack of awareness.

The inspectors have also looked at reinspection records. Some of these do not have all of the necessary information. The prefix "re" in reinspection means to examine it again. This does not mean that previously sampled materials have to be sampled again, but it does mean that the inspector has to inspect, sample, and assess, if necessary, all of the asbestos found prior to the current reinspection. The accredited person(s) are required to sign for each of the five activities: inspection, sampling, assessment, preparing or updating of the management plan, and making recommendations for response actions. They only need to sign for the activities that were performed.

This is the time to make sure all of the necessary records are part of the management plan, update the inventory, and address any asbestos found that was not previously identified. In one school system, we noted that the sprayed-on fireproofing kept appearing and disappearing in the reinspection records. In all systems, the quantities often differed between the initial inspection and the subsequent reinspections??!!

We have also come across a situation that is clearly in violation of the AHERA regulations and this is in regard to inspecting management

plans at headquarters. These plans are to be available for inspection by the public during regular business hours with NO restrictions. This means that you may not require interested parties to make an appointment to review the plans. We understand that the person most knowledgeable about the plans may not be at headquarters all of the time. However, there are staff who will be in the central office and can assist these persons. The staff only needs to be able to retrieve the plan for the person to examine. If the person needs more information, just make sure that they have the contact's name and phone number. At the local school, the staff there may ask the person to make an appointment, but this must take place within five days of the request. The school may charge a reasonable price for copies.

Some of the most serious problems have occurred at the schools when contractors of any kind come in and ask for the management plan and then cannot find it. Needless to say, these folks usually do not call headquarters and trot over there to examine that plan. One of AHERA's goals was to have an UPDATED plan at the school that the school maintenance folks could use as well as outside contractors.

The other problem is that the schools at times fail to monitor the activities of the contractors doing work and this is not just asbestos work. Frequently asbestos projects are made from "other work" such as plumbing, welding, etc. where the asbestos is disturbed by the plumber, welder, etc. This is particularly true of work done in boiler rooms where asbestos remains. Then the school has a major fiber release with accompanying problems. Keep in mind that it is very expensive to clean up contaminated rooms and buildings. The contractors who do this usually need to do cleanup on a time and materials cost method and then laugh all the way to the bank with your funds. It is actually not a laughing matter because you have allowed in many cases, persons to be exposed unnecessarily to asbestos.

NOTE: The federal penalties for AHERA violations have gone from \$5500 to \$6500!!

TRAINING PROVIDERS ...

The next meeting for training providers is scheduled for Thursday, March 10, 2005 here at MDE from 9-12.

At the last meeting, Robert Courtneage, a staff person at EPA headquarters, gave a presentation on the state of asbestos regulatory activities at EPA. The EPA Asbestos Action Plan will be published in the near future on the EPA website. He also talked about the lack of compliance with AHERA issues. EPA will be working to improve compliance in schools with AHERA. At this time there are no proposed changes to AHERA or ASHARA.

Robert did bring good news. Many of the documents for schools such as the "100 Questions", "The ABC's of Asbestos in Schools" (available in color), the "Green Book", the "Purple Book", etc. have been updated and will be published shortly. Check EPA's website at www.epa.gov/asbestos for these updated publications.

If the training provider applications are not submitted on the revised forms (10/02), they will be returned. Include the application checklist that is a reminder so that you do not forget items. Be sure to send the fees and application to the lockbox. The address for the lockbox is on page one of the application.

STATESIDE ...

Please note that Rebecca Macewen and Mike Sweeney have divided the state into two areas for handling the facilities. Rebecca will be the point of contact for Montgomery, Howard, Harford, Baltimore County & City, Carroll, Frederick,

Washington, Alleghany, and Garrett counties. Mike will be covering the rest of the counties.

Facilities with schools subject to AHERA, need to place information for all response actions in the management plan for that school. This includes any records generated by Department of General Services.

Please note the changes in training sites for the asbestos classes. The auto worker, supervisor and worker initial classes have to be held at Rosewood because of the need for the equipment and space for hands-on exercises. The review classes are being held at MDE in the Terra and Test Rooms and at Soldier's Delight. The changes will allow us to have classes when the weather is hot as well as cold since the facilities at MDE and Soldier's Delight are much more comfortable than those at Rosewood.

There are two vendors in the food court at MDE that are open at 7 with breakfast items. There is plenty of space in the food court if you wish to bring your own lunch and eat there.

The facility management plans are due by September 30, 2004 just as they are every year.

(Note: These classes are only for state employees.)

October 2004	November 2004
5 WR (Soldier's Delight) 7 BIMPR (MDE/Terra) 14 SR (Soldier's Delight) 19 BIMPR (MDE/Terra) 25-29 S (Initial) (Rosewood)	9 Auto Worker (Rosewood) 15-17 I (Initial) (MDE/Test) 18-19 MP (MDE/Test)
December 2004 2 WR (MDE/Test)	If you must cancel, call Sharon Manger at 410-537-3200 or (800) 633-6101-3200 or email: smanger@mde.state.md.us