
Ohio Department of Health

Asbestos Training Program Update

The purpose of this circulation is to provide updated information regarding our asbestos program, suggestions on training issues, and current events dealing with the regulated asbestos industry to those who provide asbestos training to professionals for certification in Ohio.

WEBSITE

The Asbestos Program now has a homepage located on the Ohio Department of Health's website. The ODH website address is www.odh.state.oh.us. From the ODH homepage, you can locate the Asbestos Program and obtain information including common questions regarding licensing and certification, copies of ODH memos, direct links to other internet sites, pertinent regulations, and access to ODH application and notification forms. You may also contact the Asbestos Program via the e-mail address provided on the homepage.

COURSE NOTIFICATIONS

Prior Notification of Asbestos Training Course forms may be either faxed to (614) 752-4157 or sent to the:
Ohio Department of Health
Attn: Asbestos Program
246 N. High Street
P.O. Box 118
Columbus, Ohio 43266-0118

It is not necessary to both fax *and* mail the notification forms.

NOTE: Marketing calendars do not constitute proper training course notifications.

From July 1, 1999 to December 31, 1999, ODH received 411 notifications of which 87 were canceled.

COURSE AUDITS

The Asbestos Program is now performing both announced and unannounced training course audits for the purpose of determining training course approval status. Any questions or problems regarding the course audits may be directed to Josh Koch, Sanitarian Program Specialist, or Mark Needham, Program Administrator.

ASBESTOS TRAINING COURSES

The following sections have been included to aid the training provider in the preparation of initial and refresher asbestos training courses. Information gathered through conversations and experiences with contractors, training providers, certified individuals, ODH inspectors and other regulatory agencies has been collected and reviewed. The ODH Asbestos Program would like to see the following topics addressed in more detail during initial and refresher training courses:

Asbestos Hazard Abatement Specialist

1. ODH requires of all persons working on an asbestos hazard abatement project to have on site:
 - their current certification card;
 - a copy of their current medical exam which indicates that the person has had a medical examination in accordance with 29 CFR 1926.1101 (See "Recommended Asbestos Medical Examination Determination" form found on the ODH website);
 - and a current copy of their respiratory fit test.
2. Requirements of 29 CFR 1926.1101 (j) "Hygiene facilities and practices for employees".
 - When are decontamination areas required?
 - Is the practice of HEPA vacuuming off work suits an acceptable decontamination process for Class I asbestos jobs (e.g., glove bag operations)?
 - What is required for a shower area to be in compliance with 29 CFR 1910.141(d)(3); hot and cold water, soap available, etc.?
 - In addition, please stress that street clothes are to be left in the clean room and in the event that any contaminated non-disposable clothing must be brought out from the contained work area, the clothing must be in a sealed impermeable bag or container.

3. Glove bag work should be performed in accordance with 29 CFR 1926.1101(g)(5)(ii) and (iii). Please stress the required use of impermeable drop cloths beneath removal activity and that there should be at least two persons performing glove bag removal operations.
4. Before beginning work within the enclosure and at the beginning of each shift, the negative pressure enclosure shall be inspected for breaches and smoke-tested for leaks, and any leaks sealed. For all Class I jobs, HVAC systems shall be isolated in the regulated area by sealing with a double layer of 6 mil plastic or the equivalent.
5. The requirement of a minimum of -0.02 column inches of water pressure differential relative to outside pressure shall be maintained within the NPE as evidenced by manometric measurements. In addition, the operation and calibration of manometers should be covered.
6. Requirements of 29 CFR 1910.134 (f) Fit testing.
 - How often must employees be fit tested?
 - What is the difference between qualitative and quantitative fit testing?
 - What are the proper procedures for performing the fit test in the field?
 - Do all respirators require fit testing?
7. Make students aware that although it is the responsibility of the individual performing clearance air sampling to do a visual inspection prior to the air monitoring, the contractor is still responsible for ACM that is left behind in the work area.
8. Discuss the recommended practice of “goose-necking” disposal bags to create a leak-tight container.
9. Ground Fault Circuit Interrupters (GFCIs) must be plugged into an outlet, not the end of an extension cord.
10. Review procedures for proper use and posting of warning signs.
11. ODH recommends that the Project Agreement be a stand alone document containing all four (4) items listed in Chapter 3701-34-11 of the Ohio Administrative Code.

Asbestos Hazard Abatement Worker

1. ODH requires of all persons working on an

asbestos hazard abatement project to have on site:

- their current certification card;
 - a copy of their current medical exam which indicates that the person has had a medical examination in accordance with 29 CFR 1926.1101 (See “Recommended Asbestos Medical Examination Determination” form found on the ODH website);
 - and a current copy of their respiratory fit test.
2. Requirements of 29 CFR 1926.1101 (j) Hygiene facilities and practices for employees.
 - When are decontamination areas required?
 - Is the practice of HEPA vacuuming off work suits an acceptable decontamination process for Class I asbestos jobs (e.g., glove bag operations)?
 - What is required for a shower area to be in compliance with 29 CFR 1910.141(d)(3); hot and cold water, soap available, etc.?
 - In addition, please stress that street clothes are to be left in the clean room and in the event that any contaminated non-disposable clothing must be brought out from the contained work area, the clothing must be in a sealed impermeable bag or container.
 3. Glove bag work should be performed in accordance with 29 CFR 1926.1101(g)(5)(ii) and (iii). Please stress the required use of impermeable drop cloths beneath removal activity and that there should be at least two persons performing glove bag removal operations.
 4. Requirements of 29 CFR 1910.134 (g) “use of respirators”.
 - What are issues that might affect facepiece seal protection and the continuing respirator effectiveness?

Asbestos Hazard Evaluation Specialist

1. Bulk Sampling/documentation of asbestos:
 - detailed discussion of the “Simplified Sampling Scheme for Friable Surfacing Materials (EPA 560/5-85-030a October 1985)”;
 - techniques to ensure sampling in a randomly distributed manner for other than friable surfacing materials;

- sampling of nonfriable materials;
 - techniques for bulk sampling.
 - EPA and ODH recommendation that **all** bulk samples collected from school or public and commercial buildings (ODH adds all other categories of buildings not mentioned) be analyzed by a laboratory accredited under the NVLAP administered by NIST.
 - requirements of OSHA (1910.1001 (j)(8) and 1926.1101(k)(5) discussing: how to determine if a presumed asbestos-containing material does not contain more than 1 percent asbestos; how this sampling protocol affects different types of surveys; and how to handle locations which are not accessible (e.g. areas above 12"x 12" spline ceiling tile).
2. Record keeping and writing the inspection reports:
 - Need to insure that the narrative reports and the bulk sample logs are providing the same information.
 3. Discuss the requirements for performing visual inspections after abatement projects prior to clearance air monitoring to ensure that all asbestos debris has been adequately cleaned up. ODH has sent violation letters to persons who did not ensure that all asbestos debris had been cleaned up prior to clearance air monitoring. ODH has noticed that on many projects the proper procedures for clearance air monitoring are not being followed. All plastic barriers **except** critical barriers should be removed prior to performing clearance air monitoring. TEM air samples should be collected using aggressive sampling methods as described in 40 CFR Part 763, Appendix A to Subpart E.

Asbestos Hazard Abatement Project Designer

1. Project Designers should be aware of the importance of including the proper procedures for clearance air monitoring in a project specification. ODH has sent violation letters to persons who did not ensure that all asbestos debris had been cleaned up prior to clearance air monitoring. ODH has noticed that on many projects the proper procedures for clearance air monitoring are not being followed. All plastic barriers **except** critical barriers should be removed prior to performing clearance air monitoring. TEM air samples should be collected using aggressive sampling methods as described in 40 CFR Part 763, Appendix A to Subpart E.

2. Discuss writing abatement specifications, specifically developing a scope of work that accomplishes both the building owner's needs and addresses long term abatement needs.
3. ODH recommends that the Project Agreement be a stand alone document containing all four (4) items listed in Chapter 3701-34-11 of the Ohio Administrative Code.

Asbestos Hazard Abatement Air-Monitoring Technician

1. Visual inspections after abatement projects prior to clearance air monitoring. Ensure that all asbestos debris has been adequately cleaned up. ODH has sent violation letters to persons who did not ensure that all asbestos debris had been cleaned up prior to clearance air monitoring. ODH has noticed that on many projects the proper procedures for clearance air monitoring are not being followed. All plastic barriers **except** critical barriers should be removed prior to performing clearance air monitoring. TEM air samples should be collected using aggressive sampling methods as described in 40 CFR Part 763, Appendix A to Subpart E.

ENFORCEMENT Training Providers

The Ohio Department of Health (ODH) entered into a settlement agreement with an asbestos training course provider for conducting three (3) asbestos training courses with expired course approvals. The terms of the settlement agreement included a fine of \$1,500.

The U.S. EPA, Region 5, imposed 90-day suspensions on two training courses offered by an Ohio training provider for conducting asbestos abatement specialist and asbestos abatement worker refresher training courses together in the same room with the same instructor.

The Indiana Department of Environmental Management (IDEM) and the Indiana Attorney General's office reached an agreement with an Indiana approved asbestos training course provider and the president of the training course provider for allegedly conducting asbestos training in English to students who did not speak or understand English. This is a violation of both State and Federal regulations. See the attached press release dated March 23, 2000 and fact sheet dated March 28, 2000 for more details regarding this case.

Asbestos Contractors

The ODH issued an emergency work stoppage order and an emergency asbestos hazard abatement contractor license revocation for allegedly creating six Public Health Emergencies (PHE) and numerous work place violations. Additionally, this contractor was required to obtain the services of another licensed asbestos hazard abatement contractor to complete the project where the work was stopped. This contractor entered into a settlement agreement with ODH. The terms of the settlement agreement include: a probationary period of thirty-four asbestos hazard abatement projects, a fine of \$15,000 and approval of their renewal application for asbestos hazard abatement contractor licensure.

ODH denied an application for licensure as an asbestos hazard abatement contractor due to alleged numerous asbestos work practices violations while the applicant was an asbestos hazard abatement specialist in 1999.

ODH denied a renewal application for licensure as an asbestos hazard abatement contractor due to creation of four PHE's and numerous work practice violations during the 1999 licensing period.

ODH issued an emergency work stoppage order and an emergency asbestos hazard abatement contractor license suspension for allegedly creating a PHE and numerous alleged work place violations. Additionally, this contractor was required to obtain the services of another licensed asbestos hazard abatement contractor to complete the project where the work was stopped. This contractor entered into a settlement agreement with ODH. The terms of the settlement agreement include a fine of \$4,500 and the owner of the company was required to act as the asbestos hazard abatement specialist for two asbestos hazard abatement projects.

ODH entered into a settlement agreement with an asbestos hazard abatement contractor for allegedly creating two PHE's. The terms of the settlement agreement included a fine of \$7,500.

Asbestos Hazard Abatement Specialist

An asbestos hazard abatement specialist was suspended for 120 days for allegedly failing to perform the duties of an asbestos hazard abatement specialist.

Asbestos Hazard Evaluation Specialist

An asbestos hazard evaluation specialist who conducted air sampling and visual inspections with an expired certification entered into a settlement agreement with ODH. This asbestos hazard evaluation specialist was fined \$2,500. A certified asbestos hazard evaluation specialist repeated the visual inspections and the clearance air samples that were originally conducted by this uncertified person.

Asbestos Hazard Abatement Workers

Since May of 1999, more than 200 asbestos hazard abatement worker applications have been denied or are in the process of denial due to the applicant fraudulently and deceptively attempting to obtain a certificate.

QUESTIONS/COMMENTS

If you have any questions or comments regarding any of the above information, please contact Josh Koch or Mark Needham at 614-466-0061 (fax 614-752-4157).
Jkoch@gw.odh.state.oh.us
Mneedham@gw.odh.state.oh.us



FOR IMMEDIATE RELEASE
March 23, 2000

For further information, contact:
Sheri Miller, AG, 232-6309
Russ Grunden, IDEM, 232-8499

IDEM, ATTORNEY GENERAL SEEK TO CLOSE FRAUDULENT ENVIRONMENTAL SCHOOL

IDEM and the Indiana Attorney General's office moved today to protect the health of some Indiana workers from the dangers of removing asbestos, a known carcinogen.

Attorney General Karen Freeman-Wilson, at IDEM's request, today filed a motion in Marion Superior Court seeking a preliminary injunction against Joseph Parker, president of the Academy for Environmental Training Inc. at 316 S. State Ave., Indianapolis. The attorney general alleged that Parker taught asbestos removal courses, in English, to course enrollees who did not speak or understand English. In doing so, Parker has broken several Indiana laws covering this activity.

Judge Patrick McCarty set a hearing on the preliminary injunction for Tuesday, March 28. The preliminary injunction, if granted, will close Parker's operation until a hearing can be held at which IDEM and the attorney general will ask that Parker's operation be permanently closed. The state is also asking that Parker pay a civil penalty of \$25,000 per day for each violation of law.

"Taking advantage of Hoosiers and putting them at great health risks because of a language barrier is inexcusable," said Attorney General Karen Freeman-Wilson. "We will vigorously pursue this case to make sure Mr. Parker is punished and this does not happen in Indiana again."

"IDEM's primary mission is to protect public health," said Lori F. Kaplan, IDEM commissioner. "Asbestos removal is dangerous work; it's important that people understand the health risks associated with asbestos so that they can protect themselves as well as the public. Everyone's first line of defense is for students to understand the course material designed to teach them about the dangers of asbestos and how to protect themselves and the public."

course material designed to teach them about the dangers of asbestos and how to protect themselves and the public."

Asbestos training courses are designed to educate and inform individuals of the hazards of asbestos and the safety precautions necessary to ensure proper removal, handling and disposal. IDEM gave course approval to Parker in December 1990 contingent upon the course being taught in English. Courses may be taught in another language but a separate approval is required.

In 1997, IDEM officials first began to notice a high number of Hispanic individuals, who had taken Parker's courses, applying for asbestos licenses. Many of the applicants could not speak English, yet Parker had certified them as having passed his course. Later, IDEM alleges in the complaint, Parker also provided Hispanic students the answers to the exam.

The agency's Office of Criminal Investigations began an investigation by enrolling an undercover Hispanic Indiana State Police trooper in Parker's course. Claiming that he only spoke Spanish, the undercover agent learned from his Hispanic classmates that they did not understand English. They further told him that he could find the answers to the exam on a table in the back of the classroom.

IDEM records show that the percentage of Hispanics enrolled in Parker's classes was 73 percent in 1999 and 81 percent this year. And since January 1, 1999, every individual taking Parker's course has passed the test, a 100 percent record no other training course provider has achieved.

Also, IDEM tested two individuals in February 2000 after they had passed Parker's course. Each student scored at least 70 percent on Parker's test but posted scores of 30 percent or less on the IDEM-administered test.



For further information, contact:
Sheri Miller, AG, 232-6309
Russ Grunden, IDEM, 232-8499

March 28, 2000

FACT SHEET
for
State of Indiana vs J. Parker & Academy for Environmental Training

Attorney General's Office, Parker Reach Preliminary Agreement

Attorneys for the attorney general, on behalf of IDEM, reached an agreement on Monday with attorneys for Joseph Parker of the Academy for Environmental Training, an Indianapolis asbestos training school. The agreement will be the basis of papers filed this morning in Marion Superior Court. In the filing - an agreed preliminary injunction - Parker agrees to:

- turn in his licenses to teach asbestos training courses,
- immediately stop teaching his asbestos training course anywhere in Indiana,
- no longer issue training certificates, and
- preserve and maintain all of his financial and training records.

During the hearing the state will ask the judge to require Parker to surrender to the state all of his financial and all records concerning his training course, as required by state law.

IDEM To Assist Parker's Students

IDEM intends to make sure that the people holding Indiana licenses are adequately trained to work with asbestos removal safely.

- IDEM will prepare a list of academy students who received an Indiana license and notify each student of the problems stemming from the academy classes.
- IDEM will require each student to take an IDEM administered proficiency exam, in Spanish or English, if he/she wishes to maintain a license for asbestos removal
- Those students who do not pass the proficiency exam, will be offered the opportunity, at no cost to the student, to take a training course and re-test after completing the course. If they pass the test after the new training, they will receive new license.
- Those students who do not respond or who are unable to pass the test will have their certification revoked by the state and will not be allowed to work in asbestos removal

IDEM will notify and work with asbestos removal companies to ensure they are able to hire trained and properly licensed workers.