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Published by
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Volume V, No. 2
March 1999

Asbestos 101

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

EDITOR'S NOTES...

Spring has sprung and thoughts must be turning to more asbestos abatement and more training. However, the memory reservoirs have sprung leaks because there are changes out there that many readers have forgotten about or maybe they just expected these requirements to go away?? Fear not, these requirements may have changed, but are still out there. To what do we refer—recordkeeping requirements, variance requests by the proper party, respirator fit testing, reinspections for schools, deficiency letters, etc. Read on.

This edition of the newsletter may seem to be a case of *deja vu*, but there is evidently information that cannot be said too many times. Please note the new standard for forkliftoperator training and the draft standard for ergonomics that are listed in "Net Nibbles". These are not new or draft asbestos standards, BUT standards that are important to you as employers who are required to protect the health and safety of your employees.

ASBESTOS FOR ALL...

Variance Requests??—We do not honor requests for variances from anyone other than the licensed abatement contractor who has the contract for the job (i.e. winning bid). The requests must be in writing and just a fax is not acceptable.

Replacement photo identification cards are issued ONLY two (2) times each month, the 1st and 3rd Tuesdays. (This does not always mean every other Tuesday!) The service is provided from 8-10 A.M. and the fee is \$25.00, either cash or a money order. Company or personal checks are not accepted. No appointment is necessary, unless you are sending more than 3 persons. You must also bring your currently valid original certificate that we make a copy of and do not keep. Come to the front desk, just inside the main entrance at 2500 Broening Hwy., and ask the receptionist to call -3801 and let us know that you are here for a photo identification card.

SCHOOLS...

No management plans??—Our office has had several calls from schools that lost their plans. IF the original plan was submitted after 1/95, we may still have it in our office. Those plans submitted from 1988-1992 have been disposed of according to the Asbestos & Industrial Hygiene Program's record retention schedule.

Check with former school directors some of whom evidently thought the management plan was a dandy souvenir and took the plan with them when they left the school. If you know the name of the consultant who prepared the plan, they may have a copy. My staff and I can help you with a list of consultants who prepared plans and we know which consultant prepared the plans for many of the schools. If none of the above works, then your school will have to hire an accredited inspector/management planner to “reinvent the wheel”. This is an additional expense, but these plans were a one-time requirement that had to be updated periodically. The plans were not to be thrown away and were to be maintained in the school. The Catholic schools that are not independents should check with the administrative office for the Archdiocese of Washington or Archdiocese of Baltimore. The archdiocesan administrative offices maintain master management plans for the parish schools. If our office can provide a copy, you will need to have a reinspection immediately. Our file copy is a copy of the original plan and we did not collect any reinspection results so the plan is several years out of date. *Therefore your school is overdue for an immediate reinspection. (Our office does not perform reinspections.)*

*Speaking of reinspections??—*Our school inspector, Charlie Kobal, is still finding many schools with no current reinspection report. Reinspections are required every three (3) years after the management plans goes into effect. If you remove all the asbestos subject to the Asbestos Hazard Emergency Response Act (AHERA) requirements, then have a reinspection done to verify that the asbestos has been removed and that your records are up to date. If the asbestos has been removed, then your facility will need no further reinspections. *HOWEVER*, your school must still have a designated person and must provide the annual notification to parents, staff, and teachers. *There is no time frame given in the AHERA regulations for disposing of the management plan.*

*No designated person??—*Our school inspector is still finding schools that do not have a designated person! This is an important person as far as AHERA is concerned. This person oversees the asbestos activities at the school. These activities include making sure all repairmen or installers coming into the facility know if there is any asbestos where they will be

working, ensuring that the custodial and maintenance staff have the two hour awareness training, keeping abatement and inspection records current, etc. These designated persons must have training commensurate with the complexity of the management plan for their facilities. Even a school with an exclusion, for schools completed after 10/12/88, must have a designated person and this person has to have training. For schools with an exclusion, the designated person has two important tasks: (1) keeping the exclusion documents available and (2) providing the annual notification to the interested parties. It may seem silly to notify persons that the school has no asbestos, but a very important part of AHERA was the intent that parents, staff, and teachers be aware of the asbestos activities, *past and present*, in their facility. Even when the school has removed all of its asbestos, it is important for *new* staff, teachers, and parents to know that the requirements of AHERA were met and for these people to know where the plan is located.

CONTRACTORS' CORNER...

The enforcement staff are performing recordkeeping audits at this time so expect a visit in the near future. One of the enforcement staff noted several instances where personal medical information about employees was part of the records that were being reviewed. As the employer, it is your responsibility to make sure that this personal information such as blood pressure readings does not become part of records that can be seen by persons who have absolutely no need to see the information and who have any access to these records. The only information that you need from the physician that performs the asbestos physical and the respirator physical is a statement that the employee was examined and whether or not the employee is able to perform asbestos work and can use a respirator. The information that you need to supply to the physician and his requirements are spelled out in 29CFR 1926.1101(m) and requires that you give the physician a copy of the asbestos standard. See 29 CFR 1910.1020 for more information.

You only need to know that the employee can work while wearing a respirator. If you receive any other information from the clinic, make sure that the clinic understands that you do not want or need this.

Take this personal medical information out of your records. Maintaining this personal medical information in your files may be a legal liability for you. Another point to remember is that in most cases you do not want to be a medical records custodian. The bottom line is that you do not need this information and it is none of your business.

Respirators and Fit Testing. Fit-testing is required annually for all respirator users. Be advised that the information received in asbestos classes about respirators DOES NOT constitute the only training that your people need. The revised standard requires more of the employer and spells out what employers need to do. OSHA published a guide called “Questions and Answers on the Respiratory Protection Standard” which is very helpful. It can be found at the OSHA website: <http://www.osha.gov>, along with a document called the “Small Entity Compliance Guide for Respiratory Protection”. This latter document was designed for small businesses, but it is very useful for any size employer.

Training providers are not required to fit test all of your employees, only provide demonstrations of the method, how it is to be performed, etc. The revised respiratory protection standard requires medical monitoring to be performed prior to fit-testing. [29 CFR 1910.134(e)(1)] Even if your employee had the medical clearance to use a respirator, there is not enough time in the average class to perform the required fit-testing protocols. The employee is supposed to be fit-tested using the respirator that he has selected and the training providers do not have all models and sizes of respirators available. You must also provide a copy of your respiratory protection plan to the licensed health care professional (LHCP) who is evaluating your employees. Again, all you need is a written opinion that the employee can use the respirator and whether or not there may be any restrictions on the respirator usage. Again this standard, too, enjoins the LHCP from disclosing information such as drug usage or medical conditions unrelated to fitness to use the respirator.

TRAINING PROVIDERS...

Requests to drop courses, or for more time to work on a correction, etc. must be made in writing on your letterhead. Phone calls and faxes are nice, but not official.

Please submit your renewals or new applications on the application forms that were revised August 1998 (date in lower left hand corner). If you receive a deficiency letter, respond immediately and provide the items that are required. If you have questions, please call Larry Vermont or Jim Hourihane and discuss the deficiency letter. If your approvals expire, you will need to reapply and pay the fees!! Do not wait for certified letters to take action. If you do not receive an acknowledgment of your application and the fee paid within 2 weeks of sending it in, call Judy Gemma and she'll check on it for you.

We are required to provide an acknowledgment within 10 working days of receiving the application. We had the experience recently of a fee going astray and no questions were asked until the affected party received a certified letter saying that the course approvals were expired. We don't mind if you ask.

The foreign language worker and worker review require a fee per day of training just like the other courses. The O&M courses have no application fee at this time.

Training Provider Applications:

SCHEDULE II—Photo ID Verification. This inventory of the cards is for the past year i.e. from the date of the last application. This inventory is to be filled out even if you have not received any new cards or used any in the past year.

SCHEDULE II—Training Verification. This is an inventory of the courses taught in the past year for the discipline that you are applying for...not all of the training courses that you have done in the past year.

Remind those persons who are taking the inspector and management planner courses that they do need to explain to school personnel, especially the designated person exactly what the school must do to satisfy AHERA requirements.



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NET NIBBLES...

According to OSHA, each year more than 647,000 workers experience work-related musculoskeletal disorders (WMSDs). These WMSDs cost employers an estimated \$15-20 billion annually and are 34% of the lost-work days. OSHA has published a proposed ergonomics standard that is on OSHA's website: www.osha.gov. The final standard for training operators of forklifts and powered industrial trucks was published 12/1/98 in the Federal Register.

STATESIDE...

Our field staff has recently come across some disturbing situations in state facilities. The situations were imminent health hazards that had not been identified as such and placed on the Priority List of sites that are considered for Asbestos Oversight Committee (AOC) funds. Some of these sites show signs of accelerated deterioration and should have been listed as needing emergency remediation. If these sites are submitted for possible funding, the staff will visit the site and confirm that it is as described, etc. The Priority List for FY'01 is being prepared now and if you have any sites that are imminent health hazards, please submit these by April 15, 1999. Benign neglect of a site that has been deteriorating over time MAY not qualify as an emergency. Do submit the site for consideration as a project on the AOC Priority List. If you are uncertain whether a project is eligible, put it on the list of sites for consideration. The AOC field staff will visit the site and determine whether the site

is an eligible project for AOC funding.

If the AOC does not know about a site, it cannot be considered for funding. You need to realize, too, that not all sites that are imminent health hazards, will be funded. Funds are limited and projects will be funded according to their placement on the priority list.

REMEMBER, it is the employer's responsibility to protect the health and safety of its employees!!

Keep your eyes on this spot because the training facility at Spring Grove is being closed this summer. A place has been selected, but plans are not finalized yet. The location under consideration is in the Baltimore Metro area and will be accessible from major roads. The agency coordinators and safety and health specialists will be given ample notice of the changes.

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

April 1999	May 1999
1 BIMPR 8 Supervisor R 15 Auto I 19-23 Supervisor I 29 BIMPR	6 Worker R 11-14 Worker I
June 1999	If you must cancel, call Mrs. Manger at (410) 631-3801 or (800) 633-6101,-3801 e-mail: smanger@mde.state.md.-us
3 Supervisor R 8-11 Worker I 17 Auto I 29 BIMPR	