Notice
of
Rulemaking Hearing

Department of Environment and Conservation

Division of Solid Waste Management

There will be a public rulemaking hearing before the Tennessee Department of Environment and Conservation, Division of Solid Waste Management, acting on behalf of the Commissioner, to consider the adoption and promulgation of rules pursuant to the Tennessee Code Annotated Sections 11-1-101 and 62-41-100 et seq; and the Uniform Administrative Procedures Act, Tennessee Code Annotated Section 4-5-101 et seq. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204, and will take place in the 5th Floor Conference Room, L & C Tower, 401 Church Street, Nashville, Tennessee at 1:00 PM CDT on September 18, 2007.

Individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person or by writing, telephone, or other means, and should be made no less than ten days prior to September 18, 2007 (or the date such party intends to review such filings), to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation, American Disabilities Act (ADA) Coordinator at 1-866-253-5827 (toll free) or 1-615-532-0200 (Nashville) for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

Substance of Proposed Rules

New Chapter 1200-01-20
Asbestos Accreditation Requirements shall read as follows:

New Rule

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1200-01-20-.01 Asbestos Accreditation Requirements: General

(1) General

(a) Purpose

These Rules contain procedures and requirements for the accreditation of asbestos training providers and courses, and the accreditation of persons and firms engaged in asbestos abatement, asbestos response activities and set forth work practice standards for performing such activities.

(b) Scope and applicability [40 CFR 763 – Appendix C - Asbestos Model Accreditation Plan]

1. These Rules are applicable to all persons and firms who engage in asbestos abatement and asbestos response activities in schools or public and commercial buildings. They also require that accredited persons, as defined in this Rule, shall perform all response actions including the removal, encapsulation, enclosure, inspection, design, air monitoring and repairs of friable and non-friable asbestos-containing materials (ACM).

2. These Rules are not applicable to small-scale, short-duration (SSSD) activities, as defined in paragraph (2) of this Rule, that are conducted in schools or public and commercial buildings.

3. Each department, agency, and instrumentality of executive, legislative, and judicial branches of the Federal Government, and State of Tennessee having jurisdiction over any property or facility, or that engages in any asbestos abatement and asbestos response activities, or activity which may result in an asbestos hazard and each officer, agent, or employee thereof, shall be subject to, and comply with all Federal, State, interstate, and local requirements, both substantive and procedural, including the requirements of these Rules regarding asbestos abatement and asbestos response activities conducted in schools or public and commercial buildings.

(i) Inclusions and Exemptions Applicable to Local Education Agencies:

(I) Inclusions:

I. Local Education Agencies (LEAs) shall comply with the requirements outlined in the federal Asbestos Hazard Emergency Response Act (AHERA) 40 CFR Part 763, Subpart E Asbestos-Containing Materials in Schools regulations; and

II. LEA's shall comply with these Rules.

III. Contractors, consultants, subcontractors and firms hired by an LEA to perform asbestos activities, shall comply with the requirements of these Rules with no exemptions.

(II) Exemptions:

Local Education Agencies (county/city Boards of Education) are exempt from the financial obligation of fees for accreditation and re-accreditation outlined in 1200-01-20-.05 when a person(s) is employed directly by the LEA and its school system to ensure their compliance with the federal Asbestos Hazard Emergency Response Act (AHERA) regulations detailed in the Code of Federal Regulations, Title 40, Part 763, Subpart E [40 CFR 763 Subpart E].

(Note: This exemption applies to custodial and maintenance employees and designated persons responsible to ensure that the LEA complies with the AHERA regulations.)

4. Nothing in these Rules requires the performance of inspections, development of management plans, project designs or asbestos abatement projects.

(Note: See the Division of Air Pollution Control's Hazardous Air Contaminant 1200-3-11-.02(d) Standard for Demolition and Renovation for applicable asbestos abatement project requirements.)

5. These Rules require that people and firms that conduct asbestos abatement and asbestos response activities in schools or public and commercial buildings, shall be accredited in accordance with the provisions of these Rules.

(c) Use of Number and Gender

As used in these Rules:

1. Words in the masculine gender also include the feminine and neuter genders; and

2. Words in the singular include the plural; and

3. Words in the plural include the singular.

(d) Structure

These Rules are organized, numbered, and referenced according to the following outline form:

(1) Paragraph

(a) Subparagraph

1. part

(i) subpart

(I) item

I. subitem

A. section

(A) subsection

(2) Definitions [40 CFR 763.83 and 40 CFR, Subpart E, Appendix C – Asbestos Model Accreditation Plan]

When used in these Rules, the following terms have the meanings given below unless otherwise specified:

"Accessible surface" means an interior or exterior surface containing asbestos-containing materials (ACM) where the material is subject to disturbance by building occupants or custodial or maintenance personnel in the course of their normal activities.

"Accredited or accreditation means when referring to a person, firm or training program means that such person, firm or training program which is accredited in accordance with these Rules.

"Accredited asbestos firm" means a business entity, public entity, staffing service or contractor that engages in asbestos abatement and asbestos response activities and employs or supervises one or more accredited asbestos personnel that is accredited by the Commissioner pursuant to these Rules.

"Accredited asbestos inspector" means a person who has successfully completed the required accredited 3-day asbestos inspector training course(s) required by these Rules and is accredited by the Commissioner. This person is accredited to conduct asbestos inspections to identify all locations of friable and non-friable asbestos-containing building materials, identify the type of ACBM and determine its classification and the condition of the ACBM material in schools and public and commercial buildings.

"Accredited asbestos management planner" means a person who has successfully completed the required 3-day accredited asbestos inspector and 2-day management planner training course(s) required by these Rules and is accredited by the Commissioner. This person is accredited to identify asbestos risk assessments, determine the appropriate response actions, and prepares an asbestos management plan for use in schools.

"Accredited asbestos project designer" means a person who has successfully completed the required 3-day accredited asbestos project design training course(s) required by these Rules and is accredited by the Commissioner. This person is accredited to design any of the following activities with respect to friable ACBM in schools and public and commercial buildings: response actions other than a small-scale short duration (SSSD) maintenance activity, maintenance activities that disturbs friable ACBM other than a SSSD maintenance activity, or response actions for a major fiber release episode.

"Accredited asbestos project monitor" means a person who has successfully completed the required 5-day accredited asbestos project monitor training course(s) required by these Rules and is accredited by the Commissioner. Accredited asbestos project monitors observes abatement activities performed by supervisors and generally serve as a building owner's representative to ensure that abatement work is completed according to the specifications and in compliance with all relevant statutes and regulations. They may also perform the vital role of air monitoring for purposes of determining final clearance.

"Accredited asbestos supervisor" means a person who has successfully completed the required 5-day accredited asbestos supervisor training course(s) required by these Rules and is accredited by the Commissioner. This person is accredited to provide oversight or supervision of asbestos abatement and asbestos response activities performed on schools and public and commercial buildings. Accredited asbestos supervisor includes persons who directly or indirectly supervise, oversees and provide direction to accredited asbestos workers performing asbestos abatement and asbestos response activities. Accredited asbestos supervisors may include persons with the position title of foreman, working foreman, or lead man pursuant to their company's policy.

"Accredited asbestos worker" means a person who has successfully completed the required 4-day accredited asbestos worker training course(s) required by these Rules and is accredited by the Commissioner. An accredited asbestos worker is responsible in a non-supervisory capacity for the performance of asbestos abatement and asbestos response activities, which include: response actions other than a SSSD activity, maintenance activities that disturbs friable ACBM other than a SSSD activity, and response actions from a major fiber release episode with respect to friable and non-friable ACBM in schools, and public and commercial buildings.

"Act" means Tennessee Code Annotated (T.C.A.) Section §§ 62-41-101 et seq.

"Approved accredited asbestos training course" means an initial or refresher asbestos training course in the following discipline(s): worker, inspector, management planner, project designer, supervisor, and project monitor that meets the training requirement and has been accredited by the Commissioner pursuant to 1200-01-20-.02.

"Annually" means a one-year period from the initial or refresher accredited training course completion date or accreditation date of the individual or firm.

"Asbestos" means the asbestiform varieties of Chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunertie), anthophyllite, tremolite, and actinolite.

"Asbestos abatement" means any activity involving the removal, enclosure, or encapsulation of friable asbestos-containing building material (ACBM) in an amount greater than fifty (50) linear feet or fifty (50) square feet. Asbestos abatement also includes any procedure or activity involving the removal, renovation, enclosure, repair, or encapsulation of any asbestos-containing materials in an amount of fifty (50) linear or fifty (50) square feet or less, if when combined with any other reasonable related activity in terms of time and location of the activity, the total amount is greater than fifty (50) linear feet or fifty (50) square feet and the task is performed on schools and public and commercial buildings.

"Asbestos abatement activity" means any activity involving the removal, enclosure, or encapsulation of friable or nonfriable asbestos-containing building material in schools and public and commercial buildings. This includes, but is not limited to, air monitoring, asbestos response activities, inspections, project designs and management plans.

"Asbestos-containing material" (ACM) means any material or product, which contains more than one (1) percent asbestos when referring to schools and public and commercial buildings.

"Asbestos-containing building material" (ACBM) means surfacing asbestos-containing material (ACM), thermal system insulation ACM, or miscellaneous ACM that is found in or on interior structural members or other parts of schools and public and commercial buildings.

"Asbestos Hazard Emergency Response (AHERA)" means the Environmental Protection Agency's that requires local educational agencies which operate public and private non-profit elementary and secondary schools to:

(a) Identify friable and non-friable asbestos containing material by visually inspecting school buildings for such materials;

(b) Sample such materials if they are not assumed to be ACM;

(c) Have samples analyzed by appropriate techniques referred to in this Rule;

(d) Use persons who have been accredited to perform asbestos-related actions inclusive of, but not limited to: inspections, management plans, project designs, project monitoring, asbestos abatement, asbestos response activities, repair, O&M, enclosure, encapsulation, and removal, etc.

"Asbestos project design" means written abatement specifications prepared by an accredited asbestos project designer that details how an asbestos abatement and/or asbestos response activity will be performed, which includes but is not limited to: the scope of work, response action method and procedures, worker and building occupant protection and replacement with non-asbestos substitutes. The asbestos abatement designer's signature and accreditation number shall be on all asbestos abatement designs.

"Asbestos-related action" means methods or activities used to deal with friable and non-friable asbestos-containing material in schools, and public and commercial buildings inclusive of, but not limited to: inspections, management plans, project designs, asbestos abatement, asbestos response activities, repair, operations and maintenance (O&M), enclosure, encapsulation, removal and etc.

"Asbestos response activity" means a method, including removal, encapsulation, enclosure, repair, and operations and maintenance, that protects human health and the environment from friable ACBM.

"Asbestos School Hazard Abatement Reauthorization Act (ASHARA) means the Environmental Protection Agency's passed in 1990 to amend the AHERA to extend some of the training and accreditation requirements for persons performing asbestos abatement activities and asbestos-related actions in schools and public and commercial buildings inclusive of, but not limited to: inspections, management plans, project designs, project monitoring, asbestos response activities, repairs, O&M, enclosure, encapsulation, and removal, etc.

"Building" means any structure having two or more walls and a roof/ceiling, and a floor.

"Business entity" means a partnership, firm, association, corporation, sole proprietorship, or other business concern.

"Clearance air-sampling" means air-sampling performed by an accredited project monitor after the completion of any asbestos abatement and asbestos response activities and prior to the reoccupation of the contained work area by the public and conducted for the purpose of protecting the public from the health hazards associated with exposure to friable asbestos-containing material. Clearance samples collected for re-occupancy of schools and public and commercial buildings are required to be analyzed by Transmission Electron Microscopy (TEM) by laboratories accredited by the National Institute of Standards and Technology's (NIST) National Voluntary Laboratory Accreditation Program (NVLAP).

"Commissioner" means the Commissioner of the Tennessee Department of Environment and Conservation or his/her authorized representative.

"Contained work area" means designated rooms, spaces, or other areas where asbestos abatement and asbestos response activities are being performed, including decontamination structures. The contained work area is separated from the uncontaminated environment by polyethylene sheeting or other materials used in conjunction with the existing floors, ceiling, and walls of the structure and/or building.

"Continuous" and "continually current" means in respect to training, that the applicable refresher course(s) have been successfully completed annually since the successful completion of the initial training course in the appropriate discipline.

"Contract for the performance of an asbestos project and/or asbestos response activity" means the agreement, either oral or written, which is for the purpose of the performance, in whole or in part, of an asbestos abatement or asbestos response activity for valuable consideration.

"Course agenda" means an outline of the key topics to be covered during an accredited asbestos training course in the appropriate discipline, which shall include the time allotted to teach topic, hands-on training and assessment, and the name of the instructor(s).

"Course student roster" means a list of names of every person who attended the course, whether they completed, passed and/or failed the accredited training course.

"Course test blue print" means a written document identifying the proportion of the course test questions devoted to each major topic in the course curriculum.

"Department" means the Department of Environment and Conservation.

"Discipline" means one of the specific types or categories of asbestos activities identified in these Rules for which individuals may receive training from accredited training providers and become accredited by the Commissioner. Accredited asbestos "disciplines" are: "abatement worker", "supervisor", "inspector", "management planner", "project designer" and "project monitor".

"Division" means the Division of Solid Waste Management.

"EPA" means the United States Environmental Protection Agency

"Employee" means a person who is employed by a business or an asbestos firm.

"Encapsulation" means the treatment of asbestos-containing building material (ACBM) with a material that coats, binds, surrounds or embeds to prevent release of asbestos fibers and/or to resurface walls, ceilings, pipes or other structures to prevent friable asbestos from becoming airborne.

"Enclosure" means an airtight, impermeable, permanent barrier around ACBM to prevent the release of asbestos fibers into the air.

"Firm" means a company, corporation, partnership, commercial enterprise, commission, state agency, county governmental body, municipality, party, company, association, staffing service or any private or public legal entity; any Indian Tribe; any interstate body; and any departmental agency, or instrumentality of the Federal government of two or more persons which carries on business.

"Friable asbestos-containing material (ACM)" means any material containing more than one (1) percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light, Microscopy which has been applied on ceilings, walls, structural members, piping, duct work, or any other part of a building, which when dry, may be crumbled, pulverized, or reduced to a powder by hand pressure. The term includes previously nonfriable asbestos-containing material after such nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Friable asbestos-containing building material (ACBM)" means any friable ACM that is in or on interior structural members or other parts of a school or public and commercial building.

"Functional space" means a room, group of rooms, or homogeneous area (including crawl spaces or the space between a dropped ceiling and the floor or roof deck above), such as classroom(s), cafeteria, gymnasium and hallway(s), that is designated by a person accredited to prepare asbestos management plans, design asbestos abatement projects, or conduct asbestos response activities.

"Guest Instructor" means a person designated by the accredited training program manager to provide instruction specific to the lecture, hands-on training exercises, or work practice components of a course and has received State instructor approval.

"Hands-on training assessment" means an evaluation that tests the student's ability to satisfactorily perform the work practices and procedures as identified in 1200-01-20-.02;

as well as any other skills taught in an accredited asbestos training course in the appropriate discipline.

"Hands-on training exercise" means an activity that requires the student to practice performing a work task or procedure.

[Note: An exercise or activity in which the instructor shows a student how to perform a task without requiring the student to actually perform the task is a demonstration and not a hands-on exercise.]

"Homogenous area" means an area of surfacing material, thermal system insulation material, or miscellaneous material that is uniform in color and texture.

"Inspection" means an activity undertaken in a school or a public and commercial building, to determine the presence, location, condition of, friable or non-friable asbestos-containing building material (ACBM) or suspected ACBM, whether by visual or physical examination, or by collecting samples of such material. This term includes reinspections of friable or non-friable known or assumed ACBM, which has been previously identified by an accredited inspector. The term does not include the following:

(a) Periodic surveillance conducted in a school at least once every 6 months solely for the purpose of recording or reporting a change in the condition of known or assumed ACBM;

(b) Inspections performed by employees or agents of federal, state, or local government solely for the purpose of determining compliance with applicable statutes or regulations; or

(c) Visual inspections for the purpose of completing response activities at the conclusion of any action to remove, encapsulate, or enclose ACBM in a school where such action was conducted to determine whether the action has been properly completed.

"Learning objective" means the knowledge, skills, abilities, and behaviors a trainee is expected to obtain from a given instructional activity.

"Local Education Agency (LEA)" means:

(a) Any local educational agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381).

(b) The owner of any non-public, non-profit elementary, or secondary school building which consist of a single building, multiple buildings on a campus, or several schools making up a school system.

(c) The governing authority of any school operated under the defense dependent's education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

"Major fiber release episode" means any uncontrolled or unintentional disturbance of three (3) or more square or linear feet of ACBM.

"Management Plan" means a document required by EPA to be developed by local education agencies as set forth in 40 CFR 763 Subpart E Asbestos-Containing Materials in Schools that shall be developed by an accredited management planner.

"MAP" means the model accreditation plan curriculum which is the asbestos training curriculum that meets the requirements of these Rules.

"Minor fiber release episode" means any uncontrolled or unintentional disturbance of ACBM, resulting in a visible emission, which involves the falling of dislodging of three (3) square or linear feet or less of friable ACBM.

"Miscellaneous material" means interior building material on structural components, structural members, or fixtures, such as floor and ceiling tiles, and does not include surfacing material or thermal system insulation material.

"NESHAP" means the National Emission Standard Hazardous Air Pollutants (NESHAP), where the standards for asbestos are contained in 40 CFR 61.140 through 61.157.

"Nonfriable asbestos material" means an asbestos-containing material used in a school or public and commercial building which, when dry, may not be crumbled, pulverized, or reduced to a powder by hand pressure.

"Operations and maintenance (O&M) program" means a program of work practices to maintain friable asbestos-containing building material (ACBM) in good condition, ensure clean-up of asbestos fibers previously released, and prevent further release by minimizing and controlling friable ACBM disturbance or damage.

"Oversight" means to directly observe an asbestos abatement or asbestos response activity project for the purpose of determining compliance with contractual, performance or regulatory standards.

"Person" means an individual, a living human being.

"Principal instructor" means the person who has the primary responsibility for organizing and teaching an applicable accredited asbestos course(s) and has received approval from the Commissioner.

"Public and commercial building" means the interior space of any building which is not a school, except that the term include does not include any residential apartment building of fewer than 10 dwelling units or detached single-family homes. The term includes, but is not limited to: industrial and office buildings, residential apartment buildings and condominiums of 10 or more dwelling units, government-owned buildings, colleges, museums, airports, hospitals, churches, preschools, stores, warehouses, and factories. Interior space includes exterior hallways connecting buildings, porticos, and mechanical systems used to condition interior space.

"Removal" means the stripping of substantially friable ACBM from a damaged area, a functional space, or a homogeneous area such as a wall, ceiling, pipe, boiler, duct, turbine, reactor, tank, furnace, load-supporting member, nonload-supporting member, or the taking out of any friable ACBM in a school or public and commercial building.

"Repair" means returning damaged ACBM to an undamaged condition or to an intact state so as to prevent a fiber release.

"School" means any elementary or secondary school as defined in Section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2854).

"School building" means:

(a) Any structure suitable for use as a classroom, including a school facility such as a laboratory, library, school eating facility, or facility used for the preparation of food;

(b) Any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;

(c) Any other facility used for the instruction or housing of students or for the administration of educational or research programs;

(d) Any maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in this definition of "school building" under subparagraphs (a), (b), or (c) of this definition;

(e) Any portico or covered exterior hallway or walkway; and

(f) Any exterior portion of a mechanical system used to condition interior space.

"Small-scale, short duration (SSSD) activities" means tasks such as, but not limited to:

(a) The removal of a small quantity and/small section of asbestos-containing material of an area equal to or less than 160 square feet or 260 linear feet or a major fiber release (See definition);

(b) Removal of asbestos-containing insulation on pipes;

(c) Removal of small quantities of asbestos-containing insulation on beams or above ceilings;

(d) Replacement of an asbestos-containing gasket on a valve;

(e) Installation of electrical conduits through or proximate to asbestos-containing materials;

(f) Installation or removal of a small section of drywall;

(g) Removal of small quantities of asbestos-containing material (ACM) only if required in the performance of another maintenance activity not intended as asbestos abatement;

(h) Removal of asbestos containing thermal system insulation not to exceed amounts greater than those, which can be contained in a single glove bag;

(i) Minor repairs to damaged thermal system insulation, which do not require removal;

(j) Repairs to a piece of asbestos-containing wallboard; and

(k) Repairs, involving encapsulation, enclosure, or removal, to small amounts of friable asbestos containing material (ACM) only if required in the performance of emergency or routine maintenance activity and not intended solely as asbestos abatement and/or asbestos response activities. Such work may not exceed the amounts greater than those, which can be contained in a single prefabricated mini-enclosure. Such an enclosure shall conform spatially and geometrically

to the localized work area, in order to perform its intended containment function.

"Surfacing material" means material in a school or public and commercial building that is sprayed-on, troweled-on, or otherwise applied to surfaces, such as acoustical plaster on ceilings and fireproofing materials on structural members, or other materials on surfaces for acoustical, fireproofing, or other purposes.

"Thermal system insulation material" means material in a school or a public and commercial building applied to pipes, fittings, boilers, breeching, tanks, ducts, or other interior components to prevent heat loss or gain, or water condensation, or for other purposes.

"Training curriculum" means a course that meets or exceeds the established set of course topics set forth in 1200-01-20-.02(4) for a particular discipline to provide asbestos specialized instructions and hands-on training.

"Training hour" means at least fifty (50) minutes of actual instruction, including, but not limited to: time devoted to lecture, learning objectives, small group activities, demonstrations, evaluations, hands-on training exercises, or any combination of lecture, activity, demonstration, evaluation, or hands-on training exercise. Training hours do not include registration, breaks and meals.

"Training Manager" means the individual who has received the Commissioner's approval and is responsible for administering the training program and monitoring the performance of principal and guest instructors to ensure that the training provider complies with the requirements of 1200-01-20-.02.

"TSCA" means the Toxic Substances Control Act, 15 U.S.C. 2601, et seq.

"Visible emission" means any emission, which is visually detected without the aid of instruments and which contains particulates of asbestos material.

1200-01-20-.02 Accreditation of Training Providers and Training Course(s) [40 CFR 763, Subpart E, Appendix C]

(1) Scope.

(a) A training provider may seek accreditation to offer accredited asbestos activity training courses in any of the following disciplines: inspector, management planner, supervisor, project designer, worker and project monitor. A training provider may also seek accreditation to offer refresher courses for each of the above listed disciplines.

(b) A training provider may first apply to the Commissioner for accreditation of their asbestos activity training courses or refresher courses pursuant to this on or after the effective date of these Rules.

(c) A training provider shall not provide, offer, or claim to provide state-accredited asbestos activity training courses without first applying for and receiving accreditation from the Commissioner as required under paragraph (2) of this on or after the effective date of these Rules.

(2) Training Provider Accreditation Application Process

The following are procedures a training provider shall follow to receive state accreditation to offer asbestos activities courses and obtain approval of the training manager and approval of principal and guest instructors:

(a) A training provider seeking accreditation shall submit a written application to the Division containing the following information, along with the appropriate application fee(s) as set forth in Table 1 of 1200-01-20-.05(2)(a) 1:

1. The training provider's name, address (headquarters and training facility site), and telephone number;

2. A list of initial and/or refresher asbestos activity training course(s) for which the training provider is applying for accreditation;

3. A list of authorized States, Indian Tribes and EPA Regions, in which the training provider currently maintains accreditation to conduct asbestos activity training course(s);

4. The names, qualifications and copies of credentials for all course principal instructors, guest instructors and the training manager pursuant to paragraph (3) of this Rule;

   (i) The principal instructors, guest instructors and the training manager shall meet the academic requirements and/or field experience in asbestos-related activities; and

   (ii) Changes to the training program rosters such as the manager, principal instructor and/or guest instructor list shall be submitted to the Division for review, together with copies of required credentials for person(s) added. The Division will submit written approval or disapproval within thirty (30) days of receipt of the completed amended application. An application review fee set forth in Table 1 of 1200-01-20-.05 shall be submitted with amended applications;

5. A description of the facilities and equipment to be used for training courses;

6. A legible copy of the student and instructor manuals, the course agenda, handouts and other materials to be used for each course;

7. If a published textbook is used as supplemental course material, the author's name, textbook title, publisher and publication date shall be provided;

8. If a training provider is seeking accreditation for an asbestos training course in a non-English language, its application for accreditation shall also include a copy of the student and instructor manuals in the language to be taught together with an English translated version;

9. A statement signed by the training manager certifying that the training program meets the requirements set forth in paragraph (3) of this Rule, as well as:

   (i) Length of training in days; starting times and ending times for each day of training and the total hours for each course;

   (ii) Amount and type of hands-on training exercise;

(iii) Examination (length, format, and passing score);

(iv) Topics covered in the course(s) and time duration outlined; and

(v) A list of learning objectives for each lecture (topic), class exercise, and hands-on training exercise;

10. A statement regarding the development of the course materials and exam(s);

11. A copy of the course exam blueprint, course exam and exam answer key;

12. An example of the numbered unique training certificate containing all the requirements of part (3)(b) 11 of this Rule, which shall be issued to students who successfully complete the training course and passed the exam; and

13. A copy of the quality control plan as described in part (3)(b) 13 of this Rule.

(b) Refresher Training Course Approval

A training provider seeking accreditation to offer refresher asbestos activity training course(s) in English or another language shall submit an application to the Division containing the following information:

1. Length of training in days, starting times and ending times for each day of training and the total hours for each course;

2. The topics covered in the course;

3. A copy of all updated course materials (student manuals, instructor notebooks, handouts, etc.);

4. The names and qualifications of all course principal and guest instructors. Instructors shall meet the academic and field experience requirements in paragraph (3) of this Rule; and

5. An example of the numbered unique training certificate containing all the requirements of Part (3)(b)11 of this Rule, which shall be issued to students who complete the refresher course and pass the examination.

(c) If a training provider meets the requirements in paragraph (3) of this Rule, then the Commissioner will approve the application for accreditation within 180 days after the application is deemed complete. In the case of approval, a certificate of accreditation will be sent to the applicant. Prior to disapproval, the Division may at its discretion, work with the applicant to address inadequacies in the application for accreditation. The Division may also request additional information and/or materials retained by the training program under part (7)(a)6 of this Rule. In the case of disapproval, a letter describing the reasons for disapproval will be sent to the applicant. If a training provider's application is disapproved, the program may reapply for accreditation at any time and pay the appropriate fee(s).

(d) A training provider may apply for accreditation to offer initial and/or refresher courses in as many disciplines as it chooses. A training provider may seek accreditation for additional courses at any time as long as the program can demonstrate that it meets the requirements of this Rule.

(e) A training provider applying for accreditation to offer initial and/or refresher courses shall submit the appropriate fees in accordance with 1200-01-20-.05(2)(a)1, Table 1.

(3) Requirements for the Accreditation of Training Providers

(a) Training providers seeking to obtain accreditation from the Commissioner, to offer asbestos training courses shall submit information and documentation in an application notebook(s) with sections clearly divided and labeled.

(b) The training provider shall submit documented proof that the following requirements are met:

1. The training provider shall employ a training manager who has:

(i) At least two (2) years of experience, education, or training in teaching workers or adults; or

(ii) A bachelor's or graduate degree in building construction technology, occupational safety, public health, education, business administration, program management or related scientific field; or registered architect, engineer, certified industrial hygienist; or

(iii) Two years experience in managing a training program specializing in environmental hazards; and

(iv) Demonstrate experience, education, or training in the construction industry including: lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health or certified industrial hygienist; and

(v) Completion of two or more advanced (supervisor, project monitor, management planner, and/or project designer) accredited asbestos activity training courses.

(Note: The training program manager, principal instructor, or guest instructor cannot be an instructor in the class in which they receive a course accreditation certificate.)

2. The training manager shall designate a qualified principal instructor for each course who:

(i) Has at least two (2) years of experience, education, or training in teaching workers or adults;

(ii) Has an associate, bachelor's or graduate degree in building construction technology, occupational safety, public health, education, business administration, program management or related scientific field; or registered architect, engineer, certified industrial hygienist; and

(iii) Has successfully completed the appropriate initial and refresher asbestos activity training course(s) for each discipline in which they are listed to instruct.

3. The training manager may designate guest instructors as needed to provide specific instruction on course topics. There are two classifications of guest instructors:

   (i) Guest instructors who provide instruction specific to hands-on skill exercises or work practice components of a course shall meet the same qualification requirements as a principal instructor listed in part 2 of this subparagraph; and

   (ii) Guest instructors who provide instruction specific to course topics other than hands-on training exercises or work practice components of a course shall meet the same qualification requirements as a principal instructor as listed in part 2 of this subparagraph.

4. The training manager shall be responsible for the organization of courses and oversight of all teaching materials used to conduct accredited asbestos activity-training courses. The training manager shall ensure that all topics and objectives covered in each course reflect the Federal, State, and local regulations, standards and guidelines.

5. The documents listed in subparts (i), (ii) and (iii) of this part shall be recognized by the Commissioner as evidence that the training manager, principal instructor, and guest instructor have met the educational, work experience, training requirements, and demonstrated experience. This documentation shall be submitted with the accreditation application. It shall be maintained and retained by the training program as required by the recordkeeping requirements contained in paragraph (7) of this Rule.

   (i) Copies of official academic transcripts, degree, or professional license as evidence of meeting the education requirements;

   (ii) Resumes, letters of reference, and detailed descriptions of work experience, including the number of and dates of projects and jobs, the size of each project and job, descriptions of tasks performed by the individual, as evidence of meeting the work experience requirements; and the names of telephone numbers of supervisors; and

   (iii) Certificates from train-the-trainer courses and initial and consecutive refresher(s) accreditation certificates in the appropriate specific asbestos activity training course(s) as evidence of meeting the training requirements.

6. The training provider shall ensure the availability of, and provide adequate facilities for, the delivery of the lecture, course exam, hands-on training and assessment activities. This includes providing and using training equipment that reflects current work practices and maintaining or updating the equipment, training manuals and facilities as needed in a timely manner.

7. The training manager shall allow the Commissioner or authorized representative to audit the training program and course(s) to verify the contents of the application for accreditation submitted by the training program.

8. Each class shall be taught in the language in which all students of that particular class are fluent. Written materials shall be correctly translated into the language in which all participating students are fluent. The principal and/or guest instructor(s) shall be sufficiently fluent in the language in which the class is conducted. Interpreters may not be used to teach or provide instructions in a training course.

9. For the training courses to be accredited, the training provider shall provide courses that meet the following hour requirements and content requirements:

   (i) The inspector course shall last a minimum of 24 training hours (3 days), and will include lectures, demonstrations, course review, a written examination, respirator fit-testing methods, a field trip and a minimum of 4 hours of hands-on training activities. The minimum curriculum requirements for the inspector course are contained in paragraph (4) of this Rule.

   (ii) The management planner course shall last a minimum of 16 training hours (2 days). Persons enrolled in the management planner course shall have completed the 3-day inspector course as a prerequisite. The management planner course shall include lectures, demonstrations, course review, and a written examination. The minimum curriculum requirements for the management planner course are contained in paragraph (4) of this Rule.

   (iii) The supervisor course shall last a minimum of 40 training hours (5 days), and shall include lectures, demonstrations, with a minimum of 14 hours of hands-on training activities, individual respirator fit testing, course review and a written examination. The minimum curriculum requirements for the supervisor course are contained in paragraph (4) of this Rule.

   (iv) The project designer course shall last a minimum of 24 training hours (3 days), and will include lectures, demonstrations, a field trip, course review and a written examination. The minimum curriculum requirements for the project designer course are contained in paragraph (4) of this Rule.

   (v) The worker course shall last a minimum of 32 hours (4 days) and shall include lectures, demonstration, at least 14 hours of hands-on training activities, individual respirator fit testing, course review, and a written examination. The minimum curriculum requirements for the worker course are contained in paragraph (4) of this Rule.

   (vi) The project monitor course shall last a minimum of 40 training hours (5 days). The course shall consist of lectures and demonstrations, at least 6 hours of hand-on training activities, course review and a written examination. The minimum curriculum requirements for the project monitor course are contained in paragraph (4) of this Rule.

   (vii) The refresher training course for each of the disciplines in subparts (i) – (vi) of this part shall last a minimum of 8 training hours (1 day) and include a comprehensive overview of the topics listed in each.

10. Minimum Trainee Competency and Proficiency Requirements

(i) For each course offered, the training manager shall conduct a hands-on training test (if applicable) and a course examination at the completion of each course as required. The minimum passing score on any course examination shall be 70% correct. In order for any trainee to pass a course they shall successfully complete the hands-on training assessment and pass the course exam. The number of trainees per class shall be limited to 25 students.

(ii) The training manager is responsible for maintaining the validity and integrity of the hands-on training test to ensure that it accurately evaluates the trainee's performance of the work practices and procedures associated with the course topics of each discipline contained in paragraph (4) of this Rule.

(iii) The training manager is responsible for maintaining the validity and integrity of the course examinations to ensure that it accurately evaluates the trainee's knowledge and retention of the course topics in paragraph (4) of this Rule.

(iv) The course examination shall be developed in accordance with the course blueprint submitted with the training course accreditation application. Training providers shall administer a closed book examination for each discipline. Each examination shall cover the topics included in the training course for that discipline. Training providers shall document that each person who receives an initial or refresher-training course has achieved a passing score of 70% on the examination(s). These records shall clearly indicate the date upon which the exam was administered, the training course and discipline for which the exam was given, the name of the person who proctored the exam, a copy of the exam, name and test score of each person taking the exam. The following are the requirements for examination in each initial and refresher discipline course:

(I) Worker

initial: 50 multiple-choice questions, passing score 70% correct;
refresher: 25 multiple-choice questions and passing score 70% correct;

(II) Supervisor

initial: 100 multiple-choice questions, passing score 70% correct;
refresher: 25 multiple-choice questions and passing score 70% correct;

(III) Inspector

initial: 50 multiple-choice questions, passing score 70% correct;
refresher: 25 multiple-choice questions and passing score 70% correct;

(IV) Manager Planner

initial: 50 multiple-choice questions, passing score 70% correct;
refresher: 25 multiple-choice questions and passing score 70% correct;

(V) Project Designer

initial: 100 multiple-choice questions, passing score 70% correct;
refresher: 25 multiple-choice questions and passing score 70% correct; and

(VI) Project Monitor

initial: 100 multiple-choice questions, passing score 70% correct;
refresher: 25 multiple-choice questions and passing score 70% correct.

11. The training provider shall issue a unique course completion certificate to each trainee who successfully completes the course requirements. The training program shall maintain records that document the names of all persons who have attended a course, certificates awarded, their certificate numbers, the disciplines for which certification was conferred, training and expiration dates, and the training location. The training provider shall maintain the records in a manner that allows verification by telephone or fax of the required information. The topic and dates of the training course shall correspond to those listed on that person's accreditation certificate. The course completion certificate shall include the following minimum information:

(i) A unique certificate number, which distinguishes the training course and trainee to whom the course completion certificate is issued;

(ii) The name and address of the trainee;

(iii) The name of the particular course, the trainee completed (i.e. initial or refresher in the appropriate discipline);

(iv) Inclusive dates of the training course and the date of test passage;

(v) The name, address, and telephone number of the training program;

(vi) The street address of the training site if different form the training program's address;

(vii) The printed name of the principal instructor;

(viii) The printed name and signature of the training manager;

(ix) The language in which the course was taught, if other than English;

(x) The date the course was accredited and the name of the agency issuing the accreditation; and

(xi) The expiration date of the training, which is one year from the last day of the training course.

12. Training providers offering initial management planner and/or refresher courses shall confirm that their trainees possess a current initial management planner and/or refresher course certificate, or current Tennessee accreditation card, or asbestos training certificate(s) before granting course admission. Training providers offering the initial management planner training course shall verify that trainees have met the pre-requisite of possessing a valid initial and/or refresher asbestos inspector-training certificate before granting course admission.

13. The training manager shall develop and implement a quality control plan. The plan shall be used to maintain and improve the quality of the training program. This quality control plan shall contain at least the following elements:

(i) Procedures for periodic revision of training materials, hands-on training materials, and the course exam to reflect innovations in the field;

(ii) Procedures for the training manager to annually determine and document all principal, guest, work practice, and/or hands-on instructors for competence and their awareness of new developments, new regulations and innovations in the asbestos activities and field testing. All instructors shall be reviewed annually by the training manager of the program;

(iii) A requirement that trainees enrolled in training courses shall not be made to participate in more than eight (8) hours of actual training in a single day;

(iv) A requirement that the length of a training course that is attended by persons who that same day have completed a work shift of eight (8) hours or more shall not exceed four (4) additional hours of asbestos activity training in a day; and

(v) All training course requirements shall be completed by the trainee within two weeks of the training course start date.

14. The training manager shall be responsible for ensuring that the training provider complies at all times with all the requirements of this Rule.

15. The training manager shall offer courses, which teach the work practice standards set forth for each discipline in Rules 1200-01-20-.02(4)(b)1-6 for conducting asbestos abatement and asbestos response activities.

16. The training manager shall allow the Commissioner or his authorized representative to audit the training provider and course to verify the contents of the application for accreditation as described in 1200-01-20-.03.

17. The training manager shall follow the notification procedures in subparts (i)-(iv) of this part for initial and/or refresher training course(s):

(i) Using forms designated by the Commissioner for each training course, the training manager shall provide a written notification, via mail or fax of the starting date, location, name of the principal instructor, the language in which each course will be taught at least ten (10) days prior to commencement of the first day of instructional training.

(ii) The training manager shall give the Commissioner written notice of any changes in the starting date, location, principal instructor, or language of a training course. Such notice shall be received by the Commissioner, via mail or fax at least five (5) days prior to commencement of the first day of instructional training.

(iii) No later than ten (10) days after the conclusion of an initial or refresher training course, the training manager shall provide a written course trainee roster to the Commissioner on a State designated form. The course trainee roster shall contain the name of every trainee who attended the course, their pass or fail score, and the location where the class was held.

(iv) The training manager's failure to provide timely notifications as required may result in the Commissioner not accepting the course completion certificates for that training course issued by the training provider as part of a trainee's individual application packet for accreditation pursuant to 1200-01-20-.06.

(4) Minimum Training Curriculum Requirements

(a) General

1. To become accredited to offer asbestos abatement and response activities courses in a specific discipline(s), training providers shall ensure that their courses of study include, at a minimum, the course topics listed under each discipline in subparagraph (b) of this paragraph. Requirements marked with an asterisk (*) indicate areas that require hands-on training activities as an integral component of the course. Hands on training shall include working with asbestos-substitute materials, fitting and using respirators, use of glove bags, donning protective clothing, and constructing a decontamination unit as well as other asbestos related response and abatement work activities.

2. Audiovisual materials shall be used to complement lectures, but shall constitute, no more than ten (10) percent of the instructional time in any given initial and/or refresher asbestos training course.

3. Each accredited discipline and training curriculum is separate and distinct from the others. A person seeking accreditation in more than one (1) of the following six (6) accredited model accreditation plan (MAP) disciplines cannot attend more than one (1) concurrently held courses at a time, but shall attend courses sequentially:

(b) Disciplines

1. Inspector

All persons who inspect for asbestos containing building materials (ACBM) in schools and public and commercial buildings shall be accredited. All persons seeking accreditation as an inspector shall complete at least a three (3) day course as outlined below. The course shall include lectures, demonstrations, four (4) hours of hands-on training, individual respirator fit-testing methods, course review and, a written examination. Hands-on training shall include conducting a simulated building walk through inspection.

The inspector-training course shall address the following topics:

(i) Background information on asbestos. Identification of asbestos, and examples and discussion of the uses and locations of asbestos in buildings; physical appearance of asbestos;

(ii) Potential health effects related to asbestos exposure. The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency periods for asbestos-related diseases; a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs;

(iii) Functions/qualifications and role of inspectors. Discussions of prior experience and qualifications for inspectors and management planners; discussions of the functions of an accredited inspector as compared to those of an accredited management planner; discussion of inspection process including inventory of asbestos containing materials (ACM) and physical assessment;

(iv) Legal liabilities and defenses. Responsibilities of the inspector and management planner; a discussion of comprehensive general liability policies, claims-made, and occurrence policies, environmental and pollution liability policy clauses; state liability insurance requirements; bonding and the relationship of insurance availability to bond availability;

(v) Understand building systems. The interrelationship between building systems, including; an overview of common building physical plan layout; heat, ventilation, and air conditioning (HVAC) system types, physical organization, and where asbestos is found on HVAC components; building mechanical systems, their types and organization, and where to look for asbestos on such systems; inspecting electrical systems, including appropriate safety precautions; reading blueprints and as-built drawings;

(vi) Public/employee/building occupant relations. Notifying employee organizations about the inspection; signs to warn building occupants; tact in dealing with occupants and the press; scheduling of inspections to minimize disruptions; and education of the building occupants about actions being taken;

(vii) *Pre-inspection planning and review of previous inspection records. Scheduling the inspection and obtaining access; building record review; identification of probable homogenous areas from blueprints or as-built drawings; consultation with maintenance or building personnel; review of previous inspection, sampling, abatement records of building; the role of the inspector in exclusions of previously performed inspections;

(viii) *Inspecting for friable and non-friable ACM and assessing the condition of friable ACM. Procedures to follow in conducting visual inspections for friable and non-friable ACM; types of building materials that may contain asbestos; touching materials to determine friability; open return air plenums and their importance in HVAC systems; assessing damage,

significant damage, potential significant damage; amount of suspected ACM, both in total quantity and as a percentage of the total area; type of damage; accessibility; material's potential for disturbance; known or suspected causes of damage or significant damage; or deterioration as assessment factors;

(ix) *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 non-friable materials; inspector's sampling and repair equipment; patching or repair of damage from sampling; discussion of polarized light microscopy; choosing an accredited laboratory to analyze bulk samples; quality control and quality assurance procedures. The State recommends the use of a laboratory that is accredited under the NVLAP administered by NIST analyze all bulk samples collected from school or public and commercial buildings;

(x) *Respiratory protection and personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece-to-face seal (positive and negative-pressure fit checks); qualitative and quantitative fit testing procedures; variability between field and laboratory protections factors that alter respiratory fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of non-disposable clothing;

(xi) *Recordkeeping and writing the inspection report. Labeling of samples and keying sample identification to sampling location; recommendations on sample labeling; detailing of asbestos containing materials (ACM) inventory; photographs of selected sampling areas and examples of ACM condition; information required for inclusion in the management plan required for school buildings under TSCA Title II, section 203(i)(1);

(xii) Regulatory review. The following topics shall be covered:

(I) National Emission Standards for Hazardous Air Pollutants (NESHAP; 40 CFR part 61, Subparts A – General Provisions and M – National Emission Standard for Asbestos);

(II) EPA Worker Protection (40 CFR part 763, Subpart G);

(III) OSHA Asbestos Construction Standard (29 CFR 1926.1101);

(IV) OSHA respirator requirements (29 CFR 1910.134);

(V) The Asbestos-Containing Materials in School 40 CFR part 763, Subpart F; applicable State and local regulations, and differences between Federal and State requirements where they apply, and the effects, if any, on public and nonpublic schools or commercial or public buildings;

(VI) Hazard Communication Standard (29 CFR 1926.59) and see FR P.5254; and

(VII) Applicable State and local asbestos regulatory requirements, procedures and standards; regulatory interrelationships;

(xiii) *Field trip. This includes a field exercise, including a walk-through inspection; on-site discussion about information gathering and the determination of sampling locations; on-site practice in physical assessment; classroom discussion of field exercises;

(xiv) Course review. A review of key aspects of the training course; and

(xv) Written examination.

2. Management Planner

All persons who prepare management plans for schools, or public and commercial buildings shall be accredited. All persons seeking accreditation as management planners shall complete a three (3) day inspector training course as outlined in part 1 of this subparagraph and a two (2) day management planner training course covering the topics listed below. Possession of a current and initial and/or refresher inspector accredited training course shall be a prerequisite for admission to the management planner training course. The management planner training course shall include lectures, demonstrations, course review and a written examination.

The management planner training course shall address the following topics:

(i) Course overview. The role and responsibilities of the management planner; operations and maintenance programs; setting work priorities; protection of building occupants;

(ii) Evaluation/interpretation of survey results. Review of the Toxic Substances Control Act (TSCA) Title II requirements for inspection and management plans for school buildings as given in section 203(i)(1) of TSCA Title II; interpretation of field data and laboratory results; comparison of field inspector's data sheet with laboratory results and site survey;

(iii) Hazard assessment. Amplification of the difference between physical assessment and hazard assessment; the role of the management planner in hazard assessment; explanation of significant damage, damage, potential damage, and potential significant damage; use of a description (or decision tree) code for assessment of asbestos containing material (ACM); assessment of friable ACM; relationship of accessibility, vibration sources, use of adjoining space, and air plenums and other factors to hazard assessment;

(iv) Legal implications. Liability; insurance issues specific to planners; liabilities associated with interim control measures, in-house maintenance, repair, and removal; use of results from previously performed inspections;

(v) Evaluation and selection of control options. Overview of encapsulation, enclosure, interim operations and maintenance, and removal; advantages and disadvantages of each method; response activities described via a decision tree or other appropriate method; work practices for each response action; staging and prioritizing of work in both vacant and occupied buildings; the need for containment barriers and decontamination in response actions;

(vi) Role of other professionals. Use of industrial hygienist, engineers, and architects in developing technical specifications for response actions; any requirements that may exist for architect sigh-off of plans; team approach to design of high-quality job specifications; and

(vii) *Developing an operations and maintenance (O&M) plan. Purpose of the plan; discussion of applicable EPA guidance documents; what actions should be taken by custodial staff; proper cleaning procedures; steam cleaning and high-efficiency particulate air (HEPA) vacuuming; reducing disturbance of asbestos containing material (ACM); scheduling O&M for off-hours; rescheduling or canceling renovation in areas with ACM; boiler room maintenance; disposal of ACM; in-house procedures for ACM-bridging and penetrating encapsulants; pipe fittings, metal sleeves; polyvinyl chloride (PVC), canvas, and wet wraps; muslin with straps, fiber mesh cloth; mineral wool, and insulating cement; discussion of employee protection programs and staff training; case study in developing an O&M plan (development, implementation process, and problems that have been experienced);

(viii) Regulatory review. The following topics shall be covered:

(1) National Emission Standards for Hazardous Air Pollutants (NESHAP; 40 CFR part 61, Subparts A – General Provisions and M – National Emission Standard for Asbestos);

(II) OSHA Asbestos Construction Standard (29 CFR 1926.1101);

(III) EPA Worker Protection (40 CFR part 763, Subpart G);

(IV) Toxic Substances Control Act (TSCA) Title II; and

(V) Applicable State and local asbestos regulatory requirements, procedures, and standards; regulatory interrelationships;

(ix) Recordkeeping for the management planner. Use of field inspector's data sheet along with laboratory results; on-going recordkeeping as a means to track asbestos disturbance; procedures for recordkeeping;

(x) Assembling and submitting the management plan. Plan requirements for schools in TSCA Title II section 203(i)(1); the management plan as a planning tool;

(xi) Financing abatement actions. Economic analysis and cost estimates; development of cost estimates; present costs of abatement versus future operation and maintenance costs; Asbestos School Hazard Abatement Act grants and loans;

(xii) Course review. A review of key aspects of the training course; and

(xiii) Written examination.

3. Supervisor

A person shall be accredited as a supervisor to supervise (directly or indirectly) any of the following activities with respect to friable asbestos containing building materials (ACBM) in schools, and public and commercial buildings: conducting response activities other than a small-scale, short duration (SSSD) activity, maintenance activity that disturbs friable ACBM other than a SSSD activity, or conducting response activities for a major fiber release episode.

All persons seeking accreditation, as a supervisor shall complete at least a five (5) day training course as outlined in this part. The training course shall include lectures, demonstrations, a minimum of 14 hours of hands-on training, individual respirator fit testing methods, course review, and a written examination. Hands-on training shall permit supervisors to have actual experience performing tasks associated with asbestos abatement.
Supervisors include those persons who provide supervision and direction to workers performing asbestos abatement and response activities. Supervisors may include those individuals with the position title of foreman, working foreman, or lead man. One supervisor is required to be at the worksite at all times while abatement or response activities are being conducted. Asbestos workers shall have access to accredited supervisors throughout the duration of the project.

The supervisor training course shall address the following topics:

(i) The physical characteristics of asbestos and asbestos-containing materials. Identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, a review of hazard assessment considerations and a summary of abatement control options;

(ii) Potential health effects related to asbestos exposure. The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; synergism between cigarette smoking and asbestos exposure; and latency period for diseases;

(iii) *Respirator and personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the face piece-to-face seal (positive and negative-pressure fit checks); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors that alter respirator fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; and use, storage, and handling of non-disposable clothing; and regulations covering personal protective equipment;

(iv) *State-of-the-art work practices. Proper work practices for asbestos abatement and response activities, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems; positioning of warning signs; lock-out of electrical

and ventilation systems; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure exhaust ventilation equipment; use of HEPA vacuums. Work practices for removal, encapsulation, enclosure, and repair of ACM; emergency procedures for unplanned releases; potential exposure situations, transport and disposal procedures; and recommended and prohibited work practices. New abatement and response activity techniques and methodologies may be discussed;

(v) *Personal hygiene. Entry and exit procedures for the work area; use of showers; and avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area. Potential exposures, such as family exposure, shall be included;

(vi) *Additional safety hazards. Hazards encountered during asbestos response and abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips, and falls, and confined spaces;

(vii) Medical monitoring. OSHA and EPA Worker Protection requirements for physical examinations, including a pulmonary function test, chest X-rays and a medical history of each employee;

(viii) Air monitoring. Procedures to determine airborne concentrations of asbestos fibers, including descriptions of aggressive air sampling, sampling equipment and methods, reasons for air monitoring, types of samples and interpretation of results and a discussion of transmission electron microscopy (TEM) that will be used for analysis of final air clearance samples in schools;

[Note: Although Transmission Electron Microscopy (TEM) is required only for schools EPA and the State recommend that TEM be used for analysis of final air clearance samples for schools, public and commercial buildings and that samples analyses be performed by laboratories accredited by the National Institute of Standards and Technology's (NIST) National Voluntary Laboratory Accreditation Program (NVLAP).]

(ix) Relevant Federal, State and local regulatory requirements, procedures, and standards, including:

(I) Requirements of the Toxic Substances Control Act (TSCA) Title II;.

(II) National Emission Standards for Hazardous Air Pollutants (NESHAP; 40 CFR part 61, Subparts A – General Provisions and M – National Emission Standard for Asbestos);

(III) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection (29 CFR 1910.134);

(IV) OSHA Asbestos Construction Standard (29 CFR 1926.1101);

(V) EPA Worker Protection (40 CFR part 763, Subpart G);

(VI) Hazard Communication Standard (29 CFR 1926.59); and

(VII) Applicable State and local asbestos regulatory requirements, procedures, and standards; regulatory interrelationships;

(x) Respiratory Protection Programs and Medical Monitoring Programs;

(xi) Insurance and liability issues. Supervisor, contractor, and/or firm issues; worker compensation coverage and exclusions; third-party liabilities and defenses; insurance coverage and exclusions;

(xii) Recordkeeping for asbestos response activities and abatement projects. Records required by Federal, State, and local regulations; records recommended for legal and insurance purposes;

(xiii) Supervisory techniques for asbestos response and abatement activities. Supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices;

(xiv) Contract Specifications. Discussions of key elements that are included in a contract specifications;

(xv) Course review. A review of key aspects of the training course; and

(xvi) Written examination.

4. Project Designer

A person shall be accredited as a project designer to design any of the following activities with respect to friable asbestos containing building material (ACBM) in schools and public and commercial buildings: any response action other than a small-scale, short duration (SSSD) maintenance activity, a maintenance activity that disturbs friable ACBM other than a SSSD maintenance activity, or a response activity for a major fiber release episode. A person shall be accredited as a project designer to perform the following activities in a school or public and commercial building: determination of the scope of work, work sequence, performance standards for an asbestos abatement and asbestos response activities including preparation of specifications, plans, and contract documents used with respect handling of friable and non-friable ACBM. All persons seeking accreditation as a project designer shall complete at least a three (3) day training course as outlined in this part.

The abatement project designer training course shall address the following topics:

(i) Background information on asbestos. Identification of asbestos, examples and discussion of the uses and locations of asbestos in buildings; physical appearance of asbestos;

(ii) Potential health effects related to asbestos exposure. The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency

periods for asbestos-related diseases; a discussion of the relationship of asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancers of other organs;

(iii) Overview of asbestos abatement and response activities for construction projects. Abatement as a portion of renovation project: OSHA requirements for notification of other contractors on a multi-employer site (29 CFR 1926.1101);

(iv) *Safety system design specifications. Design, construction, and maintenance of containment barriers and decontamination enclosure systems; positioning of warning signs; electrical and ventilation system lock-out; proper working techniques for minimizing fiber release; entry and exit procedures for the work area; use of wet methods; proper techniques for initial cleaning; use of negative-pressure exhaust ventilation equipment; use of HEPA vacuums; proper clean-up and disposal of asbestos; work practices as they apply to encapsulation, enclosure, and repair of ACM; use of glove bags and a demonstration of glove bag use;

(v) *Field trip. A visit to an abatement site or other suitable building site including on-site discussions of abatement design (or asbestos response activity design) and building walk-through inspection. Include discussion of rationale for the concept of functional spaces during the walk-through;

(vi) *Employee personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece-to-face seal (positive and negative-pressure fit checks); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors that alter respirator fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; and use, storage, and handling of non-disposable clothing;

(vii) Additional safety hazards. Hazards encountered during asbestos-related and abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards;

(viii) Fiber aerodynamic and control. Aerodynamic characteristics of asbestos fibers; importance of proper containment barriers; settling time for asbestos fibers; wet methods in asbestos response and abatement activities; aggressive air monitoring following asbestos response and abatement activities; aggressive air movement and negative-pressure exhaust ventilation as a clean-up method;

(ix) Designing asbestos response and abatement activities solutions. Discussion of removal, enclosure, and encapsulation methods; asbestos waste disposal;

(x) Final clearance process. Discussion of the need for a written sampling rationale for aggressive final air clearance; requirements of a completed

visual inspection; and the relationship of the visual inspection to final air clearance;

[Note: Transmission Electron Microscopy (TEM) shall be used for analysis of final air clearance samples for schools, public and commercial buildings. Samples shall be collected by an asbestos accredited air monitor that is not in the employ of the contractor performing the asbestos removal. Samples collected shall be analyzed by laboratories accredited by the National Institute of Standards and Technology's (NIST) National Voluntary Laboratory Accreditation Program (NVLAP).]

(xi) Budgeting/cost estimating. Development of cost estimates; present costs of abatement versus future operation and maintenance costs; setting priorities for jobs to reduce costs;

(xii) Writing asbestos response and abatement activities specifications. Preparation of and need for a written project design; means and methods specification versus performance specification; design asbestos response and abatement activities in occupied buildings; modification of guide specification for a particular building; worker and building occupant health/medical considerations; replacement of asbestos containing material (ACM) with non-asbestos substitutes;

(xiii) Preparing asbestos response and abatement activity drawings. Significance and need for drawings, use of as-built drawings as base drawings; use of inspection photographs and on-site reports; methods of preparing asbestos response and abatement activities drawings; diagramming containment barriers; relationship drawings to design specifications; particular problems related to asbestos response and abatement activity drawings;

(xiv) Contract preparation and administration;

(xv) Legal/liabilities/defenses. Insurance considerations; bonding; hold-harmless clauses; use of abatement contractor's liability insurance; claims made versus occurrence policies;

(xvi) Replacement. Replacement of asbestos with asbestos-free substitutes;

(xvii) Role of other consultants. Development of technical specification sections by industrial hygienists or engineers; the multi-disciplinary team approach to asbestos response and abatement activity design(s);

(xviii) Occupied buildings. Special design procedures required in occupied buildings; education of occupants; extra monitoring recommendations; staging of work to minimize occupant exposure; scheduling of renovation to minimize exposure;

(xix) Relevant Federal, State and local regulatory requirements, procedures, and standards, including:

(I) Requirements of the Toxic Substances Control Act (TSCA) Title II;

(II) National Emission Standards for Hazardous Air Pollutants (NESHAP; 40 CFR part 61, Subparts A – General Provisions and M – National Emission Standard for Asbestos);

(III) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection (29 CFR 1910.134);

(IV) OSHA Asbestos Construction Standard (29 CFR 1926.1101);

(V) EPA Worker Protection (40 CFR part 763, Subpart G);

(VI) Hazard Communication Standard (29 CFR 1926.59); and

(VII) Applicable State and local asbestos regulatory requirements, procedures, and standards; regulatory interrelationships;

(xx) Course Review. A review of key aspects of the training course; and

(xxi) Written examination.

5. Worker

A person shall be accredited as an asbestos worker to carry out any of the following activities with respect to friable asbestos containing building material (ACBM) in schools and public and commercial buildings: a response activity other than a small-scale, short duration (SSSD) maintenance activity, a maintenance activity that disturbs friable ACBM other than a SSSD maintenance activity, or a response activity for a major fiber release episode. All persons seeking accreditation, as an asbestos worker shall complete at least a four (4) day course as outlined in this part.

The worker training course shall include lectures, demonstrations, at least 14 hours of hands-on training, individual respirator fit testing methods, course review, and an examination. Hands-on training shall permit workers to have actual experience performing tasks associated with asbestos response and abatement activities. A person who is otherwise accredited as an asbestos supervisor may perform in the role of a worker without possessing a separate certification as an asbestos worker.

The asbestos worker training course shall address the following topics:

(i) The physical characteristics of asbestos and asbestos-containing materials. Identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, and a summary of asbestos-related activity and abatement control options;

(ii) Potential health effects related to asbestos exposure. The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; synergistic effect between cigarette smoking and asbestos exposure; and latency period for asbestos-related diseases; a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs;

(iii) *Respiratory and personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the face piece-to-face seal (positive and negative-pressure fit checks); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors that alter respirator fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; and use, storage, and handling of non-disposable clothing; and regulations covering personal protective equipment;

(iv) *State-of-the-art work practices. Proper work practices for asbestos response and abatement activities, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems; positioning of warning signs; lock-out of electrical and ventilation systems; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure exhaust ventilation equipment; use of high–efficiency particulate air (HEPA) vacuums; proper clean-up and disposal procedures. Work practices for removal, encapsulation, enclosure, and repair of asbestos containing material (ACM); emergency procedures for unplanned, emergency, or sudden releases; potential exposure situations, transport and disposal procedures; and recommended and prohibited work practices. New abatement, response activity techniques and methodologies may be discussed;

(v) *Personal hygiene. Entry and exit procedures for the work area; use of showers; and avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area. Potential exposures, such as family exposure, shall be included;

(vi) *Additional safety hazards. Hazards encountered during asbestos response and abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips, and falls, and confined spaces;

(vii) Medical monitoring. OSHA and EPA Worker Protection requirements for physical examinations, including a pulmonary function test, chest X-rays and a medical history of each employee;

(viii) Air monitoring. Procedures to determine airborne concentrations of asbestos fibers, focusing on how personal air sampling is performed and the reasons for it;

(ix) Relevant Federal, State and local regulatory requirements, procedures and standards, including:

(I) Requirements of the Toxic Substances Control Act (TSCA) Title II;

(II) National Emission Standards for Hazardous Air Pollutants (NESHAP; 40 CFR part 61, Subparts A – General Provisions and M – National Emission Standard for Asbestos);

(III) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection (29 CFR 1910.134);

(IV) OSHA Asbestos Construction Standard (29 CFR 1926.1101);

(V) EPA Worker Protection (40 CFR part 763, Subpart G);

(VI) Hazard Communication Standard (29 CFR 1926.59); and

(VII) Applicable State and local asbestos regulatory requirements, procedures, and standards; regulatory interrelationships;

(x) Establishment of respiratory protection programs;

(xi) Course review. A review of key aspects of the training course; and

(xii) A written or individual oral examination.

6. Project Monitor

A person shall be accredited as a project monitor to carry out any of the following activities with respect to friable asbestos containing building material (ACBM) in schools and public and commercial buildings: to observe asbestos response and abatement activities performed by accredited supervisors and firms, and serve as a building owner's representative to ensure that the observe asbestos response and abatement activities are completed according to specification and in compliance with all relevant statutes and regulations. The project monitor may also perform the vital role of air monitoring for purposes of determining final clearance, provided they are a certified industrial hygienist.

All persons seeking accreditation as a project monitor shall complete at least a five (5) day training course covering the topics listed below which consists of lectures and demonstrations, at least six (6) hours of hands-on training, course review and a written examination. Having the trainee simulate participation in or performance of any of the relevant job functions or activities will satisfy the hands-on training component by incorporation of the workshop component described in subpart (xiv) of this part.

The project monitor-training course shall address the following topics:

(i) Roles and responsibilities of the project monitor. Definition and responsibilities of the project monitor, including regulatory/specification compliance monitoring, air monitoring; conducting visual inspections, and final clearance monitoring;

(ii) Characteristics of asbestos and asbestos-containing materials. Typical uses of asbestos; physical appearance of asbestos; review of asbestos response activity and abatement and control techniques; presentation of the health effects of asbestos exposure, including routes of exposure, dose-response relationships, and latency periods for asbestos-related diseases;

(iii) Relevant Federal, State and local regulatory requirements, procedures and standards, including:

(I) Requirements of the Toxic Substances Control Act (TSCA) Title II;

(II) NESHAP; 40 CFR part 61, (Subparts A – General Provisions and M – National Emission Standard for Asbestos);

(III) AHERA, 40 CFR part 763, (Subpart E – Asbestos-Containing Materials in Schools);

(IV) EPA Worker Protection (40 CFR part 763, Subpart G);

(V) OSHA Asbestos Construction Standard (29 CFR 1926.1101);

(VI) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection (Respirator Standard 29 CFR 1910.134);

(VII) Hazard Communication Standard (29 CFR 1926.59); and

(VIII) Applicable State and local asbestos regulatory requirements, procedures, and standards; regulatory interrelationships;

(iv) Understanding building construction and building systems. Building construction basics, building physical plan layout; understanding building systems (HVAC, electrical, etc.); layout and organization, where asbestos is likely to be found on building systems; renovations and the effect of asbestos response activities and abatement on building systems;

(v) Asbestos response activities and abatement contracts, specifications, and drawing. Basic provision of the contract; relationships between principle types of parties, establishing chain of command; types of specifications, including means and methods, performance, and proprietary and nonproprietary; reading and interpreting records and drawings; discussion of change orders; common enforcement responsibilities and authority project monitors;

(vi) Response actions and asbestos response and abatement activities. Pre-work inspections; pre-work considerations, pre-cleaning of the work area, removal of furniture, fixtures, and equipment; shutdown/ modification of building systems; construction and maintenance of containment barriers, proper demarcation of work areas; work area entry/exit, hygiene practices; determining the effectiveness of air filtration equipment; techniques for minimizing fiber release, wet methods, continuous cleaning; abatement methods other than removal; asbestos response activities and abatement area clean-up procedures; waste transport and disposal procedures; contingency planning for emergency response;

(vii) Asbestos response activity/abatement equipment. Typical equipment found on an asbestos project; air filtration devices, vacuum systems, negative pressure differential monitoring; HEPA filtration units, theory of filtration, design / construction of HEPA filtrations units, qualitative and quantitative performance of HEPA filtrations units, sizing the ventilation requirements, location of HEPA filtration units, qualitative

and quantitative tests of containment barrier integrity; best available technology;

(viii) Personal protective equipment. Proper selection of respiratory protection; classes and characteristics of respirator types, limitations of respirators; proper use of other safety equipment, protective clothing selection, use, and proper handling, hard/bump hats, safety shoes; breathing air systems, high pressure v. low pressure, testing for Grade D air, determining proper backup air volumes;

(ix) Air monitoring strategies. Sampling equipment, sampling pumps (low v. high volume) flow regulating devices (critical and limiting orifices), use of fibrous aerosol monitors on asbestos-related activity/abatement projects; sampling media, types of filters, types of cassettes, filter orientation, storage and shipment of filters, calibration techniques, primary calibration standards, secondary calibration standards, temperature/ pressure effects, frequency of calibration, recordkeeping and field work documentation, calculations; air sample analysis, techniques available and limitations of AHERA on their use, transmission electron microscopy (TEM) (background to sample preparation and analysis, air sample conditions which prohibit analysis, TEM required analysis of final air clearance samples), phase contrast microscopy (background to sample preparation, and AHERA limits on the use of phase contrast microscopy), what each technique measures; analytical methodologies, AHERA TEM protocol, NIOSH 7400, OSHA reference method (non- clearance), the State's recommendation for clearance (TEM); sampling strategies for clearance monitoring, types of air samples (personal breathing zone v. fixed station area) sampling location and objectives (pre-asbestos response activity, pre-abatement, during abatement, and clearance monitoring), number of samples to be collected, minimum and maximum air volumes, clearance monitoring (post-visual-inspection) (number of samples required, selection of sampling locations, period of sampling, aggressive sampling, interpretations of sampling results, calculations), quality assurance; special sampling problems, crawl spaces, acceptable samples for laboratory analysis, sampling in occupied buildings (barrier monitoring);

(x) Safety and health issues other than asbestos. Confined-space entry, electrical hazards, fire and explosion concerns, ladders and scaffolding, heat stress, air contaminants other than asbestos, fall hazards, and hazardous materials on asbestos response activity and abatement projects;

(xi) Conducting visual inspections. Inspections during asbestos response activity/abatement, visual inspections using the ASTM E1368 document; conducting inspections for completeness of removal; discussion of "how clean is clean?";

(xii) Legal responsibilities and liabilities of project monitors. Specification enforcement capabilities; regulatory enforcement; licensing; powers delegated to project monitors through contract documents;

(xiii) Recordkeeping and report writing. Developing standardized project logs/daily logs (what should be included, who sees them); final report preparation; recordkeeping under Federal regulations;

(xiv) *Workshops (6 hours spread over 3 days).

(I) Contracts, specifications, and drawings: This workshop shall consist of each participant being issued a set of contracts, specification, and drawings and then being asked to answer questions and make recommendations to a project architect, engineer or to the building owner based on given conditions and these documents;

(II) Air monitoring strategies for asbestos response activity and abatement equipment: This workshop shall consist of simulated asbestos response activity and abatement site(s) for which sampling strategies would have to be developed (i.e., occupied buildings, industrial situations). Through demonstrations and exhibition, the project monitor may also be able to gain a better understanding of the function of various pieces of equipment used on asbestos response activity and abatement projects (air filtration units, water filtration units, negative pressure monitoring devices, sampling pump calibration devices, etc.);

(III) Conducting visual inspections: This workshop shall consist, ideally, of an interactive video in which a participant is "taken through" a work area and asked to make notes of what is seen. A series of questions will be asked which are designed to stimulate a person's recall of the area. This workshop could consist of a series of two or three videos with different site conditions and different degree of cleanliness;

(IV) Course review of key points; and

(xv) Written examination

(5) Requirements for the Accreditation of Refresher-Training Providers

(a) A training provider may seek accreditation to offer refresher-training course(s) in any of the following asbestos disciplines: inspector, management planner, supervisor, project designer, worker, and project monitor. A training provider may apply for accreditation to offer refresher-training course(s) by submitting a written application on the appropriate State form and payment of the appropriate fee. To obtain State accreditation to offer refresher-training, a training provider shall allow the Commissioner to audit the training program and courses to verify the contents of the application for accreditation as described in 1200-01-20-.03.

The refresher-training course(s) shall meet the following minimum requirements:

1. Audiovisual materials shall be used to complement lectures, but shall consist of no more than ten (10) percent of the instructional time in any given refresher asbestos training course, where appropriate;

2. The refresher course shall be specific to each discipline. Refresher courses shall be conducted as separate and distinct courses and not combined with any other training during the period of the refresher course;

3. Each refresher course shall review the curriculum topics of the full-length courses listed under paragraph (4) of this Rule. Training Providers shall ensure that their courses of study, at a minimum, include an overview of the following:

(i) Roles and responsibilities applicable to the discipline being taught;

(ii) State-of-the-art work practices applicable to the discipline being taught;

(iii) A review of current federal, state and local laws and regulations pertaining to the asbestos response activities and abatement in general, applicable to specific discipline information; and

(iv) A review of technologies pertaining to asbestos response activities and abatement in general, and applicable specific discipline information;

4. Each refresher course shall last a minimum of eight (8) training hours, except for the inspector and management planner refresher courses which shall last a minimum of four (4) training hours each for a total of eight (8) hours. In order to maintain accreditation as a management planner an individual shall complete both the inspector and the management planner refreshers for a total of eight (8) training hours;

5. For each course offered, the training program shall conduct a hands-on training assessment and administer a course exam with a minimum of twenty-five (25) questions. A trainee shall obtain a score of 70% or greater to pass;

6. A training provider may apply for accreditation of a refresher course concurrently with its application for accreditation of the corresponding initial training course as described in paragraph (2) of this Rule. The Commissioner shall use the approval procedures in paragraph (2) of this Rule. The minimum requirements contained in paragraphs (3), (4) and (5) of this shall also apply;

7. A training provider seeking accreditation to offer refresher-training courses only shall submit a written application to the Division containing the following information:

(i) The refresher-training provider's name, address (headquarters and training site), and telephone number:

(I) The street address of the training site if different from the training provider's address; and

(II) The printed name of the principal instructor(s);

(ii) A list of courses for which the training provider is applying for accreditation;

(iii) A statement signed by the training program manager certifying that the refresher-training program meets the minimum requirements established in paragraph (3) of this Rule, except for the requirements in part (3)(b) 9 of this Rule;

(iv) All refresher-training providers shall include in their application for accreditation the following:

(III) A description of the facilities and equipment to be used for lecture and hands-on training;

(IV) A copy of the course test blueprint for each course, which shall include a minimum of (25) multiple-choice questions;

(V) A description of the activities and procedures that will be used for conducting the assessment of hands-on training for each course (if applicable);

(VI) A copy of the quality control plans as described in part (3)(b) 13 of this Rule;

(VII) A copy of the student and instructor manuals to be used for each course in the appropriate language. If the course is taught in a language other than English, then the language in which the course is to be taught and an English version of all materials shall also be submitted; and

(VIII) A copy of the course agenda for each course;

(v) The language in which the refresher-training course is taught, if other than English; and

(vi) The date the refresher course received accreditation and the name of the agency issuing the accreditation;

8. If a refresher-training provider meets the requirements in paragraph (3) of this Rule, then the Commissioner will approve the application for accreditation no more than 180 days after the application is deemed complete. In the case of approval, a certificate of accreditation will be sent to the applicant. Prior to disapproval, the Division may at its discretion, work with the applicant to address inadequacies in the application for accreditation. The Division may also request additional information and/or materials retained by the training program under paragraph (7) of this Rule. In the case of disapproval, a letter describing the reasons for disapproval will be sent to the applicant. If a training provider's application is disapproved, the program may reapply for accreditation at any time and pay the appropriate fee(s).

(6) Re-accreditation of training providers

(a) Unless re-accredited, a training provider's accreditation (including refresher-training accreditation) shall expire two (2) years after the last date of the month of issuance. If the training provider meets the requirements of this Rule, the training provider shall be re-accredited.

(b) A training provider seeking re-accreditation shall submit a complete application to the Division no later than forty-five (45) days before its accreditation expires.

(c) The training provider's application for re-accreditation shall include:

1. The training provider's name, address, and telephone;

2. A list of course(s) for which it is applying for re-accreditation;

3. A description of any changes to the training facility, equipment, and course material revisions (revision dates should be listed on the material) since the training provider's last application;

4. A statement signed by the program manager stating:

(i) That the training provider will comply at all times with all requirements of paragraphs (3) and (5) of this Rule; and

(ii) The recordkeeping and reporting requirements of paragraph (7) of this shall be followed; and

5. A payment of the appropriate fee(s) in accordance with 1200-01-20-.05(2)(a) 1, Table 1.

(d) Upon request, the training provider shall allow the Commissioner to audit the training provider and courses to verify the contents of the application for re-accreditation as described in subparagraph (c) of this paragraph. Following the Commissioner anonymously auditing a training provider by attending a course, the training course fee paid by the State shall be refunded in its entirety to the Tennessee Department of Environment and Conservation within sixty (60) days of the request.

(7) Training Provider recordkeeping requirements

(a) Accredited training providers shall maintain and make available to the Commissioner, upon request, the following records:

1. All documents specified in part (3)(b)5 of this that demonstrate the qualifications listed in parts (3)(b) 1, 2 and 3 of this for the training manager, principal and guest instructors including, but not limited to, the following:

(i) A training provider shall retain copies of all instructors' resumes, and the documents approving each instructor issued by either EPA or the Commissioner;

(ii) The Commissioner shall approve instructors before they teach courses for accreditation purposes;

(iii) A training provider shall notify the Commissioner in advance whenever it changes approved course instructors; and

(iv) Records shall accurately identify the instructor that taught a particular course for each date that a course is offered;

2. A training provider shall retain copies of all instructional materials such as: current and pass curriculum (course) materials, course agenda, course test blueprint, course exams, learning objectives for each lecture, exercise, hands-on training exercise, examinations and other documents used in the delivery of the classroom training. Revision updates shall be documented;

3. Information regarding how the hands-on training assessment is conducted including, but not limited to:

(i) Who conducts the assessment;

(ii) How the skills are graded;

(iii) What facilities (and equipment) are used; and

(iv) The pass/fail rate;

4. The quality control plan as described in part (3)(b)13 of this Rule;

5. Results of the trainee's hand-on training assessments and course exam, and a record of each trainee's course completion certificate; and

6. Any other material not listed above in parts 1-5 of this subparagraph that was submitted to the Division as part of the provider's application for accreditation.

(b) The training provider shall retain these records at the address specified on the training program accreditation application for a minimum of 3 years and shall allow reasonable access to all of the records required by the model accreditation plan (MAP), and to any other records which may be required by the Commissioner for the approval of asbestos training provider courses, training manager, principal and guest instructors.

(Note: It may be advantageous to retain these records for a longer period of time.)

(c) Change of Address or Cease Training Activities

1. The training provider shall notify the Division in writing within thirty (30) days of changing the address specified on its training provider accreditation application and/or of transferring records from that address to another location.

2. If a training provider ceases to conduct training, the Commissioner shall be notified within thirty (30) days. The training provider shall forward a copy of all training records pertaining to training conducted in Tennessee to the Commissioner.

(8) Training provider audits

(a) The Commissioner or authorized representative may conduct unannounced audits of a training provider's records, initial and refresher asbestos training courses in all disciplines, to ensure compliance with the requirements of these Rules.

(b) For audit purposes, a training provider shall, at no charge, allow the Commissioner's representative to attend all or any part of an initial and/or refresher asbestos training course in any discipline to determine compliance with the requirements of these Rules. Training providers shall not restrict the Commissioner's access to any part of a training program and, upon request, shall make records as described in these Rules available for review, inspection and/or copying.

(c) Accredited training providers located out-of-state may satisfy the audit requirement of this paragraph in either of the following ways:

1. By conducting a training course in Tennessee and making arrangements for the Commissioner or authorized representative to conduct an on-site audit of the training course at no charge; or

2. By paying the Department's estimated travel costs in advance for the Commissioner or his authorized representative to travel to the training course's out-of-state location to conduct an audit. The estimated travel costs will be based on Tennessee's travel cost and reimbursement policy.

(d) Unless a training provider notifies the Division of changes in a training course site or course cancellation at least two (2) days prior to the date of the course, advance travel costs received by the Division may not be refunded to the training provider.

(9) Training provider reciprocity

The State of Tennessee will seek written reciprocal agreements with EPA authorized States or Indian Tribes where equivalency of asbestos accreditation and training requirements can be demonstrated. The State of Tennessee may recognize the accreditation of initial and/or refresher asbestos training course(s) approved by EPA or another EPA authorized State or Indian Tribe provided Tennessee has a written reciprocity agreement with that entity.

1200-01-20-.03 Accreditation of Individuals, and Firms Engaged in Asbestos Response and Abatement Activities [40 CFR 763, Subpart. E, Appendix C]

(1) Accreditation of Individuals

(a) Individuals seeking accreditation by the Commissioner to engage in asbestos response and abatement activities in schools and public and commercial buildings shall:

1. Submit to the Division a completed application (on forms provided by the Commissioner) demonstrating that they meet the requirements established in paragraphs (1) and (2) of this for the particular discipline for which accreditation is sought and the appropriate application fee(s) in 1200-01-20-.05(2)(a) 1, Table 3.

2. Submit a copy of a current initial and/or refresher (if applicable) accredited asbestos training course completion certificate(s); and

3. Submit two (2) standard color passport photographs with each application for the asbestos-related discipline for which accreditation is sought.

(b) Unless, the Commissioner revokes or suspends the accreditation of an individual accredited to engage in asbestos-related activities, an individual's accreditation shall be valid for one (1) year. The expiration date shall be one (1) year from the last day of the month of issuance.

(Note: In order to conduct asbestos activities in a particular discipline, a person shall be in possession of a valid State of Tennessee issued accreditation certificate and photo identification card.)

(c) An individual shall pass the training course exam with a score of 70 or better and apply to receive accreditation from the Commissioner within three (3) months after completing the initial and/or appropriate refresher asbestos training course(s); otherwise, the individual shall retake the appropriate initial or refresher course(s) from a Commissioner accredited training provider, before reapplying.

(Note: It is the responsibility of the individual seeking re-accreditation to maintain their annual asbestos refresher training course(s) in the appropriate discipline(s).)

(d) In considering an individual's application for accreditation, the Commissioner shall not recognize a certificate of training issued by any asbestos-related training program for a course which has had its accreditation denied, suspended, revoked or deactivated by the Commissioner, EPA, or another EPA authorized State or Indian Tribe.

(e) Following the submittal and review of a completed application demonstrating the requirements in paragraph (2) of this for the appropriate discipline, the Commissioner will accredit an applicant in the appropriate applied asbestos discipline: worker, management planner, inspector, supervisor, project designer or project monitor.

(f) Upon receiving Commissioner accreditation or re-accreditation, individuals conducting asbestos response and abatement activities shall comply with the work practice standards of 1200-01-20-.02(4) and perform the tasks specific to the applicable discipline listed in parts 1-6 of this subparagraph for which accreditation is granted:

1. Accredited Asbestos Inspector

   Inspects for asbestos-containing building materials (ACBM) in schools and public and commercial buildings;

2. Accredited Asbestos Management Planner

   Prepares management plans for schools and public and commercial building;

3. Accredited Asbestos Supervisor

   Supervises (directly or indirectly) the following activities with respect to friable ACBM in schools, and public and commercial buildings: conducting response activities other than a small-scale short duration (SSSD) activity, maintenance activity that disturbs friable ACBM other than a SSSD activity, or conduct response activities for a major fiber release episode;

4. Accredited Asbestos Project Designer

   Designs the following activities with respect to friable ACBM in schools and public and commercial buildings: any response action other than a SSSD maintenance activity, a maintenance activity that disturbs friable ACBM other than a SSSD maintenance activity, or a response activity for a major fiber release episode; and/or perform the following activities in a school or public and commercial building: determination of the scope of work, work sequence, performance standards for an asbestos abatement and asbestos response activities including preparation of specifications, plans, and contract documents used with respect handling of friable and non-friable ACBM;

5. Accredited Asbestos Worker

   Carries out the following activities with respect to friable ACBM in schools and public and commercial buildings: a response activity other than a SSSD maintenance activity, a maintenance activity that disturbs friable ACBM other than a SSSD maintenance activity, or a response activity for a major fiber release episode; or

6. Accredited Asbestos Project Monitor

Carries out the following activities with respect to friable ACBM in schools and public and commercial buildings: to observe asbestos response and abatement activities performed by accredited supervisors and firms, and serve as a building owner's representative to ensure that the observe asbestos response and abatement activities are completed according to specification and in compliance with all relevant statutes and regulations. The project monitor may also perform the vital role of air monitoring for purposes of determining final clearance, provided they are a certified industrial hygienist.

(g) An individual shall not conduct any of the asbestos response or abatement activities described in these Rules or asbestos-related actions as defined in 1200-01-20-.01(2) ninety (90) days after the effective date of these Rules, if that individual has not been accredited by the Commissioner pursuant to these Rules.

(2) Requirements for individual accreditation in the appropriate discipline

(a) To become accredited by the Commissioner as an inspector, management planner, supervisor, project designer, worker or project monitor, pursuant to this an individual shall:

1. Successfully complete a Commissioner accredited or recognized asbestos training course and receive a course completion certificate pursuant to 1200-01-20-.03;

2. Pass the accredited training course exam and hands-on training assessment if applicable;

3. Meet or exceed the following experience and educational requirements:

(i) Inspectors

(I) Successful completion of a 3-day accredited inspector training course with 4 hours of hands-on training; and

(II) Possess a high school diploma or equivalent and/or an Associate's Degree in specific fields (e.g., environmental or physical sciences).

(ii) Management Planner

(I) Successful completion of a 3-day accredited inspector training course with 4 hours of hands-on training and an accredited 2-day management planner training course; and

(II) Possess a Bachelor's degree from a college or university and one year of experience in a related field such as remediation work (e.g., asbestos, lead, or environmental) or building construction; or

(III) Currently hold credentials as a registered architect, or accredited industrial hygienist, licensed professional engineer, or certification in a related engineering, occupational health, or

environmental field such as safety professional, or environmental scientist; or

(IV) Possess a high school diploma or equivalent and/or an Associate's Degree in specific fields (e.g., environmental or physical sciences) and have at least three (3) years of experience in a related field such as remediation work (e.g., asbestos, lead, or environmental) or building construction.

(iii) Supervisor

(I) Successful completion of a 5-day accredited supervisor training course that included 14 hours of hands-on training; and

(II) Have at least one (1) year experience as an accredited asbestos worker; or

(III) Have at least two (2) years experience in a related field such as remediation work (e.g., asbestos, lead, or environmental) or building trades; and

(IV) Possess a high school diploma or equivalent and/or an Associate's Degree in specific fields (e.g., environmental or physical sciences).

(iv) Project Designer

(I) Successful completion of a 3-day accredited project designer training course; and

(II) Possess a Bachelor's degree from a college or university and one year of experience in a related field such as remediation work (e.g., asbestos, lead, or environmental) or building construction; or

(III) Currently hold credentials as a registered architect, or accredited industrial hygienist, licensed professional engineer, or certification in a related engineering, occupational health, or environmental field such as safety professional, or environmental scientist; or

(IV) Have at least four (4) years of experience in building construction and design or a related field.

(v) Worker

(I) Successful completion of a 4-day accredited worker training course that included 14 hours of hands-on training; and

(II) Possess a high school diploma or equivalent and/or an Associate's Degree in specific fields (e.g., environmental or physical sciences).

(III) Possess a photocopy of a state-issued drivers license.

(vi) Project Monitor

(I) Successful completion of a 5-day accredited project monitor training course that included 6 hours of hands-on training; and

(II) Possess a Bachelor's degree from a college or university and one year of experience in a related field such as remediation work (e.g., asbestos, lead, or environmental) or building construction; or

(III) Currently hold credentials as a registered architect, or certified industrial hygienist, licensed professional engineer, or certification in a related engineering, occupational health, or environmental field such as safety professional, or environmental scientist; or

(IV) Possess a high school diploma or equivalent and/or an Associate's Degree in specific fields (e.g., environmental or physical sciences) and have at least three (3) years of experience in a related field such as remediation work (e.g., asbestos, lead, or environmental) or building construction.

(b) Proof, required by the Commissioner, of meeting the requirements of this paragraph may include, but is not limited to, the following documents:

1. Official academic transcripts or diploma, as evidence of meeting the education requirements;

2. Resumes, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements; and

3. Course completion certificates from a Commissioner accredited or recognized asbestos training program for the appropriate discipline(s), as evidence of meeting the training requirements.

(c) An individual will need to complete the State application process within six (6) months of completing their initial and/or required consecutive refresher asbestos training course(s) for accreditation in the appropriate discipline(s).

(d) To maintain accreditation beyond one (1) year or to become re-accredited, an individual shall comply with the refresher training requirements in paragraph (3) of this and submit the appropriate renewal fees in 1200-01-20-.05(2)(a) 1, Table 3 and current passport photos as required by these Rules.

(Note: A person who applies simultaneously for initial or renewal accreditation, as an accredited inspector and accredited management planner will be assessed a total accreditation application fee of $200.00 for the two disciplines.)

(3) Re-accreditation of Individuals

(a) To maintain accreditation in a particular discipline, an accredited person shall apply to and be re-accredited by the Commissioner in that discipline annually if that individual successfully completes an accredited refresher-training course in the appropriate discipline, which includes a course exam and hands-on training within ninety (90) days

prior to the expiration date of their current accreditation and completes the requirements of subparagraphs (c), (d) and (e) of this paragraph.

(Note: It is the responsibility of the individual applying for re-accreditation to complete the refresher requirement in a timely manner.)

(b) An accredited individual may petition the Commissioner in writing for a time extension of their accreditation if they experience difficulty in finding the appropriate refresher training course to complete this requirement. Proof of the difficulty experienced shall accompany the petition.

(Note: It is the individual's responsibility to request in writing a time extension, if they are having difficulty finding the appropriate refresher training course to complete the refresher requirement.)

(c) A person shall submit to the Division a re-accreditation application with a legible copy of the accredited refresher asbestos training course completion certificate at least thirty (30) days prior to the expiration of the Commissioner issued State accreditation.

(d) A person shall also submit to the Division a standard 2 inch by 2 inch color passport photograph with each application for re-accreditation.

(Note: An application may be used for more than one discipline.)

(e) A person shall also submit the appropriate re-accreditation fee(s) with their application(s) in accordance with 1200-01-20-.05(2)(a) 1, Table 3.

(4) Accreditation and Re-accreditation of Firms

(a) A firm shall not conduct any asbestos response or abatement activity in schools or public and commercial buildings ninety (90) days after the effective date of these Rules, if the firm has not been accredited by the Commissioner pursuant to these Rules.

(b) A firm seeking accreditation shall submit to the Division a completed application on forms provided by the Commissioner, the appropriate application fee(s) in accordance with 1200-01-20-.05(2)(a) 1, Table 2, and provide a separate letter attesting that the firm shall only employ Commissioner accredited persons to conduct asbestos related, response and abatement activities in schools and public and commercial buildings.

(c) From the date of receipt of the firm's complete application, with separate attestment letter, the Commissioner will have ninety (90) days to approve or disapprove the firm's request for accreditation. The Commissioner will respond with a Certificate of Approval or a letter describing the reasons for disapproval.

(Note: In order to offer to conduct asbestos related training, including asbestos related activities, response actions, or abatement, a firm shall have a valid and current Commissioner Certificate of Accreditation in the company's possession or the information shall be in the Division's database or file.)

(d) The firm shall maintain all records pursuant to the requirements of these Rules.

(e) Firms may apply to the Commissioner for accreditation to engage in asbestos related response and abatement activities after the effective date of these Rules.

(f) Unless the Commissioner revokes or suspends the accreditation of a firm to engage in asbestos related response and abatement activities, the accreditation shall be valid for one (1) year from the last day of the month of issuance.

(g) Firms applying for re-accreditation shall submit the documents described in subparagraph (b) of this paragraph and the appropriate fee(s) described in 1200-01-20-.05(2)(a) 1, Table 2.

1200-01-20-.04 Reciprocity

The Commissioner may seek written reciprocal agreements with other EPA authorized States and Indian Tribes where the equivalency for individual asbestos accreditation and training provider accreditation meet or exceed the requirements of the model accreditation plan (MAP) and can be demonstrated. Individuals seeking Tennessee accreditation by means of reciprocal agreements between this State and another EPA authorized State or Indian Tribe shall apply for accreditation in accordance with procedures in these Rules and pay the applicable fees.

1200-01-20-.05 Fees

(1) General

(a) Purpose

To establish and impose fees for accrediting individuals and firms engaged in asbestos-related activities and providers operating asbestos accrediting training programs.

(b) Who shall pay fees?

Fee amounts in accordance with this shall be paid by:

1. All training providers applying to the Commissioner for accreditation or re-accreditation of training programs to conduct initial and/or refresher asbestos-related activity training courses for the following disciplines: worker, supervisor, project designer, inspector, management planner and project monitor.

2. Firms and Individuals

All firms and individuals applying to the Commissioner for accreditation or re-accreditation to engage in asbestos-related activities associated with one or more of the following disciplines: worker, supervisor, project designer, inspector, management planner or project monitor.

(2) Fees For Asbestos Accreditation

(a) Fee Amounts

1. Accreditation Fees

Initial and renewal accreditation fees as specified in the following Tables:

Table 1
Training Provider Fees

Training Courses and Modifications	Accreditation Fees	Re-Accreditation [every two (2) years]
Initial Course & Minimum Time Required	$350 per day of training	$350 per day of training
Worker - 4 day course	$1400	
Project Monitor - 5-day course	$1750	$1400
Inspector - 3-day course	$1050	$1750
Supervisor - 5-day course	$1750	$1050
Project Designer - 3-day course	$1050	$1750
Project Management Planner -- 2-day Management training course	$700	$1050 $700
Refresher Course & Minimum Time Required	$350 per day of training	$350 per day training
Worker - 1-day	$350	
Project Monitor - 1-day	$350	$350
Inspector - 1-day	$350	$350
Supervisor - 1-day	$350	$350
Project Designer - 1-day	$350	$350
Project Management Planner - 1-day	$350	$350 $350
*Exception for Inspector and Management Planner course [½ day inspector and a ½ day management planner refreshers] held on the same day	$350	$350
Modification of Rosters	Application Review Fee for Modification of Roster	
To Change or Add individuals, as the Training Manager, Principal Instructor(s) or Guest Instructor(s)	$50.00	

Table 2
Firm Accreditation Fees

Type of Accreditation	Accreditation Fee	Re-Accreditation Annual Fee
Firm Accreditation	$125.00	$125.00

Table 3
Individual Accreditation Fees

Individual Accreditation	Accreditation Fee	Individual Re-Accreditation Annual Fee
Worker Project Monitor *Inspector *Management Planner Supervisor Project Designer	$25.00 $75.00 $125.00 $125.00 $125.00 $125.00	$25.00 $75.00 $125.00 $125.00 $125.00 $125.00
*Note: A person who applies simultaneously for accreditation, as an accredited inspector and management planner will be assessed a total application fee of $200.00.		

2. Lost accreditation certificate or photo accreditation card.

   A $25 fee shall be charged for each replacement card or certificate. All requests shall be submitted in writing to the Division with payment.

(b) Application/Payment Procedure

1. Accreditation and Re-accreditation

   (i) Individuals

   Submit the applicable completed application, the documents and/or materials described in 1200-01-20-.03, and the appropriate application fee(s) described in this Rule.

   (ii) Firms and/or Training Providers

   Submit the applicable completed application, the documents and/or materials described in these Rules and the appropriate application fee(s) described in this Rule.

2. Application forms and instructions can be obtained from the Toxic Substances Program by calling 1-888-771-5323 toll free.

3. All accredited individuals shall have their State issued accreditation card on their person while performing any asbestos-related activity at a work site and shall present it for review upon request by the Commissioner or his authorized representative.

(c) Accreditation Card or Certificate Replacement

1. Parties seeking an accreditation card or certificate replacement shall complete

the applicable portions of the appropriate application in accordance with the instructions provided. The types of applications include:

(i) Individuals – "Application for a Person to Conduct Asbestos-related Activities". (Initial Accreditation, Re-Accreditation, or Replacement Accreditation Card or Certificate.)

(ii) Firms – "Application for a Firm to Conduct Asbestos-related Activities".

(iii) Training (Initial Accreditation, Re-Accreditation) Providers– Accreditation Application for Training Providers.

2. Submit appropriate application and payment (Initial Accreditation, Re-Accreditation, or Replacement Accreditation Card or Certificate) as specified in part (a) 2 of this paragraph.

1200-01-20-.06 Prohibited Acts

(1) In compliance with T.C.A. §§62-41-101 et seq., 11-1-101 and these Rules, prohibited acts include, but are not limited to the following:

(a) Accreditation Prohibited Acts: General

1. No asbestos firm shall perform or offer to perform any asbestos related activity in a school or public or commercial building unless they are accredited by the Commissioner to perform such activity;

2. No person shall coordinate, supervise, or oversee any asbestos abatement or asbestos response activity in a school or public or commercial building without a valid state accreditation from the Commissioner;

3. No person shall identify, detect, or assess asbestos containing materials, determine appropriate response activities, or prepare asbestos management plans related to asbestos abatement or asbestos response activities in a school or public or commercial building unless accredited by the Commissioner;

4. No person shall determine the scope of work, work sequence, or performance standards set forth in the minimum training curriculum requirements of each discipline in 1200-01-20-.02(4) for asbestos abatement or asbestos response activities in a school or public or commercial building unless accredited by the Commissioner as an asbestos supervisor or project designer;

5. No person shall perform environmental monitoring or clearance sampling following any asbestos abatement or asbestos-related activity in a school or public or commercial building unless accredited by the Commissioner as an asbestos management planner, asbestos project designer or as an asbestos project monitor under direct supervision of the planner or designer;

6. No person shall perform any asbestos abatement or asbestos response activity in a school or public or commercial building unless accredited as an asbestos worker or supervisor; and

(b) Accredited Training Provider Prohibited Acts-An Accredited Training Provider shall not:

1. Misrepresent the contents of an asbestos-related initial and/or refresher-training course to the Commissioner and/or its students;

2. Fail to submit required information or notifications in a timely manner;

3. Fail to maintain required records;

4. Falsify accreditation or re-accreditation records, instructor qualifications, or other accreditation-related information or documentation;

5. Fail to comply with the training standards and requirements of 1200-01-20-.02;

6. Make false or misleading statements to the Commissioner in its application for accreditation or re-accreditation; or

7. Fail to comply with any other provision of these regulations or the Act; and

(c) Accredited Individual Prohibited Acts-An Accredited Individual shall not:

1. Obtain documentation of asbestos-related training through fraudulent means;

2. Gain admission to and complete an accredited asbestos-related refresher training course through misrepresentation of admission requirements;

3. Obtain accreditation through misrepresentation of accreditation requirements or submit false, fraudulent, or misleading documentation or evidence dealing with the individual's education, training, professional registration, or experience as part of their application for accreditation and/or re-accreditation;

4. Perform asbestos-related work requiring accreditation at a job site without having proof of accreditation available at the job site for inspection;

5. Permit the duplication or use of the person's own asbestos-related activity accreditation certificate or photo accreditation card by another person;

6. Perform work in accordance with the work practice standards set forth for each discipline in Rules 1200-01-20-.02(4)(b) 1-6 for which accreditation is required, but for which appropriate accreditation has not been applied for and/or received; or

7. Fail to comply with any other provision of these regulations or the Act; and

(d) Accredited Firm Prohibited Acts-An Accredited Firm shall not:

1. Perform asbestos-related work requiring the use of accredited persons at a job site with individuals who are not properly accredited by the Commissioner;

2. Fail to comply with the work practice standards in accordance with the work practice standards set forth for each discipline in Rules 1200-01-20-.02(4)(b) 1-

6 established for conducting asbestos response and/or abatement activities;

3. Misrepresent facts in its attestment letter or application for accreditation;

4. Fail to maintain required records; or

5. Fail to comply with any other provision of these regulations or the Act.

1200-01-20-.07 Implementation of Chapter 1200-01-20 Asbestos Accreditation Requirements

These Rules shall apply in Tennessee on their effective date. Individuals, firms and training providers, shall comply with these Rules within ninety (90) days of their effective date. Training providers accredited by EPA or an EPA Model Accreditation Plan authorized state, to conduct asbestos training courses in Tennessee may convert their accreditation to a Tennessee accreditation by completing the application process, submitting required documents, and paying the applicable fee(s) within ninety (90) days of the effective date of these Rules.

Authority: T.C.A. §§4-5-101 et seq., 62-41-101 et seq. and 11-1-101.

Other Information

The Division has prepared an initial set of draft rules for public review and comment. Copies of these initial draft rules are available for review at the Tennessee Department of Environment and Conservation's (TDEC's) Environmental Field Offices located as follows:

Memphis Environmental Field Office
Suite E-645, Perimeter Park
2510 Mount. Moriah Road
Memphis, TN 38115-1520
(901) 368-7939/ 1-888-891-8332

Cookeville Environmental Field Office
1221 South Willow Avenue
Cookeville, TN 38506
(931) 432-4015/ 1-888-891-8332

Jackson Environmental Field Office
1625 Hollywood Drive
Jackson, TN 38305-2222
(731) 512-1300/ 1-888-891-8332

Chattanooga Environmental Field Office
Suite 550- State Office Building
540 McCallie Avenue
Chattanooga, TN 37402-2013
(423) 634-5745/ 1-888-891-8332

Columbia Environmental Field Office
2484 Park Plus Drive
Columbia, TN 38401

Knoxville Environmental Field Office
3711 Middlebrook Pike
Knoxville, TN 37921-5602
(865)594-6035/ 1-888-891-8332

Nashville Environmental Field Office
711 R. S. Gass Blvd.
Nashville, TN 37243
(615) 687-7000/1-888-891-8332

Johnson City Environmental Field Office
2305 Silverdale Road
Johnson City, TN 37601-2162
(423) 854-5400/1-888-891-8332

Additional review copies only are available at the following library locations:

McIver's Grant Public Library
204 North Mill Street
Dyersburg, TN 38024-4631
(731) 285-5032

Hardin County Library
1365 Pickwick Street
Savannah, TN 38372
(731) 925-4314

Coffee County-Manchester Public Library
1005 Hillsboro Highway
Manchester, TN 37355-2099
(931) 723-5143

E. G. Fisher Public Library
1289 Ingleside Ave.
Athens, TN 37371-1812
(423) 745-7782

Lawson McGhee Library
500 West Church Avenue
Knoxville, TN 37902-2505
(865) 215-8701

Chattanooga-Hamilton Co. Bicentennial Library
1001 Broad Street
Chattanooga, TN 37402-2652
(423) 757-5320

W. G. Rhea Public Library
400 West Washington Street
Paris, TN 38242-0456
(731) 642-1702

Clarksville-Montgomery
County Public Library
350 Pageant Lane, Suite 501
Clarksville, TN 37040-0005
(931) 648-8826

Art Circle Public Library
154 East First Street
Crossville, TN 38555-4696
(931) 484-6790

Kingsport Public Library & Archives
400 Broad Street
Kingsport, TN 37660-4292
(423) 229-9489

Nashville Public Library
615 Church Street
Nashville, TN 37219-2314
(615) 862-5800

Memphis/Shelby County Public Library
Main Library
3030 Poplar Avenue
Memphis, TN 38111
(901) 725-8853

The "DRAFT" rules may also be accessed for review using http://www.state.tn.us/environment/swm/ppo/ .

Copies are also available for review at the Nashville Central Office (see address below).

Tennessee Department of Environment and Conservation
Division of Solid Waste Management
5th Floor, L & C Tower
401 Church Street
Nashville, TN 37243-1535
(615) 532-0780

Office hours for the Division's offices are from 8:00 AM to 4:30 PM, Monday through Friday (excluding holidays).

Oral or written comments are invited at the hearing. In addition, written comments may be submitted prior to or after the public hearing to: Division of Solid Waste Management; Tennessee Department of Environment and Conservation; Attention: Ms. Adrianne White; 5th Floor, L & C Tower; 401 Church Street; Nashville, Tennessee 37243-1535; telephone 615-532-0885or FAX 615-532-0886. However,

such written comments shall be received by the Division by 4:30 PM CDT, October 5, 2007 in order to assure consideration. For further information, contact Ms. Adrianne White at the above address or telephone number.

The notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of July, 2007. (FS 07-23-07; DBID 689)